

FAO Helen Gilbert
Commons Registration Officer
Surrey County Council

By email only: Helen.Gilbert@surreycc.gov.uk

Date 31 May 2019
Your ref IGT/HGG/App1876
Our ref A13/297874-1

Dear Sirs

Application to remove The Hallams, Littleford Lane, Blackheath, Nr Guildford from the Register of Common Land CL 435
Application No: 1876

We write further to your email of 19 October 2017 enclosing Surrey County Council's Counsel's opinion in respect of our clients' application.

We note that the opinion contains Counsel's view that the woodland on the western side of the application site is arguably outside of the curtilage of The Hallams and requests that the applicants either amend their application plan to exclude this area or proceed to an informal hearing.

In light of the above and in the interests of speedy determination of the application, our clients have obtained a further expert opinion to establish the curtilage of The Hallams excluding the woodland. We enclose a Report by The Heritage Collective who have considered the extent of building and curtilage and at Figure 7 of paragraph 30 identify a proposed line of de-registration excluding the woodland to the west.

Based on this, we respectfully request that the Council de-registers The Hallams and surrounding land shown edged and shaded blue on that plan.

We would be grateful if the Council could confirm its proposed next steps and timescale for determination of the application.

Please note that the Heritage Collective Report is submitted without prejudice to any further applications which may be submitted in respect of the remainder of the site. As

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set out in our initial letter of 16 May 2016, it is considered that there are sufficient grounds for de-registration under paragraph 7 of Schedule 2 of the Commons Act 2006.

The Council should not hesitate to contact Chloe Karamian should it require any further information.

Yours faithfully

A solid black rectangular box used to redact a signature.

DMH Stallard LLP

“The Hallams”, Littleford Lane, Blackheath, Surrey GU8 8QZ Heritage Collective Assessment of Listed Building Curtilage For Carol Collins & Richard Turner, 28th May 2019

Introduction

1. Carol Collins and Richard Turner, the owners of grade II listed “The Hallams” have submitted an application to de-register Common Land which falls within the registered title boundary of their property (see Figure 1 below). The Common Land in question is considered part of Blackheath Common, and as can be seen, all but the eastern part of the property has been registered as such. The date of provisional registration was 24th September 1968.

