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A FUTURE FOR OLD BUILDINGS?

Listed Buildings : The Law and the Practice

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PRACTICE AND PROCEDURE

Speaker : Mr Alan Mundy

## 1. INTRODUCTION

1.1 By comparison with the lucid expositions by Sir Frank Layfield QC and Mr Peter Boydell QC my contribution will be at best confused and at worst incomprehensible. It's not altogether my fault. The law has produced an administrative nightmare. What was essentially a simple concept (see Town and Country Planning Act 1947, Sections 29 and 32) has become laden and overladen with Act upon Act and Circular upon Circular. Indeed, can anyone doubt that had Topsy been asked who made the law relating to buildings of architectural and historic interest, her immediate reply would have been:- "Nobody as I knows on .... I 'spect it grow'd. Don't think nobody never made it."

1.2 At least before 1 April 1974 some of us knew where we were. County Councils, County Borough, Borough, Urban and Rural District Councils knew their place and everything was in its place. We'd been there a long time and this specialist area of local government activity was clearly the responsibility of County Councils and County Borough Councils with their expert staffs painstakingly built up over the years and especially since 1968. Surrey County Council in June 1969 received a direction from the then Minister of Housing and Local Government under the Town and Country Planning Act 1968 (Schedule 5) enabling them to grant Listed Building Consents (other than for demolition or on applications relating to listed buildings owned by them) without reference to the Minister.

1.3 Came the revolution and on 1 April 1974 every Borough and District Council became responsible for the control of works to listed buildings (outside the National Parks and Greater London) and the County Councils faded out of the picture with but one crumb of comfort. County Councils retained the right (shared with the new Borough and District Councils) to serve Building Preservation Notices. Not a very appetising crumb bearing in mind that at least one County has never yet dared to serve a Building Preservation Notice because of the potential compensation liability which can never be quantified by a local authority before a Building Preservation Notice is served.

1.4 Small wonder that the Department of the Environment became somewhat concerned about the professional advice (or lack of it) which would be available to the new second tier authorities. Circular 46/73 was published and the retention or the formation of County teams was encouraged. The Department of the Environment could do no more, but, inevitably, in Counties like Surrey, the Borough and District Councils found themselves without their own staff to undertake the task. Moreover, they had no power without the approval of the Secretary of State to grant any Listed Building Consents of any sort without prior reference to the Department of the Environment. They had, therefore, neither power nor responsibility and could hardly be expected to be passionately interested in the task with which they had been entrusted by Parliament.

1.5 But what about the professional advice? It is true that in Counties like Surrey the professional advice remains available to those who seek it. There is, however, no means of compelling or ensuring that the Borough or District Councils either seek that advice or, having obtained it, pay due heed to it.

2. THE LIST

2.1 What is the List? That the Secretary of State has got a List is not in doubt - and it's not a little List. In Surrey alone there are some 3,750 Statutory Listed Buildings of which 35 are Grade I and 201 are Grade II*. The remainder (3,514 buildings) are Grade II. But there are some 2,600 buildings of Local Interest (being on the former Supplementary List - Grade III) and a further 1,000 buildings listed in the 6th Edition (1976) of Antiquities and Conservation Areas of Surrey. It would seem therefore that Surrey, nearly 30 years after the 1947 Act, has as many non-listed buildings which are potentially "listable" as have already been listed. Nevertheless, the answer to the question "What is the List?"is quite simply "Those buildings which, for the time being, are graded Grade I, Grade II* or Grade II." Any buildings not so graded by the Secretary of State, even though included in a List maintained by someone somewhere, are not protected unless they have become the subject of a Building Preservation Notice or are in a Conservation area.

2.2 It is a fact of life (and therefore not surprising) that buildings are upgraded or become elevated from some list or other and achieve the status of a Grade II building. When that happens watch out - remember the "Johnnie Walker" case (1975 JPEL 184). Although, in that case, the actual date of listing was critical, it will not usually be of any significance.

2.3 The normal procedure which gives rise to Statutory List protection, not hitherto enjoyed, is a resurvey by the Department of the Environment's experts. This is an area where biters can be bit.

2.4 Consider the case of Clarendon House, Dorking. Clarendon House had, for some years, been included in the Supplementary List (Grade III) and was so included when, in September 1967, the Minister of Transport confirmed a Compulsory Purchase Order for a highway improvement scheme which would inevitably involve the demolition of the property. The confirmation of the Compulsory Purchase Order followed a Public Inquiry held by the Minister of Transport who accepted the opinion of the independent Inspector that the improvement proposed was urgently needed and that the demolition of Clarendon House could not be avoided.

