

HOUSES
OF OUTSTANDING
HISTORIC OR
ARCHITECTURAL
INTEREST

REPORT OF A COMMITTEE
APPOINTED BY THE
CHANCELLOR OF THE EXCHEQUER



LONDON : 1950
HIS MAJESTY'S STATIONERY OFFICE
THREE SHILLINGS NET

H.M. TREASURY

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COMMITTEE ON HOUSES OF OUTSTANDING
HISTORIC OR ARCHITECTURAL
INTEREST

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REPORT OF THE COMMITTEE ON HOUSES OF OUTSTANDING HISTORIC OR ARCHITECTURAL INTEREST

*To the Rt. Hon. Sir Stafford Cripps, K.C., M.P.,
Chancellor of the Exchequer.*

SIR,

We were appointed by you on the 10th December, 1948 :—

“ To consider and report what general arrangements might be made by the Government for the preservation, maintenance and use of houses of outstanding historic or architectural interest which might otherwise not be preserved, including, where desirable, the preservation of a house and its contents as a unity.”

We now have the honour to submit our Report. We have divided it into two parts. The first, together with Appendices II and III, describes the situation today. The second sets out our recommendations.

We have held 26 meetings and have received evidence, either oral or written or both, from the persons and bodies listed in Appendix I. Some or all of us have also visited the houses listed in Appendix I. It was not possible to see more than a small sample of the houses that might be regarded as falling within our terms of reference. We chose a sample that would illustrate various aspects of the problem and the ways of dealing with it, e.g. the house maintained and lived in by its owner, the house taken over by the National Trust with the owner remaining in occupation, the house opened as a museum, and the house converted to other purposes, such as business premises, a school, or other institution. We should like to express our gratitude both to our witnesses for the ready help they have given us and also to those who received us on our visits for the time and trouble they took in showing us round and answering our questions. Indeed our whole enquiry has been marked by co-operation on every side, and we are most appreciative of the facilities placed at our disposal and the facts, figures and opinions that our witnesses have been at pains to put before us.

In one respect we have interpreted our Terms of Reference broadly. They refer only to “ houses.” But the beauty of many of the great houses of this country depends not only upon the house itself but also upon its setting. We have treated the word “ house ” as including gardens, parks, woods and lakes—in fact so much of the surrounding countryside as serves to set off the building. We shall call this the “ amenity land.” It usually consists of the park and gardens in the vicinity of the house, but sometimes comprises land some distance away which can be seen from the house or its approaches, or which forms a vista or part of its setting. The interest of many classical houses is enhanced not only by the grounds round the house but also by the towers, temples, “ gothick ” ruins and other features which the landscape gardeners of the past placed in the distance, perhaps on dominant sites outside the park. When we speak of preserving a “ house ” we include also the

preservation of all the land and buildings which can be said to form part of the composition of which the house is the central feature.

Apart from this "amenity land" we have not concerned ourselves with estates.

The expression "houses of outstanding historic or architectural interest" naturally suggests our famous country houses. But in our towns, too, there are houses that merit that description: in London, Edinburgh, Bath, York, and elsewhere are examples, single and grouped, beyond question of outstanding interest. There are also smaller houses in the country of hardly less importance than the great. But the town houses will be under the eye of the local authorities, and the smaller country houses can still provide homes within the means of what used to be called the middle classes. And so, although it is true that houses of the sort described in our terms of reference may be large or small, in the country or in a town, inhabited or uninhabited, and that we intend our recommendations to apply to all that fit the description, yet in practice it is mainly the big country mansion that sets the problem.

We did not think it right to treat the term "house" as covering structures such as barns, which ordinary usage does not include within the word, although they sometimes are adapted to live in and some are of notable architectural interest. Nor have we included churches.

Our enquiries and recommendations cover the whole of Great Britain, but not Northern Ireland, where the preservation of historic houses and ancient monuments has, we understand, been the subject of recent legislation by the Parliament of that country.

