The demolition of Town Farm

The demolition of Town Farm in May 1971 was a notorious event in the recent history of Wheathampstead and one of the rare occasions that the village has featured in the national press.

About 1885, with Chennells family

About 1908

Town Farm and its two barns had stood on the corner of The Hill and Marford Road since the late 15th century but on Saturday 8 May 1971 it was demolished in just a few hours. The Town and Country Planning Act (1968) had made the demolition of listed buildings a criminal offence but, despite many local buildings being listed, Town Farm was not.

It had been bought for £18,500 by the Maltglade Development Company from the estate of Francis Farquhar Sladen who had died on 17 September 1970.

Francis Farquhar Sladen was a classic example of a gentleman of his era. Born in India in 1875, he was the son of an Assistant Commissioner in the Indian Civil Service. After education at boarding schools in England and at Oxford University, he followed his father into the ICS, becoming a Deputy Commissioner. He was made a Companion of the Indian Empire in the Birthday Honours 1923, which suggests that he retired in that year. He and his wife Mary were back in England by the mid-1920s and had moved into Town Farm by 1929. He became a Justice of the Peace for Hertfordshire and was Honorary Secretary of the Mid-Herts Golf Club from 1946 to 1956. Mary died in 1948 and he lived at Town Farm with live-in domestic staff until his death aged 95.

Early in February 1971, Maltglade applied to St Albans Rural District Council to build 11 Georgian-stye houses on the site but, when the Planning Committee met on 20 April, they recommended to the Council that a Temporary Preservation Order should be placed on the building pending a decision about listing by the Department of the Environment.

This was agreed by the full Council on Monday 3 May and a six-month Temporary Preservation Order was sent to Maltglade's registered office in Luton by recorded delivery on

the following day. The postman was unable to find the office on Friday 7 May and the Order was not delivered. A gang of workmen appeared on the site early the next morning, Saturday 8 May, and started the demolition immediately. Within minutes, villagers and parish councillors were alerted and came to the site, followed by the police and Rural Council officials. Councillor Geoffrey Dickens showed the foreman, Brian Colwell, a copy of the Preservation Order but he said he had no such instructions from Maltglade.

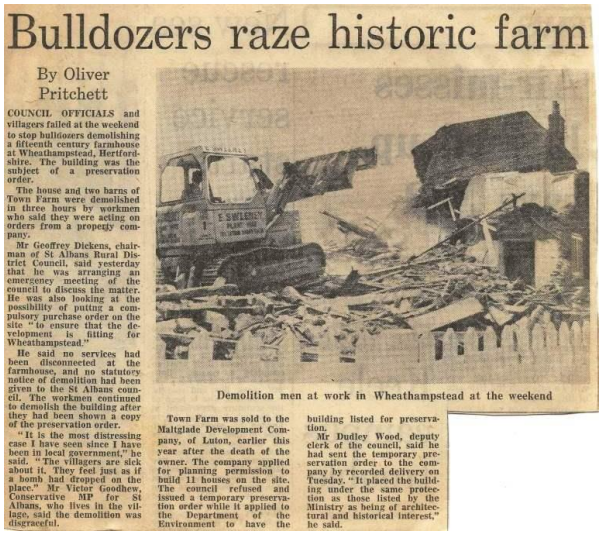
Late 1970, shortly before demolition

The demolition crew were clearly in a hurry: they put a steel hawser round the base of the building and used a bulldozer to pull it down. The gas main and the water main were both ruptured. The timbers were burned in a fire that raged for two days with thick smoke drifting over the houses to the east.

The Farm had gone by lunchtime.

Recriminations started immediately. On the following Monday Maltglade's architects, Whitaker and Step, withdrew their commission and cancelled their contract with Maltglade. Angry words were exchanged at a special meeting of the Rural District Council in the following week, including the Council surveyor, Harold Wilkinson, threatening to sue Councillor West for slander and Councillor Bob Prior attacking the competence of the Clerk, Eric Wheeler. Councillor Sparrow suggested that the Council should acquire the site for a car park.

The affair featured extensively in the national press in the following days and weeks.



Bulldozers raze historic farm

By Oliver Pritchett

COUNCIL OFFICIALS and villagers failed at the weekend to stop bulldozers demolishing a fifteenth century farmhouse at Wheathampstead, Hertfordshire. The building was the subject of a preservation order.

The house and two barns of Town Farm were demolished in three hours by workmen who said they were acting on orders from a property company.

Mr Geoffrey Dickens, chairman of St Albans Rural District Council, said yesterday that he was arranging an emergency meeting of the council to discuss the matter. He was also looking at the possibility of putting a compulsory purchase order on the site "to ensure that the development is fitting for Wheathampstead."

