



The Planning Inspectorate

14

Room 1111(2)
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878598
Switchboard 0117-9878000
Fax No 0117-9878782
GTN 1374-8598

A Harrison
N Yorks Moors N P Authority
Enforcement Appeals Contact
The Old Vicarage
Bondgate
Helmsley
YORK, YO6 5BP

Your Ref:
NYM4133/204/EF

Our Ref:
APP/W9500/F/98/650690
APP/W9500/F/98/650691

25 September 1998

Dear Sirs

**PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY MR J B MCNEIL AND MR K P MCNEIL
SITE AT LONG LEASE FARM, HAWSKER LANE, HAWSKER, WHITBY, N
YORKSHIRE**

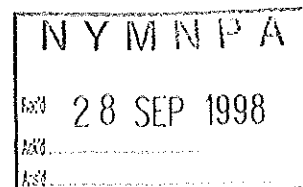
I enclose a copy of our Inspector's decision letter.

Yours faithfully

S Case

212A

ENC1





The Planning Inspectorate

Room 1111(2)
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878598
Switchboard 0117-9878000
Fax No 0117-9878782
GTN 1374-8598

A Harrison
N Yorks Moors N P Authority
Enforcement Appeals Contact
The Old Vicarage
Bondgate
Helmsley
YORK, YO6 5BP

Your Ref:
NYM4133/204/EF

Our Ref:
APP/W9500/F/98/650690
APP/W9500/F/98/650691

24 September 1998

Dear Sirs

**PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY MR J B MCNEIL AND MR K P MCNEIL
SITE AT LONG LEASE FARM, HAWSKER LANE, HAWSKER, WHITBY, N
YORKSHIRE**

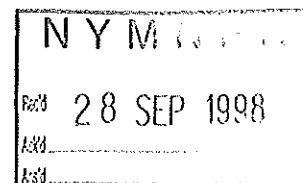
I enclose a copy of our Inspector's decision letter.

Yours faithfully

S Case

212A

ENC1





The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
GTN 1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Mr B G Snoxell
Bell Snoxell Associates
Barclays Bank House
Baxtergate
Whitby
YO21 1BW

Council Reference:
CASS/4/33/204/EF
Our Reference:
T/APP/F/98/W9500/650690-91
Date: **25 SEP 1998**

Dear Sir

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTION 39 AND SCHEDULE 3. PLANNING AND COMPENSATION ACT 1991.
APPEALS BY MR J B MCNEILL AND MR K P MCNEILL.
BUILDING AT LONG LEASE FARM, HAWKSER LANE, HAWKSER, WHITBY. LISTED GRADE II.

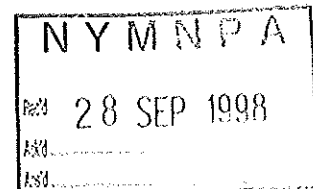
1. As you are aware I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine these appeals against a listed building enforcement notice issued by the North Yorkshire Moors National Park Authority concerning the above mentioned building. I have considered the written representations made by you and the Authority and also those made by the Hawkser-cum-Stainsacre Parish Council and other interested persons. I inspected the site on 8 September 1998.

The Notice

2.
 - a. The notice was issued on 27 February 1998.
 - b. The contraventions of listed building control alleged in the notice are set out in Appendix 1 to this letter.
 - b. The requirements of the notice are set out in Appendix 2 to this letter.
 - d. The time for compliance with the requirements is six months.
 - e. Photograph A and the List Description form part of the notice.

Grounds of Appeal

3. Your clients' appeals were made on grounds (c), (d), (e), and (g) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compensation Act 1991. However, it is clear that the notice was issued under Section 38(2)(b) of the Act, whereby the authority is requiring works to alleviate the effect of the works carried out, rather than requiring a restoration of the building to its former state. Ground (j), therefore, and not ground (g), is the correct ground of appeal in relation to whether or not the steps required are excessive and I shall proceed on that basis. I shall consider all of your ground (g) arguments as if they had been made on ground (j) and I am satisfied that this course of action will not cause any injustice.



