

TOWN AND COUNTRY PLANNING ACT, 1947

THE COUNTY OF LONDON (NOS. 45 and 46 HIGHGATE  
WEST HILL, ST. PANCRAS)  
BUILDING PRESERVATION ORDER, 1959

The London County Council (in this order referred to as "the Authority") in pursuance of the powers in that behalf conferred by section 29 of the Town and Country Planning Act, 1947 (hereinafter called "the Act"), hereby makes the following order:-

1. The buildings described in the First Schedule hereto and situate on the land shown coloured red on the map annexed hereto, shall not without the consent of the Authority be demolished, or altered or extended by any works which affect the structure or architectural detail of any part of the exterior or interior of the buildings.

Provided that nothing in this order shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the buildings or of neighbouring property, so long as notice in writing of the proposed execution of the works is given to the Authority as soon as may be after the necessity for the works arises.

2. The provisions of subsection (1) and subsection (2) (except paragraph (a)) of section 14, section 15, subsection (1) (except the proviso) and subsections (2) and (3) of section 16, subsections (1), (2) and (4) of section 18 and section 19 of the Act relating to permission to develop land and to applications for such permission shall apply to consents under this order and to applications therefor as if such consents or applications were permissions or applications respectively to develop land, and as if the Authority were the local planning authority; and accordingly those provisions shall have effect for the purposes of this order as set out in the Second Schedule hereto.

3. The provisions of section 23 and of subsections (1), (2) and (3) of section 24 of the Act shall apply in relation to this order subject to the omission of the references therein to the use of land and to the substitution for the expressions set out in column 1 of the following table, of the expressions set out opposite thereto in column 2 of that table:-

Column 1	Column 2
"the local planning authority"	"the Authority"
"development of land" or "development"	"works of demolition or other works prohibited by this order" or "works"
"the appointed day"	"the making of this order"
"permission"	"consent"
"this part of this Act"	"this order"
"the retention on the land of any buildings or works"	"the retention on the land of any buildings or the execution or retention of any works"

and accordingly the provisions of the said sections shall have effect for the purposes of this order as set out in the Second Schedule hereto.

4. Compensation shall be payable in respect of the refusal of consent under this order or the grant thereof subject to conditions, whether such refusal or grant is by the Authority or by the Minister of Housing and Local Government (hereinafter called "the Minister") in the following cases, and subject to the following conditions, namely where such refusal or grant is in respect of any works, which:-

- (a) are development for which planning permission has been granted or is deemed to be granted, or
- (b) do not involve development,

and, in the case of the grant of consent subject to conditions, such conditions are not imposed also in a planning permission in relation to those works, compensation shall be payable by the Authority in like manner, and subject to the like conditions as to the time within which a claim is to be made, as if such refusal or grant were a refusal or grant of planning permission under Part III of the Act, and as if works which do not involve development were development of a class specified in Part II of the Third Schedule to the Act.

Provided that such compensation shall only be payable in respect of a refusal of consent for works of demolition:-

- (a) on acquisition of the building or the part thereof to which the works related by an authority or person who have power or could be authorised to acquire the same compulsorily under any enactment;
- (b) to the person or persons entitled to interests therein which subsisted at the time of the refusal and subsist immediately before the service of notice to treat or making of the contract for such acquisition, as if the date of such notice or contract were the time of the refusal but such interests subsisted as they were at the time of the actual refusal;
- (c) where such refusal as aforesaid has not before that time been followed by a different determination on a subsequent application in relation to the same works.

FIRST SCHEDULE

The Metropolitan Borough of St. Pancras in the County of London

All those premises on the land shown coloured red on the map being part of the premises situate and known as Nos. 45 and 46 Highgate West Hill.

SECOND SCHEDULE

Provisions of Part III of the Act relating to permission to develop land, to applications for such permission and to enforcement notices, adapted and modified for the purposes of the order.

14. (1) Subject to the provisions of this and the next following section, where application is made to the Authority for consent under this order the Authority may grant consent either unconditionally or subject to such conditions as they think fit, or may refuse consent; and in dealing with any such application, the Authority shall have regard to the provisions of the development plan, so far as material thereto, and to any other material considerations.