2.5 Following the confirmation of the Compulsory Purchase Order, the properties adjoining Clarendon House were acquired and demolished by the County Council and the area tidied to await the completion of the remaining acquisition and the commencement of construction. Clarendon House itself was owned and occupied, along with adjoining property, by a local firm of builders merchants. The House had been used by them for some time for storage purposes. Protracted negotiations were involved in connection with the acquisition of Clarendon House in order to determine precisely how much land had to be acquired by the County Council and at the same time to ensure that the builders merchants were not to be put out of business as the result of the acquisition. Had that happened, the compensation payable to the builders merchants would have increased considerably.

2.6 The construction of the highway improvement scheme had been delayed for a number of reasons, including financial. By November 1974 the negotiations with the builders merchants had been completed. Contracts had been exchanged requiring the County Council to demolish Clarendon House and to sell back to the builders merchants the rear part of the site, together with other surplus land, so as to facilitate the builders merchants' own redevelopment.

2.7 Like a bolt from the blue, on 11 June 1973, without any prior notice or consultation, the County Council had been informed by the Secretary of State that Clarendon House had been upgraded from Grade III to Grade II. There was no choice but for the County Council to make a formal application to the Secretary of State for Listed Building Consent. This was done only after the most careful consideration of the position by the various Committees of the County Council. It resulted in the Secretary of State's notifying the County Council in March 1976 that an Inquiry would be held into the proposal to demolish Clarendon House. That Inquiry was held on 7 July 1976.

2.8 Further comment would, perhaps, be superfluous, though I cannot resist mentioning that one of the objectors to the County Council's proposals includes a FRICS, who, understandably, is critical of the County Council, first, because they are apparently determined to proceed with the road improvement scheme and, secondly, because of the general state and condition of the property which has not been improved as a result of a fire, alleged to have been caused by "vandals".

2.9 No one should really be surprised that, occasionally, when a building is about to be demolished which locally is thought to merit preservation, the Department of the Environment find themselves in a frightful dilemma if the building is on the old Supplementary List (Grade III) or a local authority list. On the one hand the preservationist lobby (and it is a powerful lobby) are ready and willing to create the most awful row if the building is not "Listed" properly ("After all it doesn't prevent demolition - it merely puts a stopper on immediate demolition"). If the Department respond immediately (and if they don't the building may well have disappeared) an owner, especially if he is also a developer, will regard the Department as having acted in a highhanded and bureaucratic fashion ("After all they've had more than 25 years to make up their minds"). And all the while the Parliamentary Commissioner stands in the wings waiting for a complaint of maladministration.

2.10 The wisest thing for the Department to do may well be to "List" even though planning permission for redevelopment involving demolition has already been granted. Although recent cases suggest that there is something new (if not sinister) in this approach the saga of the rebuilding of Guildford Royal Grammar School proves beyond doubt that the 1947 Act was capable of giving rise to the same "injustices" as is the present law.

2.11 In the early 1950s decisions were made by the Surrey County Council, in consultation with the Guildford Borough Council, that it would be appropriate to leave the Guildford Royal Grammar School in the town centre rather than seek to move it away from a site which it had occupied since 1555. Accordingly, plans for the development of land acquired by the County Council for this purpose were prepared and approved without demur by the Borough Council. These plans included the demolition of Allen House, a property which had been noted as being of special architectural interest in a Provisional List issued by the Ministry of Town and Country Planning in July 1949. It was proposed that the site of Allen House would be laid out as a forecourt in front of the new school, the front elevation of which would, in consequence, be set back from Guildford High Street. Standing on the steps of the new school building, it would be possible to look out across the forecourt and the High Street to the elevation of the old Royal Grammar School buildings. Because of the importance of the elevation of the new building, there were consultations with the Royal Fine Arts Commission. Sir Edward Maufe RA was commissioned by the County Council to advise on the elevation and, in due time, the building contract for the new buildings was let. Included in that contract was the demolition of Allen House and the laying out and the landscaping of the forecourt.

2.12 The new building had been completed. The boys who had been occupying Allen House for teaching purposes had vacated the building which had been allowed to run down and, on 26 June 1963, the contractors started the demolition of Allen House. That evening, the Borough Council met and put a Building Preservation Order on the property. The contractors were stopped from working and, in September 1963, a Public Inquiry was held by the Minister.