Matters of clarification

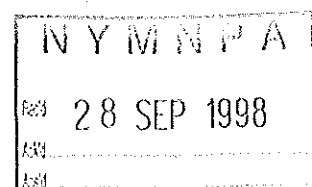
4. The list of allegations is not directly cross-referenced to the list of requirements and this has caused some confusion. However, it is evident that the authority is not enforcing against some of the alleged unauthorised works and this explains some of the differences between the allegations and the requirements. However, during the course of my visit each of the allegations was physically explained to me and similarly each requirement was related back to a specific allegation. It was also confirmed to me that the photograph of the frontage which shows the raked dormer forms part of the notice. I shall refer to it as photograph A. The list description also forms part of the notice.
5. At the end of my site visit I made it clear that I fully understood what is alleged to have been done and what is required to put matters right. On the basis of the thorough physical inspection of the property I am also satisfied that your clients now know exactly what has alleged to have been done been done and what is now required to alleviate the effects of the works. I do not consider, therefore, that any injustice has been caused to your clients with regard to the way the notice has been drafted.
6. The requirements introduce some matters which are vague, such as requiring something to be 'approved by the authority'. Therefore, irrespective of my conclusions, if necessary I intend to vary the notice under the powers transferred to me in order that the requirements are precisely described. With regard to the doors, it would appear that all of the original doors are available and there is no need, therefore, to refer to any alternatives.

Background information

7. Your clients' property is understood to date back to the 17th century and the list description refers to it being a 'longhouse' which was raised in part in the 18th century. Over the years, although many alterations have been carried, the Grade II listed building is still recognisable from its list description.
8. Your clients commenced alteration works, without applying for consent, in 1996 and submitted a retrospective application in January 1997. This was refused and an appeal was later dismissed in October 1997. The authority then successfully prosecuted for the carrying out of the unauthorised works to the building.

The Appeals on Ground (c)

9. This part of the appeals seems to be limited to the works to a ground floor door position which has only been slightly changed: to the former larder and to the replacement of a timber ground floor with a solid floor in the brick (south) section of the property. There appears to be no dispute that all of the other works require consent.
10. Having seen the doorway and the former larder position, it is my view that, irrespective of whether or not the changes have caused harm, they have affected the character of the building as a building of architectural and historic interest. The larder was a particular feature and the doorway position also formed part of the character of this part of the house. The complete removal of the larder and the re-positioning of the door have, in my view changed the character of this



part of the house and I consider that listed building consent is required for these works.

11. Turning to the lounge floor, I accept that the condition was poor but, again, the replacement with a solid floor can only result, in my view, in a change in character. I consider, therefore, that this part of the works also requires listed building consent. In the absence of any consents, a contravention of listed building control has occurred and the appeals fail on ground (c).

The Appeals on Ground (d)

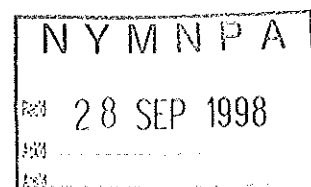
12. To succeed on this ground the works to the building must have been urgently necessary in the interests of safety or health or for the preservation of the building; that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair for affording temporary support or shelter and that the works carried out must have been limited to the minimum measures immediately necessary. All three tests have to be met.
13. Whilst appreciating your clients' needs and requirements in relation to the condition of the property, I am not convinced that the works were absolutely necessary to secure safety or health. Works which would normally fall into this category would include measures to stop a listed building from immediate danger of collapse.
14. Your clients' alterations do not constitute such works. Whilst accepting the problems associated with removing rotten floors and the need to make the building wind and watertight, I do not accept the unauthorised works fall into the category of being the minimum measures immediately necessary. In any case there was adequate time to consult with the authority prior to the works being carried out. I am not satisfied, therefore, that the three tests referred to above have been met and the appeals also fail, therefore on ground (d).

The Appeals on Ground (e)

15. The main issue is the effect that the various works have had on the character and integrity of the listed building. I have had special regard to the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well considering all of the other material planning considerations which include the advice in Planning Policy Guidance Note 15 (PPG15).
16. The development plan for the area comprises the North Yorkshire County Structure Plan (NYCSP) and the North York Moors Local Plan (NYMLP). Policy E1 of the NYCSP is relevant in this case whereby high standards of design and the use of appropriate materials are required in relation to the conservation of the landscape. Policy BC7 of the NYMLP is also relevant and accords with the aims and objectives of national guidance in PPG15 with regard to the protection of listed buildings.
17. I now turn to the specific works as carried out and I have considered them in relation to the order as set out in the Third Schedule, the requirements.

Requirements 1, 2, 3, 4 and 5.