Our main recommendations are that new statutory bodies should be appointed (one for England and Wales and one for Scotland), with functions partly advisory and partly administrative, in order to integrate such powers and duties as the central Government already possess to preserve historic houses, and to exercise certain new ones; that these bodies (like the Arts Council) should be appointed by and responsible to the Chancellor of the Exchequer; that they should compile, besides the statutory list required by the Town and Country Planning Acts, a list of houses of outstanding architectural or historic importance for the preservation of which they should assume a general responsibility; that taxpayers owning houses on that list should be granted certain reliefs from income tax (including surtax) and death duties; and that funds should be placed at the Councils' disposal out of which they could make grants or loans for the repair or upkeep of the houses so listed, or, in case of need, purchase them.

A complete summary of our Recommendations is given in Section XI (pages 48-50).

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PART A: THE PRESENT POSITION

SECTION I

The Case for Preservation

1. What our terms of reference require us to consider is not whether houses of outstanding historical or architectural interest should be preserved, but how this is to be done. This suggests, as does the very fact of our appointment, that the case for taking all reasonable measures to save them is recognised, and that we need not argue it at length. Nevertheless there are some considerations to which we should like to draw attention, especially as they have a bearing on certain aspects of the problem to which we shall refer later.

2. The paramount consideration is the æsthetic importance of these houses and their historic, educational and cultural value. "No feature of our country," said one witness(a), "contributes more to its beauty and character than the historic houses of which it has such a profusion. . . . They constitute a national asset whose loss would be irreplaceable." "While other countries," said another(b), "can show vaster and more splendid palaces than in any in this country, none can rival in number and beauty the English country houses in their familiar setting of gardens, avenues and parkland. . . . Alnwick, covering seven acres; Haddon Hall, still retaining its gate-towers, but with wide-mullioned windows looking out on to its terraces and gardens; Knole, Compton Wynyates, Hatfield and Burghley House, the classic dignity of Chatsworth, Coleshill, Wentworth Woodhouse, Blenheim and Castle Howard; the more restrained and self-conscious spaciousness of Houghton, Kedleston and Holkham. All these, and hundreds more, have architectural beauty, and in each that beauty is enhanced by its setting. They are part of our English heritage." It is not too much to say that these houses represent an association of beauty, of art and of nature—the achievement often of centuries of effort—which is irreplaceable, and has seldom, if ever, been equalled in the history of civilisation. Certainly nowhere else are such richness and variety to be found within so narrow a compass. In the words of another witness(c), "the English country house is the greatest contribution made by England to the visual arts."

3. These houses and their surroundings mirror some six centuries of our social history and domestic life—mediæval, Tudor, Stuart and Georgian. "They remain a living element in the social fabric of the nation, uniting visibly the present with national history"(d). In planning, design and construction they show, in ordered, unbroken sequence, how the English home was adapted to changing conditions, social, economic, political and technical, as well as to fresh æsthetic ideals and a new intellectual outlook. The pictures, the tapestries

(a) The Pilgrim Trust.

(b) The Ministry of Works.

(c) The Duke of Wellington.

(d) Mr. Christopher Hussey.

and the furniture they contain illustrate both the continuity of our tradition and the variations in taste that have enriched it. Records of unique interest, historical and literary, are preserved in many of them. They are a constant reminder of that grace and dignity which gave place a century or more ago to the ugly and squalid sprawl of our industrial towns and the mean and haphazard growth of many of our villages. Their presence is an encouragement to the recreation of beauty where it long seemed to have been lost.

4. Nor is this all. The great houses of this country represent the highest achievements since the Renaissance of the arts and crafts associated with building. When church building in England became less active, fine craftsmanship was concentrated on the building and decoration of the great houses. In them the mason, the bricklayer, the joiner and woodcarver, the metal-worker and the plasterer found opportunity for the fullest expression of their skill. Today there is a decline in the building crafts, but the reason for it is lack of opportunity rather than of ability. Opportunity may come again, and it is the more necessary that fine examples of handicraft of all kinds that still exist should be retained, and that applied decoration should be preserved in the house for which it was designed and made.