2.13 Somewhat exceptionally, it was decided at the Inquiry to call, on behalf of the County Council, the then Chairman of the Education Committee. He was the late Mr Sidney Black OBE FRICS.

2.14 In the course of his evidence, Mr Black said:-

> "A local authority which makes a Building Preservation Order when proposals for development are first submitted to it involving the demolition of a building which is of unquestioned special architectural merit is undoubtedly exercising its powers in the way in which Parliament intended them to be exercised. Suppose, however, that a local authority approves the proposals of a developer which involve the demolition of a building. With the demolition in contemplation the local authority, having secured rights of light from the developer, quite properly utilises to the full the commercial value of the adjoining site. Following the completion of the development of the local authority's adjoining site and after the developer has commenced demolition of the building, which it had been agreed several years before should be demolished, the local authority makes a Building Preservation Order. The local authority in my view is not entitled in such circumstances to receive the support of the Minister on the submission of the Building Preservation Order.
>
> If the Minister concludes that Allen House is of special architectural interest I would ask him to bear in mind that any confirmation by him of this Order would be an invitation to other local authorities, having co-operated with a developer until demolition started, to frustrate the developer's proposals by insisting on the retention of the building. It is therefore my considered opinion that the confirmation by the Minister of an Order submitted to him in circumstances such as these would not be in the best interests of local government administration. It should be made plain to local authorities that they must make their intentions clear to developers from the outset if they wish to secure the support of the Minister."

2.15 These, then, were the views being expressed over 13 years ago. The Building Preservation Order was not confirmed by the Secretary of State and Allen House was demolished.

2.16 The fury of developers when they are faced with a situation such as that which I have just described needs no elaboration from me. The words of Sir Desmond Heap in the Hamlyn Lectures which he delivered last year are as always singularly apt.

> "Frankly, I believe there is too much of this sudden spot listing going on today. Much of it is being done in order that, before development can take place, there shall be a double form of investigation, first as to whether the building in question shall be demolished and secondly as to whether the proposed new development shall be allowed. The pendulum of public opinion in this field should not be allowed too great a swing against redevelopment. What is required is not blind opposition to progress, but opposition to blind progress. These two matters are quite different things."

2.17 Nevertheless, we live in an age where, in this country at least, Central and Local Government and every form of "authority" is open to attack and is fair game. If the locally elected representatives have decided that a site should be redeveloped and have given planning permission to that end, why should another authority be able to come along and frustrate the wishes of the locally elected representatives and the developers? The only reason can be because the locally elected representatives cannot be trusted to reach the right planning decisions in the interests of the community.

2.18 Whilst the position obtains in which Parliament (which has never really understood local government and shows no signs of doing so now) expects the Secretary of State to "intervene" in this type of situation, the preservationist lobby put the Secretary of State in a situation in which, as has been suggested earlier, he cannot do otherwise.

2.19 It would be idle to pretend or expect that Parliament will be likely so to amend the legislation as to prevent the Secretary of State from listing a building once planning permission has been granted for development which involves the demolition or substantial alteration of that building. Perhaps it would not be too outlandish to suggest that in such circumstances any person who thereby suffers financial loss whether caused by delay or a failure subsequently to obtain Listed Building Consent should be compensated. At least it would soften the pill. It also has a precedent of sorts because, as will be recalled, if a Building Preservation Notice is served but the building is not listed within 6 months, the local authority serving the notice becomes liable to pay compensation "in respect of any loss or damage directly attributable to the effect of the Notice". (Section 173 Town and Country Planning Act 1971).

2.20 Moreover, on a refusal of Listed Building Consent compensation is only payable in limited circumstances (see Section 171 Town and Country Planning Act 1971). It could be said that insult is being added to injury if, in this situation, a planning permission can, in effect, be revoked without payment of compensation because of a spot-listing at the eleventh hour.

2.21 When one considers the practical problems thrown up by "spot listing" they really do seem to be quite unavoidable whilst the operation of the system can depend upon decisions taken at different times by a District Council, a County Council and a Secretary of State. Any one of those decisions can frustrate the aspirations or policies of either or both of the other decision-making authorities. The public image of Central and Local Government thereby suffers which should surely be a matter of concern to all involved in public administration whether as the donors or the recipients.