18. Having seen the replacement staircase and the general reordering of the



hallway at ground and first floor levels, I share the authority's and the previous Inspectors concerns relating to the removal of the original winder staircase and the resultant doorway positions and partitions. In my view, the works as carried out are harmful to the character of the building. PPG15 advises that the removal or alteration of any historic staircase is not normally acceptable and I consider that the insertion of the modern flight detracts markedly from the character of this important part of the house.

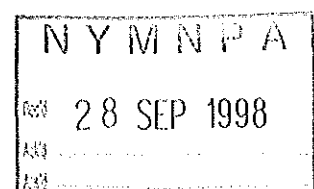
19. I do not accept that this was the only manner in which living standards could be raised. From my inspection and from all of the evidence before me, I consider that both the ground floor and the first floor alterations in this part of the house have significantly and detrimentally affected the character of the building, as well as harming a particular historic feature. I am particularly concerned about the impact on the original historic and vernacular plan form.
20. I do not consider, therefore, that listed building consent for the alterations carried out to the hallway at both ground floor and first floor ought to be granted and the appeals fail on ground (e) in relation to these parts of the works. In order to restore the character of this part of the house it is my view that the box winder staircase should be reinstated as described in the notice. However, it is evident that the 'plank door' did not have 'butterfly hinges' and it will be necessary to vary Requirement No 1 accordingly.

Requirement 6

21. Whilst accepting that the removal of the straight flight staircase has radically altered the plan at both ground and first floor levels, I do not consider that these particular changes are significantly harmful to the character of this part of the building. Having seen the staircase, I do not consider that it has any of the qualities of the more historic winding staircase. Furthermore, the changes to the plan form, in my view, are not harmful.
22. I consider that these particular changes, unlike the ones affecting the main hallway and winder staircase, strike the correct balance of allowing change without that change being detrimental to the integrity of the building or to any of its features of special architectural or historic interest. I intend, therefore to grant listed building consent for this part of the works and will delete Requirement No 6 from the notice. The appeals on ground (e) succeed in relation to this part of the works.

Requirements 7 and 8

23. Having seen the new windows to the original and new dormers, I again share the authority's concerns about their impact on the character of the building. In my view, they are crude attempts at trying to match traditional vertical sliding sash windows and detract markedly from the important frontage to this listed building. I do not consider that they ought to be granted listed building consent and the appeals fail, with regard to these windows, on ground (e).
24. I am not convinced that any minor amendments could rectify the harm caused and consider that they ought to be replaced with traditional sash windows as described in the notice. The only change required to



requirements 7 and 8 is to be precise about the colour and I agree with the authority that this should be either white or cream. I shall vary the notice accordingly. I do consider, however, that the new dormer structure, constructed without consent, is acceptable.

Requirements 9 and 10

25. Again, I find the window itself to be harmful and do not consider that listed building consent ought to be granted. Furthermore, with regard to the change from a 'raked' dormer to a 'peaked' dormer, I consider that the character of the building as well as an important historical feature have been harmed. The raked dormer was a clear example of the buildings evolution and its loss is, in my view, unacceptable and unnecessary. I do not intend therefore to grant listed building consent for the southern most dormer as constructed and the appeals fail on ground (e) in this respect.

Requirement 11

26. Having considered all of the evidence relating to this floor, I am not convinced that the removal of the timber construction and its replacement with a concrete solid floor has been harmful to the character of the building. I intend, therefore to grant listed building consent for this part of the works and the appeals again succeed on ground (e) to this limited degree.

Requirement 12

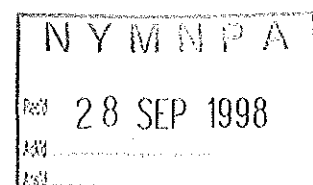
27. Whilst appreciating the quality of old York stone flags, I am not convinced that the character of the listed building has been detrimentally affected by the removal of the small area of flagstones which were in the former larder area below the stairs.
28. On balance I am satisfied that if the staircase, cupboard and door are replaced, the overall character and appearance of this part of the building will be returned. The appeals succeed again to this limited degree with regard to this part of the works.

Requirement 13

29. Despite being similar to some other areas of existing brickwork, I consider that this small section is completely out of character within the hallway. The traditional finish would be plaster and, in my view, the brickwork is obtrusive and visually harmful. However I do not consider that it is necessary to remove the brickwork since it can form a most suitable base for an appropriate plaster finish. The appeals fail in this respect but I shall vary the notice to obviate the need to remove the brickwork.