(2) Without prejudice to the generality of the foregoing subsection, conditions may be imposed on the grant of ..... consent thereunder:-

(b) for requiring the removal of any buildings or works authorised by the consent, at the expiration of a specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period;

and any consent granted subject to any such condition as is mentioned in paragraph (b) of this subsection is ..... referred to as consent granted for a limited period only.

15. (1) The Minister may give directions to the Authority ..... requiring that any application for consent under this order or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the Authority, and any such application shall be so referred accordingly.

(2) Where an application for consent under this order is referred to the Minister under this section, the provisions of subsection (1) of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of the application by the Minister as they apply in relation to the determination of such an application by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the Authority so desire, afford to each of them an opportunity for appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on any application referred to him under this section shall be final.

16. (1) Where application is made to the authority for consent under this order ..... and that consent ..... is refused by that authority, or is granted by them subject to conditions, then if the applicant is aggrieved by their decision he may by notice served within ..... one month from the receipt of notification of their decision, ..... appeal to the Minister.

(2) Where an appeal is brought under this section from a decision of the authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of an application by the Minister on appeal ..... as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of the receipt of an application for consent under this order, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on any application for consent under this order ..... or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given by him under the last foregoing section

the provisions of subsection (1) of this section shall apply in relation to the application as if the consent ..... to which it relates had been refused by the authority and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

18. (1) The power to grant consent under this order shall include power to grant consent for the retention on land of any buildings or for the execution or retention of works of demolition or other works prohibited by this order, constructed or carried out thereon before the date of the application ..... (whether without consent granted under this order or in accordance with consent so granted for a limited period only) and references .. ..... to a consent under this order and to applications for such consent shall be construed accordingly.

(2) Any such consent as is mentioned in the foregoing subsection may be granted so as to take effect from the date on which the buildings or works were constructed or carried out ..... or from the expiration of the said period as the case may be.

(4) Where consent is granted under this order then, except as may be otherwise provided by the consent, the grant of consent shall enure for the benefit of the land and of all persons for the time being interested therein .....

19. (1) Where consent under this order is refused, whether by the authority or by the Minister, on an application in that behalf ....., or is granted by that authority or by the Minister subject to conditions, then if any owner of the land claims -

- (a) that the land has become incapable of reasonably beneficial use in its existing state; and
- (b) in a case where consent under this order was granted as aforesaid subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted works in accordance with those conditions;
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other works for which consent has been ..... granted ..... or for which the authority or the Minister have undertaken to grant such consent,

he may within six months from such refusal or grant of consent subject to conditions, serve on the authority notice (hereinafter referred to as a "purchase notice") requiring the authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on the authority under this section, the authority shall forthwith transmit a copy of the notice to the Minister, and subject to the following provisions of this section the Minister shall if he is satisfied that the conditions specified in paragraphs (a) to (c) of the foregoing subsections are fulfilled, confirm the notice, and thereupon the authority shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served a notice to treat in respect thereof on such date as the Minister may direct:

Provided that -

- (a) if it appears to the Minister to be expedient so to do, he may, in lieu of confirming the purchase notice, grant consent for the works in respect of which the

application was made. or, where consent for those works was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of those works;

(b) if it appears to the Minister that the land, or any part of the land could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other works for which consent ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that such consent shall be so granted in the event of an application being made in that behalf;

(c) if it appears to the Minister having regard to the probable ultimate use of the land, that it is expedient so to do, he may, if he confirms the notice, modify it either in relation to the whole or in relation to any part of the land to which it relates by substituting any other local authority for the authority and in any such case the foregoing provisions of this subsection shall have effect accordingly.

(3) If within the period of six months from the date on which a purchase notice is served under this section the Minister has neither confirmed the notice nor taken any such other action as is mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection nor notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the authority shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served notice to treat in respect thereof at the expiration of the said period.

(4) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(5) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Minister shall give notice of his proposed action -

- (a) to the person by whom the notice was served;
- (b) to the authority; and
- (c) to any other local authority whom the Minister proposes, under the foregoing provisions of this section to substitute for the authority;

and if within the period prescribed by the notice under this subsection (not being less than twenty-eight days from the service thereof) any person or authority on whom that notice is served so requires, the Minister shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons and authorities an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

23. (1) If it appears to the authority that any works of demolition or other works prohibited by this order have been carried out after the making of this order without the grant of consent required in that behalf under this order, or that any conditions subject to which such consent was granted in respect of any such works have not been complied with, then, subject to any direction given by the Minister, the authority may within four years of such works being carried out, or in the case of non-compliance with a condition, within four years after the date of the alleged failure to comply with it, if they consider it expedient so to do having regard to the provisions of the development plan and to any other material considerations, serve on the owner and occupier of the land a notice under this section.