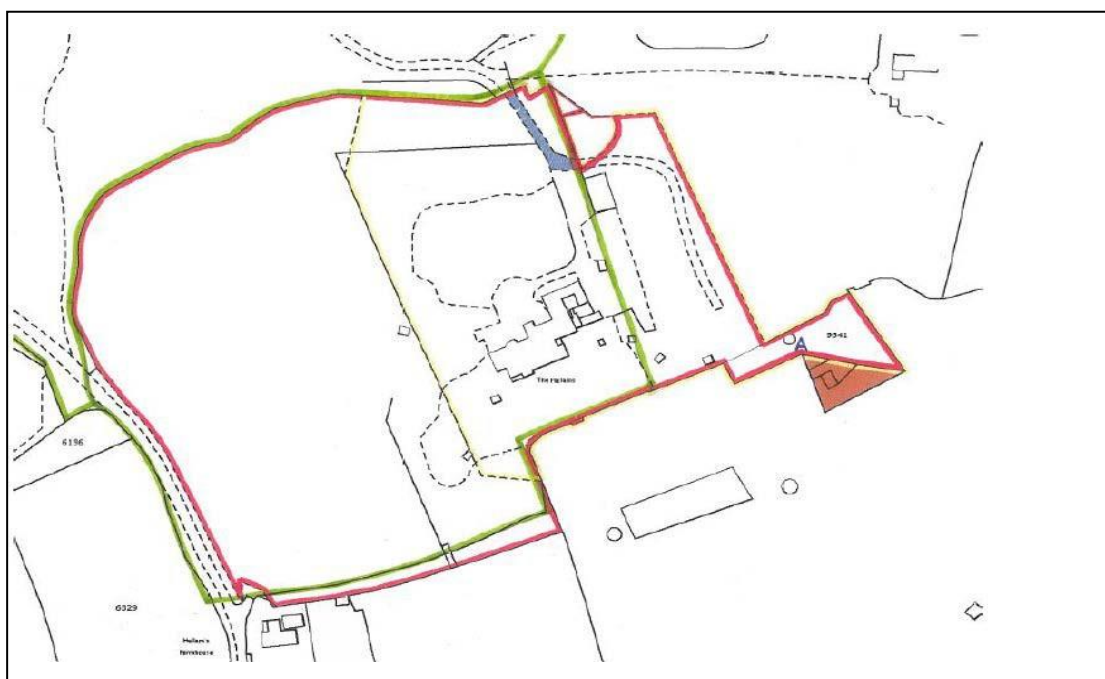


Figure 1: Plan showing the redline boundary of the registered title of “The Hallams” relative to the green line marking the boundary registered as Common Land.

2. Mr Turner and Mrs Collins’s application is made on the basis of paragraph 6, Schedule 2 of the Commons Act 2006 which relates to land covered by a building or within the curtilage of a building. This Report seeks to establish the extent of The Hallams and its curtilage since its provisional registration as common land on 24 September 1968.
3. The recently updated Historic England Advice Note which deals with curtilage listing states that in respect of the courts there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building:
 - the physical layout of the listed building and the structure;
 - their ownership, both historically and at the date of listing; and
 - the use or function of the relevant buildings, again both historically and at the date of

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listing (these tests were first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982, as accepted by Debenhams plc v. Westminster CC, 1987).

4. The Historic England list description for “The Hallams”, produced in 1973, is as follows:

Country House. 1894-5 by Richard Norman Shaw for Charles Durant Hodgson, in Vernacular style. Brick below tile hung above with some half-timbered gables and entrance--porch with colourwashed roughcast infilling. Plain tiled roofs. Two storeys and attics to left under hipped 5-light dormer. Front offset ribbed stack with corbelled top. End stack to left and stacks to left and right of porch. Irregular leaded fenestration to first floor left, six windows. Three windows on first floor to right, some with hexagonal glazing. Stone mullioned window with decorated glazing to ground floor right. Large wood framed, mullioned and transomed, oriel type angle bay to right with hexagonal glazing. Large gabled porch to centre with one 5-light diamond-pane attic window, two 4-light windows to first floor and diagonal bracing on frame. First floor of porch jettied. Arched doors with tracery panels. Hip-roofed single storey service wing to right projecting with flat dormer and two ground floor windows. Garden front - two half-timbered gables tile hung between and below with canted courses over the ground floor. Stone dressed casement fenestration with decorative glazing. Crowstepped stack to right. Interior:- Great Hall, with wood block floor also serving as entrance. Screens passage to end of three bays, the upper part built as a gallery with panelled balustrades. Three bay crown post roof extending over the gallery. Leaded angle bay window, barrel vault over the gallery and large fireplace to one wall. The Hallams is Shaw's last medieval hall plan house.

5. The list description makes no mention of structures ancillary to the house.
6. This report follows on from a curtilage listing assessment of “The Hallams” produced by CgMs in April 2016¹. The 2016 report concluded that the curtilage comprised the land and buildings included in the current land registration title plans, including unmanaged woodland west of the main house.
7. This assessment will therefore mainly address the question of the curtilage boundary to the north and west of the main house and examine any new evidence for a definitive boundary between the gardens and unmanaged woodland.

Historical Sources consulted

8. The following archival sources, not covered in the CgMs report, were consulted at the National Archives in Kew. They both provide valuable and detailed historical property ownership information and were examined for to see if they could shed any further light on the curtilage of “The Hallams”. Background information for the sources is provided under the relevant heading.

¹ Assessment of Listed Building Curtilage in respect of the Hallams, Blackheath, on behalf of Mr Turner and Mrs Collins, RPS CgMs Ref: HB/LR/21938, April 2016

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- 1909-1910 Finance Act Survey records
 - 1941-1943 Farm Survey Records
9. Online planning history and available title deeds for “The Hallams” were also consulted, and a second site visit was also undertaken. Its findings are included in this assessment.
 10. This assessment also revisits source material cited in the CgMs report, where relevant and/or applicable.