The Ground (j) matters

30. With regard to Requirements 1, 2, 3 and 4 I do not consider that the works required exceed what is necessary to alleviate the harm caused. This is also my view in respect of Requirements 5, 7, 8, and 10. The unauthorised works as carried out are harmful and, in my view, nothing less than the works as required will alleviate the harmful effects of the works executed to the building. The Appeals fail, therefore, with regard to ground (j) and the above Requirements.
31. Turning, however, to Requirement 13, I have concluded above that it is



not necessary to remove the brickwork. This would be excessive since the brickwork can remain as a base for the plaster finish. The Appeals succeed to this limited degree with regard to ground (j) and I shall vary the notice accordingly.

The other alleged contraventions

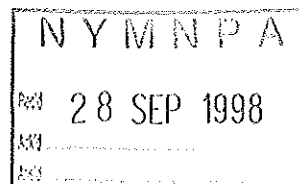
32. The authority has not required your clients to rectify the situation regarding allegations 1, 2, 3 and 9. I shall, therefore grant listed building consent for these unauthorised works since I find them to be acceptable. This letter, therefore, will rectify the situation with regard to all of the allegations and all of the requirements in schedules 2 and 3.
33. I must stress that any other works which may have been carried out on the property and which are not referred to in this notice will not have the benefit of listed building consent. Any such works and any future intended works will still require listed building consent and, initially, these are matters for your clients and the authority.

Other Matters

34. In reaching my conclusions I have considered all of the other matters raised on behalf of your clients and by the authority. These include the planning history and the views of the previous Inspector; matters relating to Building Regulations; the written evidence of Mr John Pawson; the detailed comments of the Parish Council and the attempts at negotiation with the authority. However none of these carries sufficient weight to outweigh the matters which have led to my conclusions. Nor is any other matter of such significance so as to change my decision.

Formal Decisions

35. For the above reasons and in exercise of the powers transferred to me I hereby:
1. Allow your clients' appeals in so far as they relate to the works described in Allegation Nos 1, 2, 3, 9, 16 and 17 in schedule 2 and in Requirement Nos 6, 11 and 12 in schedule 3 and grant listed building consent for the retention of these works
 2. Direct that the listed building enforcement notice be varied by:
 - a. omitting the words 'on butterfly hinges' in No 1 to the third schedule.
 - b. omitting the words 'if available' and the words 'If the original door is not available a door of a design to be approved by the authority shall be used' in Requirement Nos 3 and 4 to the third schedule.
 - c. omitting requirement No 6 in the third schedule.
 - d. omitting the words 'in a colour to be agreed with the authority' and by substituting therefor the words 'white or cream' in Requirement Nos 7, 8 and 10 to the third schedule.
 - e. Adding the letter 'A' after the word 'photograph' in No 9 to the third schedule.



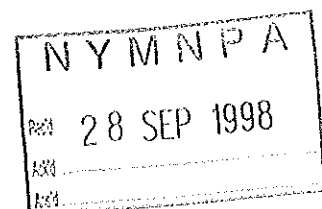
- f. omitting Requirement No 11 in the third schedule.
 - g. omitting Requirement No 12 in the third Schedule.
 - h. omitting the words 'be removed and the resulting exposed internal face of this wall'.
3. Dismiss your clients' appeals in so far as they relate to the works described in Allegation Nos 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15 in schedule 2 and in Requirement Nos 1, 2, 3, 4, 5, 7, 8, 9, 10 and 13 in schedule 3; uphold the listed building enforcement notice as varied and refuse to grant listed building consent for the retention of the works carried out in contravention of section 9 of Planning (Listed Buildings and Conservation Areas) Act 1990.

Rights of Appeal Against my decisions

36. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decision to the High Court are enclosed for those concerned.

Yours faithfully

ANTHONY J WHARTON BArch RIBA RIAS MRTPI
Inspector

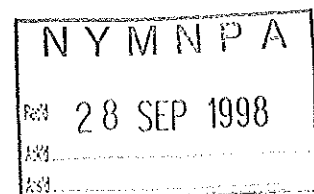


The Allegations (Schedule 2)