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the works which are alleged to have been carried out without the grant of such consent as aforesaid or, as the case may be the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring the land to its condition before the works of demolition or other works prohibited by this order took place or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any building or works ..... or the carrying out on land of any building or other operations.

(3) Subject to the provisions of the next following subsection an enforcement notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein;

Provided that -

(a) if within the period aforesaid an application is made to the authority under this order for consent for the retention on the land of any buildings or the execution or retention of any works ..... to which the enforcement notice relates the notice shall be of no effect pending the final determination of that application, and if such consent as aforesaid is granted on that application, the notice shall not take effect;

(b) if within the period aforesaid an appeal is made to the court under the following provisions of this section by a person on whom the enforcement notice was served, the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(4) If any person on whom an enforcement notice is served under this section is aggrieved by the notice, he may, at any time within the period mentioned in the last foregoing subsection, appeal against the notice to a court of summary jurisdiction for the petty sessional division or place within which the land to which the notice relates is situated; and on any such appeal the court -

(a) if satisfied that consent was granted under this order for the works to which the notice relates or that no such consent was required in respect thereof, or, as the case may be, that the conditions, subject to which such consent was granted have been complied with, shall quash the notice to which the appeal relates;

(b) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring land to its condition before the works took place, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;

(c) in any other case shall dismiss the appeal.

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 under this section.

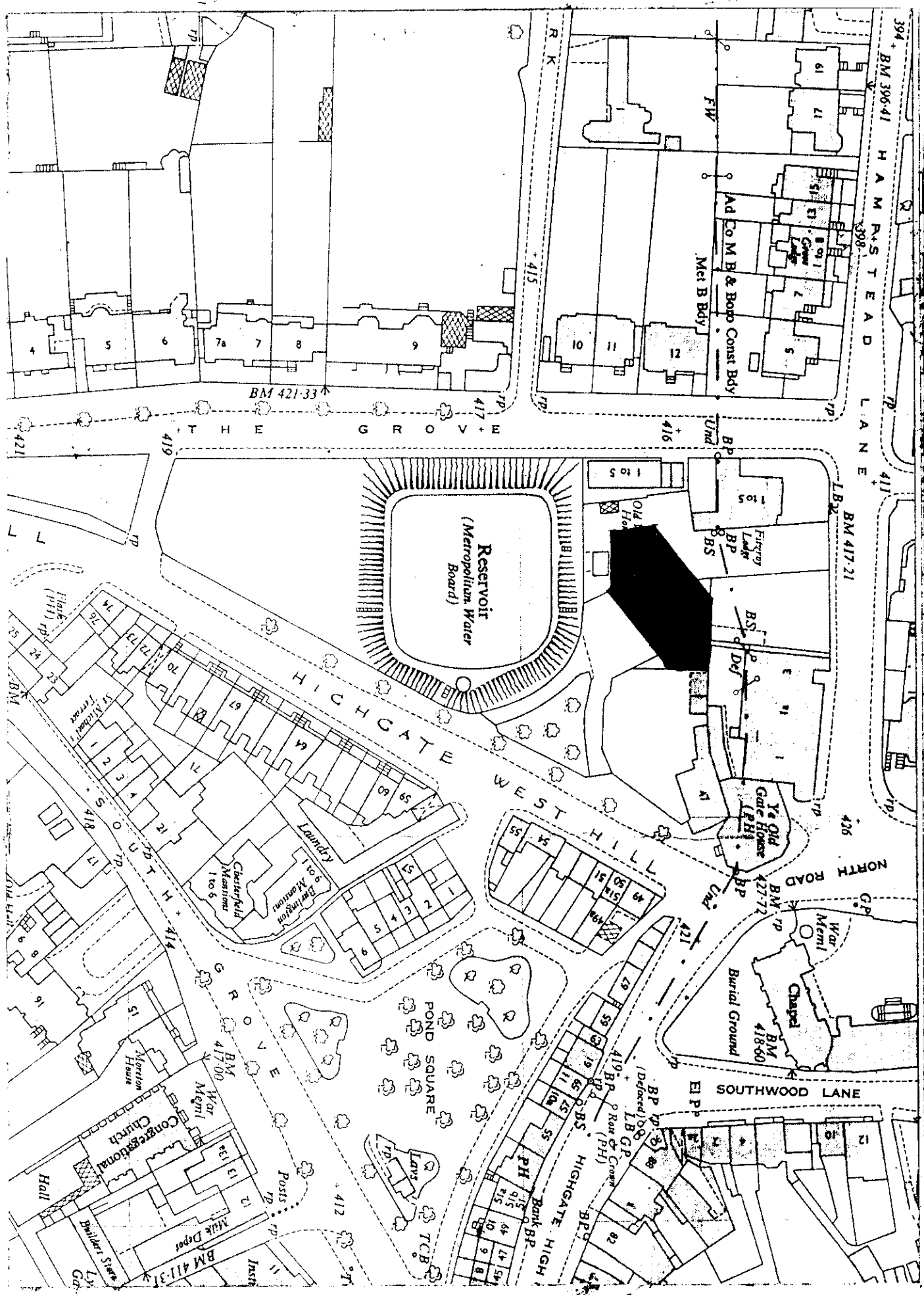
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LONDON  
 COUNTY COUNCIL.  
 ARCHITECTS DEPARTMENT  
 — Historic Buildings —