He said no services had been disconnected at the farmhouse, and no statutory notice of demolition had been given to the St Albans council. The workmen continued to demolish the building after they had been shown a copy of the preservation order.

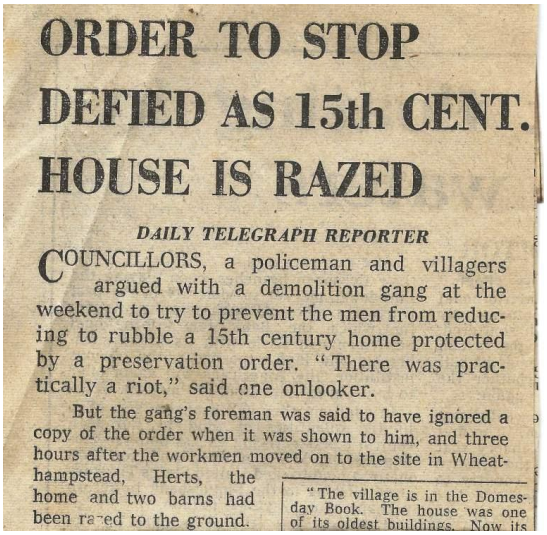
"It is the most distressing case I have seen since I have been in local government," he said. "The villagers are sick about it. They feel just as if a bomb had dropped on the place." Mr Victor Goodhew, Conservative MP for St Albans, who lives in the village, said the demolition was disgraceful.

Demolition men at work in Wheathampstead at the weekend

Town Farm was sold to the Maltglade Development Company, of Luton, earlier this year after the death of the owner. The company applied for planning permission to build 11 houses on the site. The council refused and issued a temporary preservation order while it applied to the Department of the Environment to have the building listed for preservation.

Mr Dudley Wood, deputy clerk of the council, said he had sent the temporary preservation order to the company by recorded delivery on Tuesday. "It placed the building under the same protection as those listed by the Ministry as being of architectural and historical interest," he said.

Guardian 10 May 1971



ORDER TO STOP DEFIED AS 15th CENT. HOUSE IS RAZED

DAILY TELEGRAPH REPORTER

COUNCILLORS, a policeman and villagers argued with a demolition gang at the weekend to try to prevent the men from reducing to rubble a 15th century home protected by a preservation order. "There was practically a riot," said one onlooker.

But the gang's foreman was said to have ignored a copy of the order when it was shown to him, and three hours after the workmen moved on to the site in Wheathampstead, Herts, the home and two barns had been razed to the ground.

"The village is in the Domesday Book. The house was one of its oldest buildings. Now its

Telegraph 10 May 1971

In June, the Council refused Maltglade's application to build 11 houses on the site. In the meantime, a petition signed by 1100 villagers called on the Council to compulsorily purchase the site, use it for a purpose that would enhance the village, and prosecute Maltglade.

The case against Maltglade came to St Albans Magistrates Court on 8 October when the arguments hinged on whether the Temporary Preservation Order had been served. The Post Office gave evidence that there was no sign at the Luton address to show that it was Maltglade's registered office so the letter could not be recorded as having been delivered and was marked 'Return to sender'. The defence lawyer argued that this meant the Order had not been served and was therefore not in force. Richard Walley, a director of Maltglade, claimed that he did not know about the Order, despite the architect Mr Step saying that he had discussed it with Walley on 7 May. The defendants were found guilty of demolishing a preserved building. Walley was fined £75, Colwell £20 and Maltglade £100. Colwell and Maltglade were each fined £5 for not giving a notice of demolition to the Council.

This was far from being the end of the affair. Maltglade sued Whitaker and Step for alleged negligence and slander. In November, Councillor Prior demanded a full enquiry into the whole affair. The resulting detailed report was submitted to the Council at another acrimonious meeting on 7 December but Councillor Prior was not satisfied and demanded access to all the relevant documents so that he could follow the 'chain of events' that led to the demolition. Eric Wheeler, the Council's Chief Administrative Officer, said that this implied that he had done something wrong; he had nothing to hide and

In an aside to the story, a Parish Council meeting on 3 November heard that Dr Parkinson, who lived next door to the Town Farm site, had received a Compulsory Purchase Order from the Rural District Council for a part of his garden. It was needed, the Council said, for part of the new car park. A majority of the Parish Council voted in favour of the car park but against the Compulsory Purchase Order. The Rural District Council later refused permission for the car park, going against the recommendation of its Planning Committee.

Councillor Prior could have access to all the legal correspondence and planning applications.

In the meantime, Walley, Colwell and Maltglade appealed against their convictions for demolishing a preserved building. On 16 May 1972, the convictions and fines were ‘reluctantly’ set aside at the Queen’s Bench Division of the High Court where the Lord Chief Justice found that they were wrong in law, proof of posting of the Order not being sufficient evidence ‘in present circumstances’ of it being served, so it never came into force. The Rural District Council was refused permission to appeal to the House of Lords and had to pay Maltglade’s costs for attending the hearing.