2.22 When deciding whether or not to list - "What are the criteria?" - To provide an answer which will satisfy the lawyer (let alone the general public) has completely defeated at least one practitioner! It is, perhaps, asking too much to expect either lawyers or administrators to put into words that which only architects (and others similarly endowed) may "feel" about a building. But there can be no doubt that the present uncertainties and confusion do not help the general public to understand (or the professionals convincingly to explain) the "architectural or historic interest" of a building which will justify the retention of that building. This is especially so in the light of the economic consequences which will flow, directly or indirectly, from its preservation for posterity. The listing in 1973 of Kingston Grammar School is a case in point and could be made the subject of a paper in its own right!

2.23 Surely there ought to be something one can do if rumour is rife that your building is about to be listed. Members of Parliament writing personally to Secretaries of State may do no harm and to get any of the nationally interested bodies operating in this field to confirm the lack of any merit, whether architectural or otherwise, in the building, would no doubt be useful. But do not ask them a question to which you do not know the answer in advance or you may do your cause more harm than good - not unlike cross-examination at an Inquiry!

2.24 It is true that the Department will always be prepared to consider representations aimed at securing the removal of a building from the statutory list. How much easier it would be, for the Department, and for owners, if only a listing was provisional for, say, six months as in the case of the Building Preservation Notice. Amending legislation would be necessary but what is sauce for the goose ... A challenge procedure could then operate as, indeed, was always possible in the Building Preservation Order era, but in the meantime the building would be protected.

## 3. THE OBTAINING OF LISTED BUILDING CONSENT

3.1 In this section of my paper I do not attempt to distinguish between those specific procedures required by the legislation (including Regulations) and those enjoined on local authorities in Departmental Circulars. This may surprise some readers of this paper. If it does, then they may be overlooking the provisions of the Local Government Act 1974 relating to the powers and duties of the Commission for Local Administration (the local "Ombudsperson"). As a lawyer I yield to no one in my dislike of legislation by Circular, but it is, in any area such as this, a somewhat foolhardy local authority or applicant, which chooses to ignore the procedural and other edicts of the Secretary of State!

3.2 This brings me (and you) face to face with Circular 61/68 which remains the authoritative Circular upon which Secretaries of State, local authorities, applicants, appellants and the general public are forced to reply. Time does not permit a detailed analysis of this Circular but any aide-memoire to the Practice and Procedure to be applied in getting rid of, or altering (or making sure of the retention of) a building of architectural or historic interest would be quite useless if it did not begin with:-

1. Procure (as best you may) a copy of Circular 61/68
2. Read it - twice!

3.3 Having read it you might be forgiven for the thought that it ought to be updated. Did its authors really contemplete (any more than Parliament) that by 1976 it would not be impossible for a developer to have detailed planning permission in one hand and in the other a Listed Building Consent so conditioned by the Secretary of State as to make it impossible to implement the planning permission?

3.4 What happens when an application for Listed Building Consent has been made? The cynic may answer "Precious little", but, in truth, the Borough or District Council is required to set in motion expensive administrative machinery even though it is well known by their officers that there is not the slightest chance of the local authority's approving the application.

3.5 First, an advertisement in the local press if the proposal involves either

(a) demolition, or

(b) alteration (other than that affecting only the interior of a Grade II building)

3.6 Secondly, the local authority must (where they are required to advertise) display a notice for 7 days on or near the "land" to which the application relates.

3.7 Thirdly, they must then wait 21 days for representations which they must consider.

3.8 Fourthly - if it's demolition the applicant is after - six bodies have to be notified (including the Georgian Group and the Victorian Society). Although their representations have to be taken into account by the local authority, there does not seem to be any time limit within which they must react (unlike the public!).

3.9 Fifthly, local amenity societies must be notified.

3.10 Sixthly, in all demolition cases and in all other cases (except where the proposed works only affect the interior of a Grade II building not aided by grant under the Historic Buildings and Ancient Monuments Act 1953) and the local authority are disposed to grant consent they must notify the Secretary of State. The Secretary of State has 28 days in which to react. Silence on his part will enable the authority to issue a decision on the 29th day. If he does advise the authority of his wishes within the 28 days they will be able, dependent upon his direction, either to deal with the matter immediately or not to deal with it at all, at least until they have heard further from the Secretary of State. (Town and Country Planning Act 1971, Schedule 11, Paragraph 5.)