1909-1910 Finance Act Survey

11. The Finance Act of 1909-1910 (10 Edw. VII, c.8 section 26(1)) provided for the levy and collection of a duty on the increment value of all land in the United Kingdom. The main object of the Act was to tax that part of the capital appreciation of real property which was attributable to the site itself, i.e. excluding that arising from crops, buildings and improvements paid for by the owners. In this way, private owners were required to surrender to the State part of the increase in the site value of their land which resulted from the expenditure of public money on communal developments such as roads or public services.
12. As part of the nationwide property assessment required for the purposes of the Finance Act, a land survey was undertaken across England and Wales between the years 1910 and 1915. Property extents were annotated onto 25-inch scale Ordnance Survey (OS) maps, usually by means of colour shading, and ownership and occupancy details provided in accompanying “valuation” and “field books”. The final record maps and field books are held at the National Archives in Kew, and it is these documents which were consulted for this assessment. The working maps and valuation books are held in local archives.
13. Each Individual property or plot was given a unique hereditament number on the map, usually inked in red, with a corresponding entry provided in the field book. The land currently attached to “The Hallams” formed part of hereditament 1204 (see map extract in Figure 2 below). The entry for this hereditament is provided in a field book under National Archives catalogue number IR 58/34126. The description reads as follows: “*The Hallams: mansion and land*” owned freehold and occupied by Charles Durant Hodgson. The field book states that in addition to the house, hereditament 204 contained “*stabling & garage accommodation*” as well as “*well timbered and laid out gardens*”. Hallam’s Farm was also included in the estate.
14. As stated in paragraph 4 above, “The Hallams” was built in 1894-1895, only fifteen or so years before the Finance Act Survey was carried out. It was actually constructed as a private residence for the very same Charles Durant Hodgson referred to in the Finance Act field book, a brewer who had moved his business to Kingston around this time. An 1871 Ordnance Survey map (not reproduced) showed that prior to the construction of the house and estate, the land covered by hereditament 1204 was a mixture of woodland and heathland. It is interesting to

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note that on the 1871 map, the woodland shown within the boundary of the land parcels which later formed hereditament 1204 is depicted differently to the woodland shown on adjacent Blackheath Common.