SECOND SCHEDULE

1. A Replacement of a number of roof timbers.
2. A Replacement and rebuilding of chimney stack above old kitchen .
3. A Removal of rainwater goods.
4. D Insertion of additional dormer window.
5. D Replacement of raked dormer in brick section of property with a gabled dorm
6. D Replacement of 4 - pane sashes in original two gabled dormers with double glazed two pane sashes of non traditional design and trickle vents.
7. D Installation of double glazed sashes of non traditional design and trickle vents in the additional dormer referred to in 4 above.
8. D Installation of double glazed two pane sashes of non traditional design and trickle vents in the gabled dormer referred to in 5 above.
9. A That repointing and re-widening of joints to brickwork in the eastern gable end of the property done by the use of grinders and in appropriate materials.
10. D Removal of winder staircase with plank door on butterfly hinges and associated wooden partitioning.
11. D Removal of original doors on first floor and openings blocked up with new doorways being formed along with a new passageway.
12. D Erection of various partitions on both ground and first floors.
13. D Removal of interior doors. Removal of internal wall finishes and ceilings on both floors.
14. D Fitting of new joists of a different section in central hallway.
15. D Fitting of new floorboards above the hallway.
16. A Replacement of flagstones and timber joists and floorboards on the ground floor with new concrete floors in former larder area and lounge.
17. A Construction of brick work abutting and forming part of the internal face of the external wall of the house in the former ground floor larder.

For the avoidance of doubt I have indicated which parts of the appeals/works in the allegations are either allowed or dismissed by either the letter 'A' (for allowed) and the letter 'D' (for dismissed).

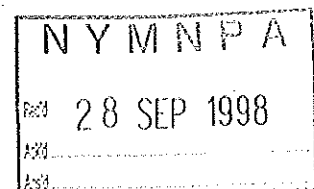


The Requirements (Schedule 3)

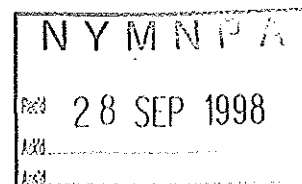
THIRD SCHEDULE

1. D Original box winder staircase with plank door on butterfly hinges and associated panelling shall be reinstated in its original position and form. Where original material is no longer available reclaimed timber of original species should be used replicating original design and construction. Space on the ground and first floor shall be returned to its original form to enable reinstatement of staircase (see items, 2, 3 and 4 below).
2. D The central first floor bathroom and bathroom partitioning adjacent to the central staircase in the stone part of the house to be removed.
3. D On the ground floor, the doorway to the room on the left hand side of the hall shall be reinstated to its former position and, if available, the original door shall be reinstated. If the original door is not available a door of a design to be approved by the Authority shall be used. The ground floor larder shall be reformed in its original location and size, including reinstatement of its original door, if available, in its former position. If the original door is not available a door of a design to be approved by the Authority shall be used.
4. D On the first floor the doorways to the bedrooms on the left hand side and on the right hand side in the stone section of the building shall be reinstated with original doors, if available. If the original doors are not available doors of a design to be approved by the Authority shall be used. The former bedroom above the larder shall be reinstated in its original position to return the landing to its original form with the doorway and door to this bedroom being reinstated with the original doorway and door, if available. If the original doorway and/or door is not available a doorway/door of a design to be approved by the Authority shall be used.
5. D The partitioning in the bedroom to the right hand side of the central staircase forming the new landing to be removed.
6. A The staircase which formerly existed from the ground floor to the first floor of the brick section of the house to be reconstructed in its original position. The utility room and shower room partitioning in the brick section of the house to be removed to enable the staircase referred to in item 6 above to be reinstated.

For the avoidance of doubt I have indicated which parts of the appeals/works in the requirements are either allowed or dismissed by either the letter 'A' (for allowed) and the letter 'D' (for dismissed).



7. D The windows to the two original dormers in the stone part of the house to be reinstated to their original form as described in the list description attached to this notice. These windows shall be vertical sliding sashes with four panes each and constructed in timber to traditional design and detail. These windows to be single glazed and the window frames to be painted in a colour to be approved by the Authority.
8. D The window to the new central dormer to the stone section to the house to be replaced with windows of the same form as the windows to be reinstated to the two original dormers referred to in item 8 above. The windows shall be of a vertical sliding sash design with four panes each and constructed in timber to traditional design and detail. The window shall be single glazed and the window frame shall be painted in a colour to be approved by the Authority.
9. D Reinstatement of the raked dormer in the brick section of the house to original design, scale and detailing as shown in the attached photograph.
10. D Replacement of window in raked dormer to the brick section of the property with a three section horizontal sliding sash with large panes as described in the list description (copy attached). The windows to be single glazed constructed from timber to a traditional design and detail. Window frames to be painted in a colour to be approved by the Authority.
11. A A timber floor shall be installed incorporating 27 cm wide floor boards on the ground floor of the brick section of the building.
12. A The natural York stone flag floor shall be reinstated in the former larder and area of the original understairs cupboard on the ground floor of the building.
13. D The brick work abutting and forming part of the internal face of the external wall of the house in the former larder be removed and the resulting exposed internal face of this wall to be plastered.