3.11 It is perhaps, worth while at this point to remember that, in considering the application, the local authority (and the Secretary of State) are required to have "special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses"(Section 56 Town and Country Planning Act 1971). Are these criteria perhaps too restrictive in the late 1970s?

3.12 Seventhly, the Secretary of State may decide to hold an inquiry before giving his decision on an application which has had to be referred to him.

3.13 Perhaps it may be worthwhile considering who pays to keep these procedures going to the bitter end. The administrative costs are paid for out of the General Rate and national taxation - the costs of delays are paid for by the applicant who also may find himself saddled with the cost of responding at a local inquiry.

3.14 Before leaving this topic, it should be noted that the applicant who is refused consent or does not like the conditions subject to which the consent has been granted has a right of appeal to the Secretary of State.

3.15 These difficulties can, in practice, be avoided quite simply where it is desired to alter or extend (but not to demolish) a listed building and planning permission is required. The planning permission itself will operate as a listed building consent provided it expressly authorises the works and describes them (Section 56 Town and Country Planning Act 1971). In this way an owner of a listed building can avoid getting caught up in the machinery just described.

3.16 A material factor in the forefront of the applicant's mind will be the financial consequences of a refusal of consent. It would be nice to think that all local authorities were similarly imbued with so touching a sense of realism. Certainly no local authority should be allowed to take any planning decision which will have financial consequences directly flowing from it without a realistic financial estimate being put before them by their officers. If the estimate accords with that notified to them by the applicant (should he choose so to assist them in their deliberations) so much the better. But the applicant should be wary - it is not unknown for some elected members to adopt the attitude that the applicant is seeking to scare the authority into making the wrong planning decision by submitting a "claim" in advance.

3.17 Assuming, however, that the worst has happened and you are faced with an Inquiry at which the future of a Listed Building is to be considered, what assistance do you need? By all means choose between a Barrister or a Solicitor if you must. (You might even manage without either but I do not recommend it!) There is, however, no substitute for an Architect and a Building Surveyor. This is so whether you are the applicant or the local authority. You may also require a Valuer, dependent upon the circumstances. They will be able to advise as to the extent and nature of the detailed evidence required to support your case. Do not, I beg of you, assume that the typical town planning evidence with which, alas, we are all only too familiar, will suffice. The Inquiry will inevitably be one in which technical evidence of a high calibre will be required if, as I would hope, the object of the parties directly concerned, is to arrive at the right decision and not simply to defeat the local authority or vice versa.

## 4 FINANCIAL ASSISTANCE

4.1 The direct powers available to the Secretary of State and the local authorities are to be found respectively in the Historic Buildings and Ancient Monuments Act 1953 (and under the Housing Acts) and in the Local Authorities (Historic Buildings) Act 1962.

4.2 In 1968/69 Surrey County Council's budget included £4,900 for this purpose; in 1976/77 the amount is £17,000 which includes £4,500 for two Town Schemes. The total budget of the County Council for 1976/77 is £163M after a County rate increase of 20%.

4.3 There can be no doubt that there is a genuine and sincere wish by most elected Members in local government to preserve what is the best of our architectural and historic heritage. But they cannot achieve miracles. There is now an acute conflict between the need to limit public expenditure by excluding all avoidable items and the need to assist owners in preserving buildings for the benefit not solely of themselves and their successors but for the benefit of the community as a whole.

4.4 The approach in Surrey is therefore normally to exclude from consideration for grant

(a) any works costing less than £500;

(b) ecclesiastical buildings;

(c) commercial buildings;

(d) proposed works which do not comply with the technical and historic advice available.

4.5 The amount of grant will not normally exceed 10% and the following factors will be taken into account:-

(a) architectural or historic merit represented by the grade of building, its visual quality and internal design features;

(b) scarcity value either in the County as a whole or in the immediate locality;

(c) value to the community - a building visible to the public is more valuable than a secluded one: a good building which forms a focal point in a Conservation Area is more valuable to preserve than its equal in a less prominent position;

(d) value as part of a group where the loss of one building would be very damaging to the group as a whole;

(e) hardship or other special circumstances;

(f) availability of grant or finance from other sources.

4.6 In the case of Town Schemes grants are only made in Surrey in respect of buildings approved by the Historic Buildings Council and then the owner is required to meet 50% of the cost with the remainder being shared between the Department of the Environment (50%) and the County and District Councils (25% each).

## 5. THE COMPULSORY PURCHASE MAZE

5.1 A quite extraordinary rigmarole has been devised by Parliament which seems to pay little heed to the realities of the situation.