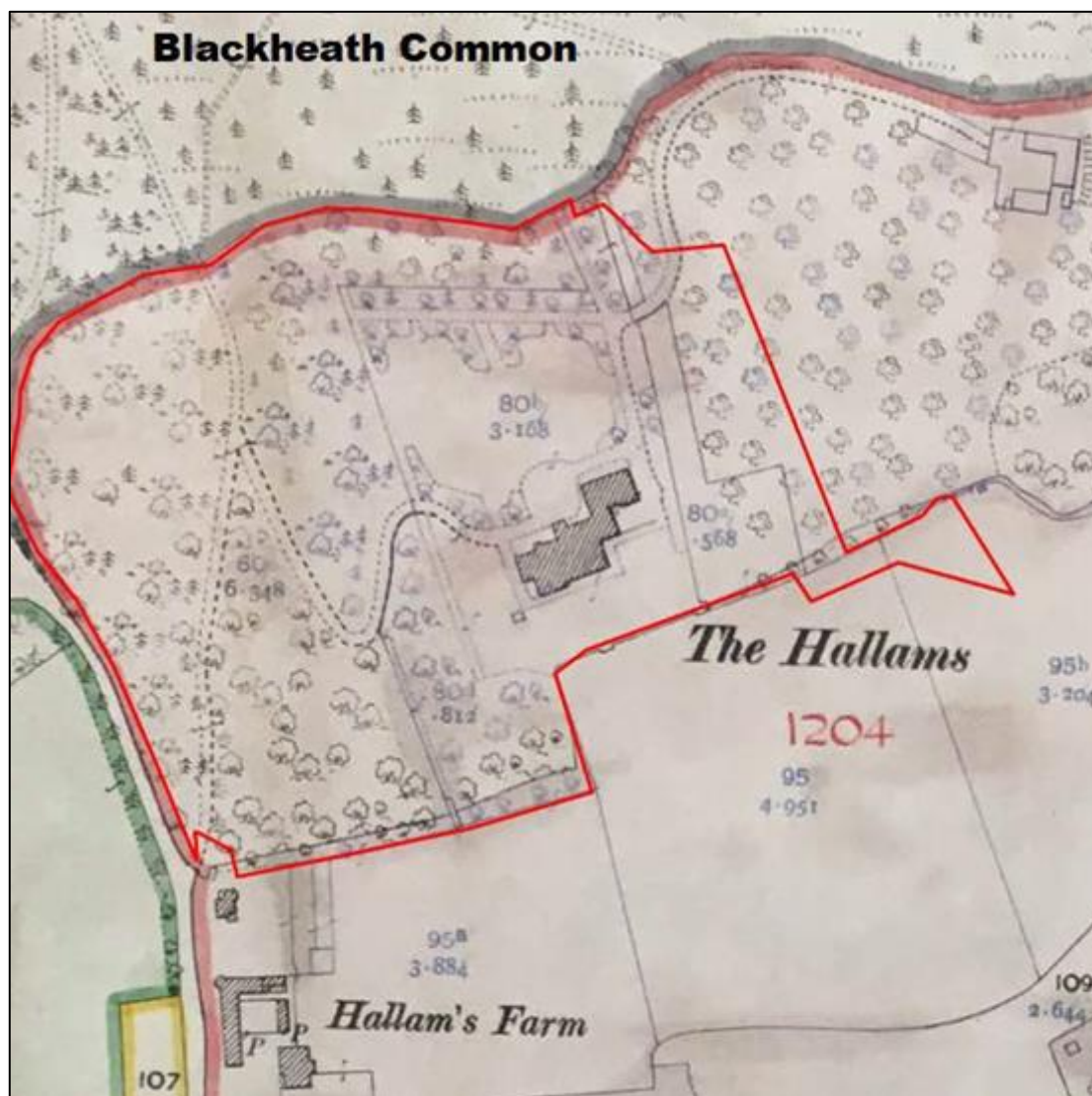


Figure 2: 1910 Finance Map extract (National Archives catalogue no. IR 125/3/107) with the land currently registered to “The Hallams” outlined in red by the author. As on the 1871 OS map, the woodland within the redline boundary is depicted as being more mixed in character than that of the woodland on adjacent Blackheath Common

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15. The Ordnance Survey 25-inch base mapping annotated for the purposes of the Finance Act Survey was the second edition 1896 series, which depicts “The Hallams” and its grounds only a few years after it was built. It shows more detail than the 1896 OS map extract provided in the CgMs report and there already appears to be a clearly defined garden, which can be interpreted as its curtilage, around the house, presumably defined by boundary walls. There certainly appears to be a distinction between the garden around the house and the woodlands beyond, although both fell within the property ownership boundary at the time.
16. Assessment of Evidence: Neither the map evidence or the field book entry of the Finance Act survey of “The Hallams” has anything to say about the curtilage of the house but the 1896 Ordnance Survey base mapping shows that there was already a clearly delineated garden boundary around the house soon after it was built. The woodland beyond the garden boundary, but within the property ownership boundary, of “The Hallams”, was depicted as mixed woodland compared to the coniferous trees shown on adjacent Blackheath Common, and the non-coniferous trees within the garden.