Maltglade were later fined £5 for not displaying a sign at the address in Luton to show that it was the company’s registered office. They did not appeal.

Maltglade then submitted a revised application for 10 houses. This was approved by Hertfordshire County Council so the Rural District Council could not refuse permission.

The whole affair received national publicity and resulted in a change in the law. Following a short debate in the House of Commons, an amendment was made to the Town and Country Planning Act (1971) to the effect that a temporary preservation order would take immediate effect if it was pasted to the building or structure in question, rather than having to be delivered to the owner. For an account of the debate, see Appendix 1.

Appendix 1

Hansard

Volume 841: debated on Monday 17 July 1972

SERVICE OF BUILDING PRESERVATION NOTICES IN CASES OF URGENCY

'(1) Section 58 of the Act of 1971 shall be amended by adding at the end the following subsection:

"(6) If it appears to the local planning authority to be urgent that a building preservation notice should come into force, they may, instead of serving the notice on the owner and occupier of the building to which it relates, affix the notice conspicuously to some object on the building; and this shall be treated for all the purposes of this section and of Schedule 11 to this Act as service of the said notice, in relation to which subsection (1)(*b*) of this section shall be taken to include a reference to this subsection".

(2) Section 48 of the Town and Country Planning (Scotland) Act 1969 shall be amended by adding at the end the following subsection:

"(6) If it appears to the local planning authority to be urgent that a building preservation notice should come into force, they may, instead of serving the notice on the owner, lessee and occupier of the building to which it relates, affix the notice conspicuously to some object on the building; and this shall be treated for all the purposes of this section and of Schedule 4 to this Act as service of the said notice, in relation to which subsection (1)(*b*) of this section shall be taken to include a reference to this subsection"'. *Mr. Sydney Chapman.*]

Brought up, and read the First time.

Mr. Sydney Chapman

(Birmingham, Handsworth)

I beg to move, That the Clause be read a Second time.

Mr. Deputy Speaker

(Miss Harvie Anderson)

It would be convenient to consider at the same time Amendment No. 15, in Title, line 4, at end insert:

'the service of building preservation notices and for'.

also standing in the name of the hon. Member for Birmingham, Handsworth (Mr. Sydney Chapman):

Mr. Chapman

New Clause 10 and Amendment No. 15, which is consequential, have to do with the service of a building preservation notice in cases of urgency. The new Clause seeks to close a loophole or what has come to light as a flagrant abuse of the serving of notice of building preservation orders. At present, generally it is not necessary to get planning permission to demolish a building. There are basically two exceptions. The first is under Section 58 of the 1971 Act if the building is a listed building; the second will be under Clause 7(2) of this Bill which gives the local planning authority the right to insist on permission before demolition of any building in a conservation area. When the building preservation orders were first introduced there was necessarily a proper though lengthy procedure for their service, giving time for owners to make representations to the Minister, as a result of which it was possible for an owner to pull down a building before the order had been confirmed by the Minister. That led to legislation giving power to the local planning authority to put an instant preservation order on a building pending the Minister's confirmation.

It has been realised that that procedure is insufficient to deal with a particular problem, which has been highlighted by a most disgraceful case in Wheathampstead, in the constituency of my hon. Friend the Member for St. Albans (Mr. Goodhew) in May of this year. The building was the Town Farm, a fifteenth century farmhouse with outbuildings. The St. Albans Rural District Council, with delegated powers from the local planning authority, the Hertfordshire County Council, wanted to put an instant preservation notice on the building. It attempted to serve the notice but the notice was not received. Incidentally, this might now be the stage for me to pay a tribute to my hon. Friend for the steps he tried to take to stop the building being demolished. Were he not a Government Whip, he himself might well have been advocating the Clause, or one similar to it, instead of myself.

The point is that it was tried to serve the notice on 7th May at the latest to what was regarded as the correct address of the persons who owned the farm, but as there was no registered office at the address the postman could not deliver it.

It was perhaps more than a coincidence that early next morning a demolition team arrived on the site no later than 8.30 a.m. I am told that nearby residents saw what was about to happen and immediately had the presence of mind to get in touch with the chairman of the Rural District Council who, with the deputy clerk arrived on the site, as did my hon. Friend. It is also more than coincidental perhaps, that the builder on the site in charge of the demolition work was a Mr. Brian Colwell, of Wellgate Road, Luton, and that the owner of the

site was the Maltglade Development Company, one of the directors of which is a Mrs. Margaret Colwell, of Wellgate Road, Luton.