5.2 The Repairs Notice precedent with the Direction for Minimum Compensation (possibly) as a condition subsequent (not to mention an appeal to the Crown Court in addition to an appeal to the Secretary of State) must be intriguing to any student of administrative law. Add to all that the possibility of an appearance before the Lands Tribunal and most local authorities would run a mile before getting their ratepayers involved in such a lottery.

5.3 Since the 1968 Act provisions came into force Surrey County Council have issued repairs notices on only two buildings in respect of one of which a Compulsory Purchase Order was made but did not proceed even to the inquiry stage. I understand that the Department of the Environment cannot readily call to mind any cases in which a local authority has sought to include a direction for minimum compensation in a Compulsory Purchase Order for a listed building.

5.4 If it be right that the Compulsory Purchase maze is such that it should not be entered by reason of the uncertainty as to how one gets out of it, what is the alternative? Perhaps the answer is a simple repairs notice procedure (like a statutory nuisance notice procedure under the Public Health Acts which has stood the test of time and works) with the right of the owner (upon compliance with the notice) to receive a grant up to, say, 50% of the reasonable cost of the repairs. This could be coupled with a straight compulsory purchase power which, after the Second appointed day under the Community Land Act 1975, need pose no particular problems in a situation where the owner of a listed building was deliberately seeking to embarrass the local authority by wilfully allowing the building to fall into disrepair.

## 6. CONCLUSIONS

6.1 That the administrative procedures are unduly cumbersome cannot be denied. They have been designed (like most such procedures) against the background of a belief by Parliament that the means will and can be found to achieve a wholly desirable objective.

6.2 The clock cannot really be put back if only because we now have a very comprehensive Statutory List. The criteria for getting a building on that list will not have significantly changed over the years. To change the criteria would involve a complete resurvey of the whole country and the resources are simply not there to do it. The removal of any significant number of buildings from the Statutory List would have repercussions for local politicians and could be a source of embarrassment for Parliament itself.

6.3 What perhaps is needed is a much more positive approach to the decision making in this area of town planning activity. It would be foolish to pretend that the present practices and procedures ensure (or are capable of ensuring) that no errors are made by those called upon to make the decisions.

6.4 Certainly the present procedures are not understood by the general public (even if, as may be doubtful, they are really understood by those who seek to operate them!).

6.5 Theoretically the administrative procedures are readily defensible. The problem is not, however, legal - it is essentially administrative. The whole control structure rests upon an acceptance by all concerned that there is a need:-

(a) to protect each and every building for the time being included in the Statutory List, and

(b) to provide machinery to enable a building to be protected even though planning permission involving the demolition of that building is already available for implementation.

6.6 There will be those who will contend that whilst the first of those needs may be conceded the second need should be denied without shedding too many tears. They may well be right.

6.7 In the final analysis the present price of protection and preservation may be just too high to pay. It should surely be possible to accept that once the community represented by those democratically elected do not oppose the demolition of a building which has not by 1976 been included in the Statutory List there should be no interference from Central Government. If a listed building has never been grant aided is it asking too much for the local authorities to be allowed to agree to demolition without reference to the Secretary of State? Alas, and more's the pity so far as local government is concerned, it would seem that local government cannot be trusted even in this respect to act responsibly.

6.8 Sooner or later there will need to be a realisation by both Central and Local Government that it may be better and in the public interest for decisions to be made quickly by those who are, by reason of their local knowledge, best qualified to make them. If they make a wrong decision (and, indeed, they may do just that) they will rightly incur public criticism (if not odium) but the direct responsibility for their decisions might, perhaps, do something to reawaken a feeling of accountability by locally elected representatives for their environment. In the days when the Municipal Corporation Acts provided the basis for local government there was no doubt who was accountable to whom and for what!

6.9 It may be too much to hope that this paper will have added to the reader's knowledge but it will have served its purpose if it has stimulated thoughts directed to the simplification of town planning procedures generally (Structure Plan?!) and listed building procedures specifically. It was H.D. Thoreau who wrote over 125 years ago -

"Our life is frittered away by detail ..... Simplify, simplify."

What would he have made of this morass?

Note: 1. This paper does not take into account any legislation or Circulars relating to Conservation Areas which were outside the scope of the Conference.

2. R.N.D. Hamilton's Planning Procedure Tables (published by Oyez Publications) provide an excellent guide through the procedure generally.

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