1941-1943 Farm Survey

17. The Second World War impacted heavily on imports of food and fertilisers, which resulted in a desperate need for the area of land under cultivation to be increased significantly and quickly. The Ministry of Agriculture and Fisheries set up War Agricultural Executive Committees in each county to carry out a farm survey between 1940 and 1941, and to use the information collected to bring uncultivated land under the plough and improve poor farms. Although this survey achieved its short-term aim of increasing food production, a second one was implemented in the same year, this time with the long-term objective of post-war planning.
18. The records of the second survey are held at the National Archives in Kew, and unlike Enclosure Award and Tithe documents were not generated by an Act of Parliament. The value of the Survey for property historians is that farm boundaries were recorded on Ordnance Survey base mapping (National Archives record series MAF 32), and details of their occupancy, ownership and land use were recorded in an accompanying set of forms filled in by both the farmer and a farm inspector (National Archives record series MAF 73). Each farm was given a unique code on the map which can be cross-referenced against the relevant set of forms kept in folders ordered by parish.
19. “The Hallams” mansion and its grounds have never formed part of a farm, so only the boundary of Hallams Farm, which originally formed part of the Hallams Estate, is shown on the Farm Survey annotated OS base map. The base mapping used in this case was the 1916 OS map referenced in the CgMs report and it has been reproduced in Figure 3 below.
20. In terms of the evidence provided by the 1916 OS map, the main change from the second edition 1896 OS map, as commented on in the CgMs report (para. 3.7) is that more land appears to have been incorporated into the garden to the southwest of the house. This extended garden, which included tree-covered OS plot 80a, is bounded by a wall to the west, which was, in part,

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uncovered during the second site visit (Figures 3 & 4). This structure is also shown on the Finance Act map extract in Figure 2 (where it is marked by double lines) although at this time it didn't appear to form such an obvious boundary).

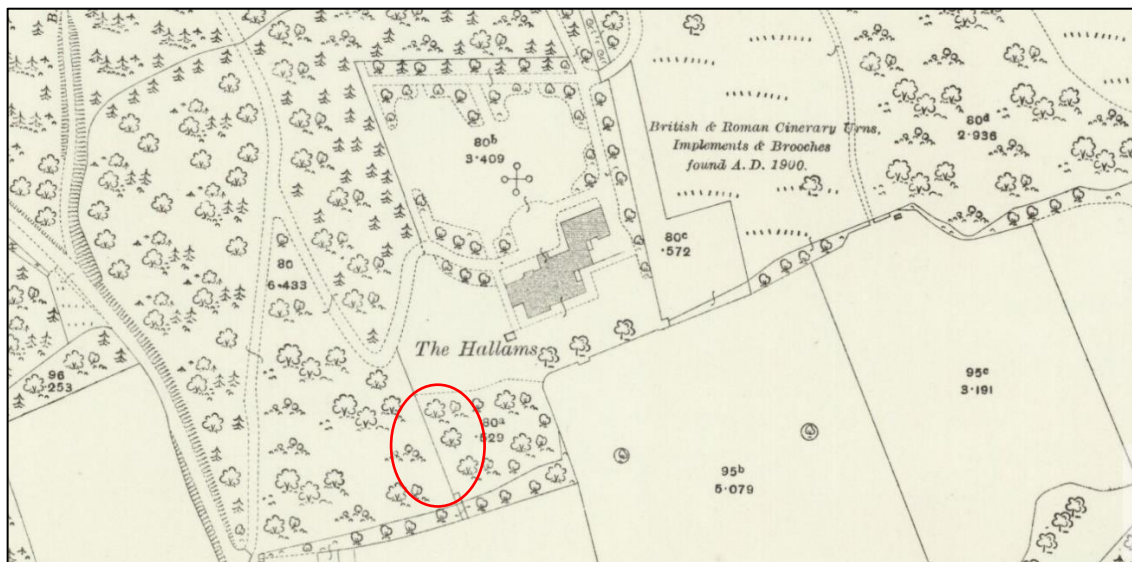


Figure 3: Extract from OS 25-inch scale map sheet Surrey XXXII.10, surveyed in 1913 & published in 1916. A moss-covered section of what appears to be the extant footing of a garden boundary wall was exposed during the site visit carried out for this assessment (see Figure 4 below). It would appear to have been part of the wall ringed in red on the above map extract



Figure 4: Moss-covered section of the western garden boundary wall (ringed in red) seen on the second site visit and highlighted in Figure 3 above

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21. The brick and stone steps shown in Figure 14 of the CgMs report were not observed during the second site visit but appear from the photograph to have been located along the line of the western boundary wall.
22. The southern boundary of the garden at this location is currently delineated by a well- defined ditch which has the appearance of a field boundary pre-dating the construction of “The Hallams”.
23. Assessment of Evidence: The evidence of the 1940s Farm Survey is not applicable in this case, as “The Hallams” and its grounds have never formed part of a farm. The survey does, however, use the 1916 OS map referred to in in the CgMs report as base mapping, and as the report states, the garden, and therefore, curtilage of the house appears to have been extended to the southwest by that time.