Mr. Brian Colwell, having heard of the representations made by the residents, and having been informed that the local planning authority had served a preservation notice, and, I understand, shown the actual notice, telephoned for instructions, and then proceeded to get on with the demolition. He and his team bulldozed the farm in haste, and the guarantee of that is that my hon. Friend has told me that when he arrived on the site the demolition was in progress with water gushing from a severed main pipe connection. When the building was demolished, the timbers were put in a bonfire pile and set alight so close to the weather-boarded outbuildings that they too caught fire and burned down, as did a mature tree.

There seems to be little doubt—there is certainly no doubt in my mind—that this was a deliberately organised act of vandalism. Incidentally, my right hon. Friend will know that the owners of that site are now awaiting planning permission for dwelling house development.

Because of this loophole, what happened at Wheathampstead could happen elsewhere because of the inability of the local planning authority satisfactorily to serve notice. I understand that the law is—and this came out in the subsequent court case—that the notice must be served by sending it by recorded delivery service to the last known place of abode, or by delivery, or by addressing it to the company secretary or clerk at the registered office.

I also understand from this court case in the Queen's Bench Division that this interpretation has to be read in conjunction with Section 26 of the Interpretation Act, 1889. I gather, and I am sure that my right hon. and learned Friend the Member for Hertfordshire, East (Sir D. Walker-Smith) would confirm, that the point of law turned on whether the notice was served when it was sent, which I understand it to have been, provided that it would have been received or was received before the offence was committed. I gather that on that very narrow definition the court decided that it was not received before the offence was committed.

The point is simply that this development company got away with it by acting quickly and there is certainly no doubt in my mind that it perfectly well knew that it was sought to serve a preservation notice. New Clause 10 seeks to prevent this scandalous event from happening again by giving power to the local planning authority to affix a notice conspicuously to some object on the building if it is felt urgent that a building preservation notice should come into force.

Since I first drafted the Clause, my right hon. Friend has suggested Amendments to it to cover Scotland. Naturally, I have accepted those suggestions and the Clause as it now appears is amended to take account of them. I commend the new Clause and I hope that my right hon. Friend will feel able to accept it.

If the new Clause is accepted, in one sense the credit should go to my hon. Friend the Member for St. Albans, but I am sure that he would be the first to agree that in another important sense it should go to those people of Wheathampstead who, unfortunately, on the occasion of 8th May stood by, frustrated by this development company which was not obeying the spirit of the law, even if, as the court subsequently decided, it fulfilled the letter of the law. It may bring comfort to the people of Wheathampstead to know that their protest has not gone unheard.

Mr. Graham Page

As my hon. Friend the Member for Birmingham, Handsworth (Mr. Sydney Chapman) explained, where a local planning authority considers that an unlisted building is in danger of demolition or alteration in a way that would affect its character as a listed building should it be included in the list, a building preservation notice may be served on the owner and other persons interested in the property, and a copy sent to the Secretary of State. The effect of the notice is to give the building all the protection of a listed building for a period of a maximum of six months while the Secretary of State considers whether he should add the building permanently to the list.

This is an important provision and a crucial part is the service of the notice on the owner and on other interested persons, as the six-months' protection does not begin until the notice has been served. On the other hand, the notice may not be served unless the authority has reason to believe that the building is in danger of demolition or alteration. There is the difficulty that a conscientious local authority will wait until the danger is looming and then there will be a short period during which to serve the notice and prevent the demolition or alteration of the building. If the authority has any difficulty in discovering the whereabouts of the owner, the building may be lost while it is attempting to serve the notice.

This Clause has two things in its favour—it is simple and quick. Where it is urgently necessary to bring a building preservation notice into force the authority may, under the Clause, affix it to the holding, and once the notice has been affixed the building will immediately have the protection enjoyed by a listed building.

I have many times in the past complained in the House and in Committee about notices being served on owners and occupiers of property by being pinned to some door or a tree or fence on the property. My complaints have always been directed to the cases in which that was sufficient service to start a process of depriving the owner or occupier of the property. In this case it is just the reverse. Here we are trying to preserve a property, and I would not complain about this form of service. I would not expect a local planning authority to use this means of service except where it is urgently necessary to bring a notice into effect and when it anticipates difficulty in serving it on the owner personally.

I am sure that if a local authority knew the whereabouts of the owner and knew that it could serve him it would not perversely stick the notice on the property and wait for the owner to find it; it would serve him personally. With that reservation, I am pleased to advise the House to accept the Clause and I am grateful to my hon. Friend for moving it.

Question put and agreed to.

Clause read a Second time and added to the Bill.

Source: https://hansard.parliament.uk/Commons/1972-07-17/debates/a338840b-d3cd-4e6f-8def-459fe44c382c/NewClause10