The Planning Inspectorate

An Executive Agency in the Department of the Environment, Transport and the Regions, and the Welsh Office

RIGHT TO CHALLENGE THE LISTED BUILDING OR CONSERVATION AREA ENFORCEMENT APPEAL DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts on a point of law. If a challenge is successful the case will be returned to the Secretary of State by the Court for re-determination. However, if it is re-determined, it does not necessarily follow that the original decision on the appeal will be reversed.

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

You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.

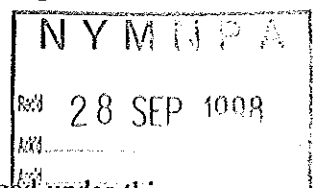
CHALLENGES UNDER SECTION 65

Section 65 provides that the appellant, the local planning authority or any person having an interest¹ in the land to which the enforcement notice relates may appeal to the High Court against the decision on a point of law.

An appeal under section 65 may only proceed with the *leave* (permission) of the Court. An application for leave to appeal must be made to the Court within 28 days of the date of the appeal decision, unless the period is extended by the Court.

If you are not the appellant, the local planning authority or a person with an interest in the land but you want to challenge an enforcement appeal decision on grounds (a) to (d) or (f) to (k), or the decision to quash the notice, you may make an application for judicial review. You should seek legal advice promptly if you wish to use this non-statutory procedure.

CHALLENGES UNDER SECTION 63 OF THE 1990 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 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 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 s20 of the Act, may question the validity of that decision by an application to the High Court on the grounds that:-

- i) the decision is not within the powers of the Act; or
- ii) any of the 'relevant requirements' have not been complied with ('relevant requirements' means any requirements of the 1990 Act or of the Planning & Tribunals Act 1992, or of any order, regulation or rule made under either Act).

¹ To have an interest in the land means essentially to own, part own, lease and in some cases, occupy the site.

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

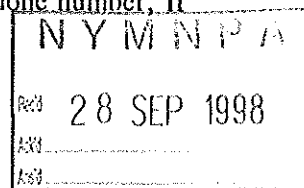
Please note that under section 63 an application to the High Court must be lodged with the Crown Office within 6 weeks of the date of the accompanying decision letter. This time limit cannot be extended. Leave of the High Court is not required for this type of challenge.

ADVICE

If you require further advice on making a High Court challenge 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. Telephone: 0171 936 6000.

INSPECTION OF DOCUMENTS

In an inquiry case, any person who is entitled to be notified of the decision has a statutory right to view the listed documents, photographs and plans within 6 weeks of the date of the decision letter. Other requests to see appeal documents are not normally refused but please note that our appeal files are usually destroyed one year after the decision is issued. Please make your request to Room 11/00, Tollgate House, Houlton Street, Bristol, BS2 9DJ, quoting the Inspectorate's appeal reference and stating the day and time you wish to visit. Give at least 3 days' notice and include a daytime telephone number, if possible.



COMPLAINTS TO THE INSPECTORATE

You can make a written complaint about the decision letter, or about the way in which the Inspector has conducted the case, or any procedural aspect of the appeal to the Complaints Officer in Room 14/04, Tollgate House, Houlton Street, Bristol, BS2 9DJ quoting the Inspectorate's appeal reference. We aim to send you a full reply within 15 days of receipt of your letter. Please note that, once the decision has been issued, we cannot reconsider any appeal or the decision. This can be done only following a successful High Court challenge as explained in this leaflet.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration on the part of the Inspectorate or the Inspector you can ask the Ombudsman to investigate. The Ombudsman cannot be approached directly; only an MP can pass on your request. In most cases, your local MP may be the easiest to contact (their name and address is listed at the local library) although you may approach another MP if you prefer. Although the Ombudsman can recommend various forms of redress he cannot alter the appeal decision in any way.

COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, you can make a complaint to the 'Council on Tribunals', 22 Kingsway, London, WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits of the appeal and cannot change the outcome of the appeal decision.