Dear Mr Moor,

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 APPLICATION FOR LISTED BUILDING CONSENT
STONE HALL AT SESSIONS HOUSE, GEORGE ROW, NORTHAMPTON.

I am directed by the Secretary of State for Communities and Local Government to refer to your letter with enclosures of 10th October 2008 concerning your Council’s application for Listed Building Consent for the conversion and refurbishment of the Stone Hall to form a new reception area and tourist information centre, refurbishment of the Nisi Court, conversion of existing reception into an office, conversion and subdivision of offices into WC accommodation, refurbishment of existing WC accommodation into a new shower room and the construction of external ramp access to the Stone Hall at Sessions House, George Row, Northampton NN1 1AS. The application was made in accordance with the provisions of Regulation 13 of the 1990 Regulations.

The Secretary of State has considered the information submitted by your Council in support of the application and noted that English Heritage has no objections, and no representations or objections were made by the Amenity Societies to the proposals.


1. The works to which this Listed Building Consent relates must be begun before the expiration of three years beginning with the date of this consent.

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the submitted application.

3. No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that shall be submitted to and agreed in writing with the County Planning Authority, and shall be implemented by the applicant. The work shall be carried out by a body to be agreed in writing with the County Planning Authority.

4. Prior to the commencement of the works, details of the full restoration and redecoration of the building, including the ceilings in Sessions House, shall be submitted to and agreed in writing with the County Planning Authority. The development shall be carried out in accordance with the agreed details prior to the commencement of the Stone Hall as a reception unless otherwise agreed in writing with the County Planning Authority.

5. Prior to the commencement of works, details of the proposed alterations to the court fittings shall be submitted to and agreed in writing with the County Planning Authority. The development shall be carried out in accordance with the agreed details prior to the commencement of the use of the Stone Hall as a reception unless otherwise agreed in writing with the County Planning Authority.

6. Prior to commencement of works, details of the design of the glazed lobby, including how it is fitted to the wall, shall be submitted to and agreed in writing by the County Planning Authority. The works shall be carried out in accordance with the agreed details prior to the commencement of the use of the Stone Hall as a reception unless otherwise agreed in writing with the County Planning Authority.

7. Prior to the commencement of works, details for the installation of services shall be submitted to and agreed in writing by the County Planning Authority. The works shall be carried out in accordance with the agreed details and timescale.
8. Prior to the commencement of works, details of the restoration of the chandeliers shall be submitted to and agreed in writing with the County Planning Authority. The development shall be carried out in accordance with the agreed details and timescale unless otherwise agreed in writing with the County Planning Authority.

9. Prior to the commencement of works, details of all proposed signage shall be submitted to and agreed in writing with County Planning Authority. The development shall be carried out in accordance with the agreed details and timescale unless otherwise agreed in writing with the County Planning Authority.

10. Prior to the commencement of works, details of the external handrail including how it is fitted, shall be submitted to and agreed in writing by the County Planning Authority. The works shall be carried out in accordance with the agreed details prior to the commencement of the use of the Stone Hall as a reception unless otherwise agreed in writing with the County Planning Authority.

11. A management plan for the ongoing maintenance of the site shall be submitted to and agreed in writing with the County Planning Authority prior to the commencement of the use of the Stone Hall as a reception.

12. A plan for the control and monitoring of environmental conditions within the Stone Hall shall be submitted to and agreed in writing with County Planning Authority prior to the commencement of the use of the Stone Hall as a reception.

13. Notwithstanding the details shown on Plan SK02C, the suspended ceiling in corridor 021 ref. K40/10 shall not be implemented.

14. Notwithstanding the details shown on Elevations D & E on Plan SK04F, no paintings are to be hung or lighting shall be installed.

This letter does not convey any consent or approval required under any enactment, bylaw, order, or regulation, other than Section 8 and 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A separate Note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged in the High Court.
Attention is also drawn to the enclosed Note relating to the provisions of the Chronically Sick and Disabled Persons Act 1970.

Yours sincerely

[Signature]

DAVID MOSELEY
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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (% 0171 936 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING, TREE PRESERVATION ORDER & ADVERTISEMENT APPEALS; CALLED-IN PLANNING APPLICATIONS; GRANTS OF PLANNING PERMISSION IN ENFORCEMENT NOTICE APPEALS

Depending on the circumstances, the decision may be challenged by making an application to the High Court under either or both Sections 288 and 289 of the Town and Country Planning Act 1990 (the 1990 Act). There are differences between the two sections, including different time limits, which may affect your choice of which to use. These are outlined below.

Challenges under Section 288 of the 1990 Act

Decisions on called-in applications under section 77 of the 1990 Act (planning), appeals under section 78 (planning) or section 195 (Lawful Development Certificate) may be challenged under this section, as may tree preservation order and advertisement appeals. Section 288 also relates to enforcement appeals, but only to decisions granting planning permission or discharging conditions. Success under section 288 alone would not alter any other aspect of an enforcement appeal decision. The enforcement notice would remain quashed unless successfully challenged under section 289 of the 1990 Act or by Judicial Review.

