

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (as amended by the Planning and Compensation Act 1991)**

**ISSUED BY: South Downs National Park Authority, of South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH**

**REFERENCE: SDNP/21/00249/LB**

1. **THIS NOTICE** is issued by the South Downs National Park Authority because it appears to them that works have been executed that constitute a contravention of section 9 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), at the land identified below. They consider that it is expedient to issue this notice, pursuant to the provisions of section 38 of the Act, having regard to the effect of the works on the character of the building as one of special architectural or historic interest.

**2. THE LAND AND BUILDING TO WHICH THIS NOTICE RELATES**

Tithe Barn, Falmer Court Farm, East Street, Falmer, Brighton, East Sussex, BN1 9PB, as identified with a red line in Appendix A. Grade II\* listing identification 1275514 (described as “Barn to the east of Court Farmhouse”).

**3. THE CONTRAVENTION ALLEGED**

The following works, that affect the character of the building as one of special architectural or historical interest, have been executed without the benefit of Listed Building Consent:

*The location of the specified works are identified with reference to the plan in Appendix B.*

1. Installation of a breather membrane under the roof thatch with additional battens (as indicated as **C1** on the plan in Appendix B and on photographs C.1.1 and C.1.2 in Appendix C.1).
2. The demolition of the brick and flint wall in bay 2 in the south western part of the building and alterations to the compartment roof structure (as indicated as **C2** on the plan in Appendix B and photographs C.2.1 and C.2.2 in Appendix C.2).
3. Formation of a bar within bay 4 on the northern side comprising the construction and subsequent alteration of a flint and brick wall with timber detailing and timber bar top,

concrete floor, sink, water, electricity and plumbing, hanging lighting, timber partitioning both sides with door in western end, cross beam, counter, and frame with glass shelves (as indicated as **C3** on the plan in Appendix B and on photographs C.3.1, C.3.2 and C.3.3 in Appendix C.3).

4. Removal of a two leaf external timber door and installation of single leaf boarded external door in bay I on the northern side (as indicated as **C4** on the plan in Appendix B and on photographs C.4.1 and C.4.2 in Appendix C.4).
5. Removing and replacing the base structures beneath the arcade posts at south aisle C and north aisle G with concrete blocks (as indicated as **C5** on the plan in Appendix B and in photographs C.5.1 and C.5.2 in Appendix C.5).
6. Enclosing the rafter feet on the slate aisled section to the north elevation and eaves boards under the thatch on the northern and southern elevations (as indicated as **C6** on the plan in Appendix B and photographs C.6.1 (slate) and C.6.3 and C6.4 (thatch) in Appendix C.6).
7. Removal of limewash within bay I (as indicated as **C7** on the plan in Appendix B and in photograph C.7.1 and C.7.2 in Appendix C.7).

#### **4. THE REASONS FOR ISSUING THIS NOTICE**

It appears to the South Downs National Park Authority that the works have been executed to the building, such as to involve a contravention of Section 9(1) of the Planning (Listed Buildings and Conservation Area) Act 1990. It is considered expedient to issue the Notice having regard to the effect of the said works on the character of the building as being of special architectural or historic interest.

The unauthorised works undertaken as listed in Section 3 above, have resulted in the loss of historic fabric and detrimental impacts on the character and appearance of a Grade II\* listed building both internally and externally. By reason of their location, form, design, method of construction, and materials used, the works risk causing further harm to the building and therefore it is necessary to require their removal and remediation works as a matter of urgency.

The works fail to preserve and enhance the historic importance and appearance of the building and result in less than substantial harm to the significance of the designed heritage asset. No public benefit has been identified to outweigh the harm caused to the listed building. The works are therefore contrary to the first statutory purpose of the South Downs National Park, policies SD12 and SD13 of the South Downs Local Plan, and Section 16 of the National Planning Policy Framework (which advises that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance).

It is therefore considered expedient to issue a Listed Building Enforcement Notice to remedy the unauthorised works.

#### **5. WHAT YOU ARE REQUIRED TO DO**

The South Downs National Park Authority hereby gives notice that pursuant to section 38(2)(a) of the Act, it requires the following steps to be taken for the purpose of restoring the building to its former or desirable state:

1. Remove the breather membrane under the roof thatch to the extent that it is not visible with the human eye from the ground or mezzanine floor within the barn.

The membrane shall be cut away along the line of the rafters and battens. This shall be undertaken from the interior by hand by a suitably qualified and experienced professional, using an appropriate sharp craft blade. It will require close access (such as a cherry picker or platform lift) to ensure precision. The works must be undertaken very carefully to avoid any damage to the underside of the thatch or timbers. The resultant appearance shall be such that only the thatch and timber roof structure are apparent from within the building, as was the case prior to re-thatching works, as identified in photograph C.1.3 in Appendix C.1. Please see our covering letter explaining that the SDNPA Conservation Officer wishes to be present at the start of these works to ensure compliance, however, reasonable notice of this start date needs to be given to arrange this.