Title deeds

24. The CgMs report refers to sale document plans from 1929 and 1951 which show the original “Hallams Estate” divided into separate lots. The plan attached to a conveyance accompanying the 1951 sale (not reproduced in the CgMs report) is shown in Figure 5 below.



Figure 5: Plan attached to the 1951 conveyance of part of the “The Hallams” estate

25. The land shaded reddish-brown on the conveyance appears to represent the house and gardens which were sold separately to the land (shaded green) which eventually became Hallams Court. The unmanaged woodland is excluded from the sale plot containing the house.

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Planning History

26. The Waverley Borough Council website contains online records of the planning history of “The Hallams” from the time the original estate was finally sold off in 1951². However, the records are incomplete and do not provide any relevant information concerning the curtilage of the main house.

Physical evidence on the ground

27. The site visit carried out for this assessment in January 2018 looked for any traces of physical evidence that the woodland to the west and north of the mansion could be considered as part of its curtilage. The following observations were made:
- As stated in paragraph 21 above, there are no upstanding remains of garden walls shown on historical OS mapping to the west of the house, although their footings do survive, at least in part; the brick and stone steps noted during the CgMs site visit also appear to be sited along the western boundary between the garden and woodland.
 - Unlike the tree planting immediately north of the house, which is clearly managed and part of the garden, the woodland west of the house and along its northern boundary is clearly unmanaged and very similar to that seen on adjacent Blackheath Common.
 - A small section of ditch is present in the northwest corner of the property, but it was not extensive enough to be conclusive evidence of a clearly defined and continuous boundary between the “The Hallams” and Blackheath Common. Nor is there any evidence to suggest that it formed part of the curtilage of the house.
 - As stated in paragraph 23 above, a more prominent and extensive ditched- and banked- boundary feature was visible in the southwest corner of the property. Again, there is no clear evidence that this marks a garden/curtilage boundary.
 - A series of parallel shallow linear features which appear to be associated with a small square stone structure were noted in the rough woodland northwest of the house (Figure 6); it is not known whether the features and structure are associated with management of the woodland or the former access road to the house, and they are currently insufficient evidence of the curtilage of the house extending in this direction.

² <http://planning360.waverley.gov.uk/planning/search-applications?civica.query.FullTextSearch=hallams>

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Figure 6: Sunken stone structure (well or sump?) with a shallow linear depression behind it, both in the area of rough woodland northwest of the house

Initial Conclusions

28. The supplementary historical evidence consulted for the purposes of this assessment does not add much to the current knowledge of the extent of the curtilage of “The Hallams”. By the same token, however, it does not present any conclusive evidence that the unmanaged woodland to

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the west or north of the house was ancillary to the main house, and therefore part of its curtilage, either before or after the provisional Commons registration date of 24th September 1968.

29. The site visit did note the survival of part of what appeared to be a garden boundary wall to the southwest of the house. The existence of a walled boundary suggests a separation between the garden and the rest of the land south-west of the house.
30. The map extract in Figure 7 below takes into account the findings above and removes the unmanaged woodland area from the curtilage of “Hallams”. The area edged and shaded blue represents the house and its curtilage since the relevant date of 24 September 1968.



Figure 7: Revised extent of the curtilage of "The Hallams" shaded in blue and shown relative to the Commons registered land (green boundary) and registered title (red boundaries). This differs from the extent shown in the CgMs report as it excludes the unmanaged woodland to the north and west of the house

Adrian Parry, on behalf of Heritage Collective, 24th May 2019