Section 288 provides that a person who is aggrieved by the decision to grant planning permission or discharge conditions (on an enforcement appeal) or by any decision on an associated call-in under section 77, appeal under section 78 or section 195 of the 1990 Act, may question the validity of that decision by making an application to the High Court.

SECTION 2: LISTED BUILDING & CONSERVATION AREA CONSENT APPEALS & CALLED-IN APPLICATIONS; LISTED BUILDING ENFORCEMENT APPEALS.

Depending on the circumstances, the decision may be challenged by making an application to the High Court under either or both sections 63 and 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act). There are differences between the two sections, including different time limits, which may affect your choice of which to use. These are outlined below.

Challenges under section 63 of the LBCA Act

Decisions on appeals made under section 20 (listed building consent) may be challenged under this section. Section 63 also relates to enforcement appeals, but only to decisions granting listed building consent or conservation area consent or discharging conditions. Success under section 63 alone would not alter any other aspect of an enforcement appeal decision. The enforcement notice would remain quashed unless successfully challenged under section 65 or by Judicial Review.

Section 63 of the LBCA Act provides that a person who is aggrieved by the decision to grant listed building or conservation area consent or discharge conditions (on an enforcement appeal) or by
any decision on an associated appeal under section 20 of the LBCA Act, may question the validity of that decision by making an application to the High Court.

GROUNDS FOR APPLICATIONS UNDER SECTION 288 OF THE 1990 ACT AND SECTION 63 OF THE LBCA ACT

Challenges may be made on the grounds:-

- That the decision is not within the powers of the Act; or
- That any of the relevant requirements have not been complied with (‘relevant requirements’ means any requirements of the LBCA Act or the 1990 Act as appropriate, or of the Planning and Tribunals Act 1992, or of any order, regulation or rule made under any of those Acts).

These two grounds mean in effect that a decision cannot be challenged merely because someone does not agree with the Secretary of State’s decision. Those challenging a decision have to be able to show that a serious mistake was made when reaching the decision; or, for example, that the inquiry, hearing or site visit was not handled correctly or that the procedures were not carried out properly. If a mistake has been made the Courts may decide not to quash the decision if the interests of the person making the challenge have not been prejudiced.

Please note that under both sections an application to the High Court must be lodged with the Crown Office within 6 weeks of the date of the decision letter. This time limit cannot be extended. Permission of the Court is not required to make these types of challenge.

CHALLENGES UNDER SECTIONS 289 OF THE 1990 ACT & 65 OF THE LBCA ACT

In both planning and listed building enforcement notice appeals, and tree preservation order enforcement appeals, the appellant, the local planning authority or any person having an interest on the land (to have an interest in the land means essentially to own, part own, lease and, in some cases, occupy the site) to which the enforcement notice relates may challenge the decision in the High Court on a point of law.

An application under either section may only proceed with the permission of the Court. An application for permission to challenge the decision must be made to the Court within 28 days of the date of the decision, unless the period is extended by the Court.

If you are not the appellant, or the local planning authority or a person with an interest in the land but you want to challenge a planning enforcement appeal decision on grounds (b) to (g) or a listed building enforcement appeal decision on grounds (a) to (d) or (f) to (k), or the decision to quash a notice, you may make an application for Judicial Review. You should seek legal advice promptly if you wish to use this non-statutory procedure. The procedure is to make an application for the permission of the Court to seek Judicial Review. This should be done promptly, and in any event within 3 months of the date of the decision.

SECTION 3; AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.
SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector’s report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

January 2001
CHRONICALLY SICK AND DISABLED PERSONS ACT 1970

The above Act requires persons undertaking the provisions of certain buildings or premises to make provision for the needs of disabled people. Your development is affected if it would result in the provision of one or more of the following:

1. A building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);

2. Any of the following, being in each case; premises in which persons are employed to work:-
   i. Office premises, shop premises and railway premises to which the Offices, Shops and Railway premises Act 1963 applies;
   ii. Premises which are deemed to be such premises for the purposes of that act; or
   iii. Factories as defined by section 175 of the Factories Act.

3. A building intended for the purposes:
   i. of a university, university college or college, or of a school or hall of a university; or
   ii. of a school within the meaning of the Education Act 1944, a teacher training college maintained by a local education authority in England or Wales or any other institution providing further education pursuant to a scheme under section 42 of that Act.

If your development comes within category (1) above, your attention is drawn to the provisions of section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution Code of Practice for access for the Disabled to Buildings (3s 5810:1979).

If your development comes within category (2) above, your attention is drawn to the provisions of section 7 and 8A of the 1970 Act and to the BSI code of practice (Bs 5810:1979).

If your development comes within the category (3) above, your attention is drawn to the provisions of sections 7 and 8 of the 1970 Act and to Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for Education and Science.