The roof works shall only be undertaken once confirmation is given in writing from a suitably qualified ecologist that no protected species are nesting within the roofspace, with the building to be checked no earlier than 48 hours prior to works commencing. It may be necessary to delay works until after the nesting season (nesting season being March to August).

2. Reconstruct the flint and brick wall in bay 2 in the south western part of the building with the full gable as identified in photographs C.2.3 and C.2.4 in Appendix C.2. It is not necessary to surface the lower part of the wall with render as shown in the images.

The wall shall be constructed with hand laid flints, lime mortar (no cement) and using reclaimed bricks to match those within the wall in size, colour and texture. The reconstructed wall shall match the form, composition and detailing in the photographs C.2.3 and C.2.4 in Appendix C.2 save for the formation of a pedestrian door the location and size of which would be in accordance with the plans approved under SDNP/21/01192/LIS, should the relevant part of the aforementioned permission commence during the period identified for compliance with the terms of this notice. The density and coursing of the flint and brick shall match that in the photographs C.2.3 and C.2.4 in Appendix C.2, the mortar shall be flush and finished by tapping with a stiff bristled brush. The works shall be undertaken by a suitably qualified professional who has experience of working with flint using traditional methods.

3. Remove the masonry wall beneath the bar top where the wall will extend above the height of the adjacent finished floor level approved under SDNP/21/01192/LIS. Remove timber partitioning above eaves height and the cross beam at eaves height.

No works shall be undertaken to the other timbers other than the careful removal of the masonry and associated mortar, unless such works are explicitly agreed in writing in advance by the South Downs National Park Authority. Partitioning above eaves height and the additional cross beam unnecessarily exacerbates the compartmentalisation.

4. Adaptation of the existing single leaf door in the north west elevation to match the form and appearance of the previous two leaf door as identified in photograph C.4.3 in Appendix C.4.
5. Remove the concrete blocks beneath arcade posts south aisle C and north aisle G (locations identified on plan in Appendix B) and replace with bricks to match those supporting the other arcade posts, with a lime-based mortar.

Suitably prop the building during these works, and undertake them under the guidance of a qualified engineer. Engineering bricks can be used internally to the base if required structurally, and this will need to be confirmed by a structural engineer in writing, but facing bricks must match existing historic bricks. Examples of the existing bricks are shown in photographs C.5.3 and C.5.4 in Appendix C.5.

6. Remove the external timber fascia boards to reveal the timber rafter feet on the slate roofed northern aisle and around the eaves line of the thatch as identified in photographs C.6.2 (slate) and C.6.4 (thatch) in Appendix C.6. Fine wire mesh could be used discretely under the eaves if required to limit wildlife access, with advanced written confirmation from the South Downs National Park Authority.
7. Reapply a natural and breathable limewash of white-natural pigment to the internal walls of the central western compartment, to match the technique and finish historically used, as illustrated by photographs C.7.1 and C.7.2 in Appendix C.7.

## 6. TIME FOR COMPLIANCE

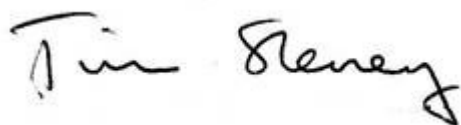
A compliance period of four (4) months for completion of all the steps in section 5, from the day on which this notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 25 July 2022 unless an appeal is made against it beforehand.

**DATED: 27 June 2022**

**SIGNED:**



Tim Slaney  
Director of Planning

On behalf of: South Downs National Park Authority  
South Downs Centre

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Midhurst  
West Sussex  
GU29 9DH  
Telephone: 01730 814810  
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Nominated Officer: Jack Trevelyan (Enforcement Officer)  
Telephone: 01730 819352

## **PERSON(S) SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

This Listed Building Enforcement Notice has been served on the following individuals and organisations:

1. [REDACTED]
2. [REDACTED]

## **YOUR RIGHT OF APPEAL**

You can appeal against this Notice but any appeal must be received, or posted in time to be received, by the Secretary of State before 25 July 2022 (i.e. the date when this notice takes effect).

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on 25 July 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and / or remedial action by the South Downs National Park Authority.

## **EXISTING CRIMINAL LIABILITY**

Section 9 of the Act creates immediate criminal liability if a person executes or causes to be executed any works for the demolition of a listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. This criminal liability is independent of enforcement action commenced by an enforcement notice. You may, therefore, be liable to prosecution under Section 9 of the Act.