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Provided that where the enforcement notice is varied or the appeal is dismissed, then, without prejudice to the provisions of paragraph (a) of the proviso to subsection (3) of this section, the court may, if they think fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as the court think fit.

(5) Any person aggrieved by a decision of a court of summary jurisdiction under the last foregoing subsection may appeal against that decision to a court of quarter sessions.

24. (1) If within the period specified in an enforcement notice, or within such extended period as the authority may allow, any steps required by the notice to be taken ..... have not been taken, the authority may enter on the land and take those steps and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf; and if that person, having been entitled to appeal to the court under the last foregoing section, failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken by the authority upon any ground which could have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under the last foregoing section in respect of any works, and any sums paid by the owner of any land under the foregoing subsection in respect of the expenses of the authority in taking steps required to be taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the works were carried out.

(3) Where, by virtue of an enforcement notice, ..... any conditions are required to be complied with in respect of ..... the carrying out of any operations thereon, then if any person, without the grant of consent in that behalf under this order ..... carries out or causes or permits to be carried out those operations, in contravention of the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds .....

DATED the 13<sup>th</sup> day of January One thousand nine hundred and fifty-nine

SEALED BY ORDER

W. O. HART

(L.S.)

Clerk of the London  
County Council.



The Minister of Housing and Local Government in exercise of the powers conferred upon him by the proviso to subsection (4) of section 29 of the Town and Country Planning Act, 1947, hereby confirms the foregoing order provisionally.

Given under the official seal of the  
Minister of Housing and Local Govern-  
ment this twenty first day of January,  
Nineteen hundred and fifty nine,

(L.S.)

(Sgd.) E.H.T. Wiltshire

Assistant Secretary,  
Ministry of Housing and Local Government



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TOWN AND COUNTRY PLANNING  
ACT, 1947

THE COUNTY OF LONDON  
(NOS. 45 and 46 HIGHGATE  
WEST HILL, ST. PANCRAS)  
BUILDING PRESERVATION  
ORDER, 1959

BUILDING PRESERVATION ORDER  
MADE FOR THE PURPOSES OF  
SECTION 29 OF THE TOWN AND  
COUNTRY PLANNING ACT, 1947

J. G. BARR  
The Solicitor and Parliament  
Officer  
London County Council  
The County Hall  
Westminster Bridge, S.E.

TOWN AND COUNTRY PLANNING  
ACT, 1947

THE COUNTY OF LONDON  
(NOS. 45 and 46 HIGHGATE  
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BUILDING PRESERVATION ORDER :  
MADE FOR THE PURPOSES OF  
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J. G. BARR  
The Solicitor and Parliamentary  
Officer  
London County Council  
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Westminster Bridge, S.E.1