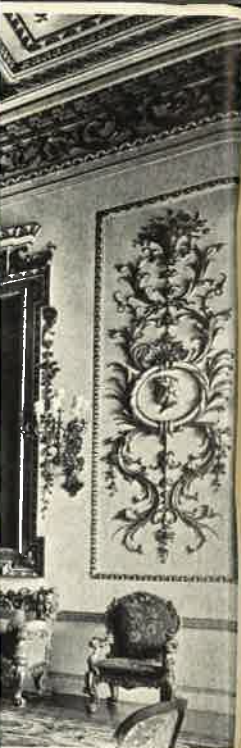
5. Many of these houses, again, have been the homes of great men, or of families which have played a leading part in shaping the political and economic history of Britain. To see the surroundings in which such men and women lived and worked, and the possessions they cherished, cannot fail to be an inspiration to succeeding generations.

6. It is worth remembering also that these houses are not without their economic value in our present circumstances. They are a powerful attraction to tourists, particularly from America.

7. Lastly, as we shall see later, some of them can be used for much-needed activities, social, educational and cultural, which cannot at present be provided with new buildings.

8. We believe it to be wholly mistaken to suppose that these considerations concern only the few. A broadening of interest in the arts in this country is a striking phenomenon of recent years. One manifestation of this is the thousands of people who, in the last two years (when access has been easier), have flocked to Warwick Castle, Culzean, St. Fagan's, and the great houses of Longleat, Chatsworth, Knole and Penshurst. Another is the widespread protest that now is made whenever any of the better-known houses of the country is threatened with destruction. We have no doubt that fine architecture and craftsmanship, placed in settings of outstanding beauty and rich with historic interest, make their appeal far beyond a limited circle of experts; and especially perhaps to those in whose daily life beauty can normally play but little part.

9. In short, our concern is to see how we can best save something of a great national heritage, an embodiment of our history and traditions, and a monument to the creative genius of our ancestors and the graceful serenity of their civilisation.



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SECTION II

The Present Threat

10. In past times, the great houses of this country and their grounds were maintained by their owners mainly from the rents of their estates. The estate and the mansion formed a single economic whole; the former provided not only income and produce but also servants to run the house and craftsmen for the upkeep of its fabric. Now, owing to economic and social changes, we are faced with a disaster comparable only to that which the country suffered by the Dissolution of the Monasteries in the 16th century^(a).

TAXATION

11. Taxation is primarily responsible for this impending catastrophe. It is not only that estate duty, first imposed in 1893 and since progressively and steeply increased, has led to the breaking up of many large estates and the reduction of others to a point where they are no longer able to support the mansion: income tax and surtax are no less calamitous in their effect. The present rates of these taxes mean that no individual, however much his gross income or whatever its source, can have much more than £5,000 to spend: only 70 taxpayers in the country are left with more than £6,000 a year^(b); and that sum represents a gross income of about £100,000. Many great houses now need not less than £5,000 a year, some as much as £10,000, to maintain them, not on any luxury standard, but on the minimum necessary to preserve them and their contents from deterioration. It is true that by means of a "maintenance claim" an owner can get relief from taxation on some of the expenses of upkeep. But for reasons that will be explained later, this is at best an insufficient help. Particulars were given us of one case in which a gross rent-roll of £140,000 a year is reduced to £3,500 a year by income tax, tithe, surtax and the expenses of maintaining the agricultural estate from which it comes. Out of this the owner has to maintain two historic houses as well as himself and his family. He can only do this by drawing on capital at the rate of at least £8,000 a year.

STAFFING

12. A secondary factor is the growing difficulty of getting, and expense of paying, the necessary staff, both indoor and outdoor. In the heyday of these houses wages were low and service at the big house, around which the whole social life of the neighbourhood revolved, was much sought after. Those conditions have disappeared. There is not now the labour available for domestic service; there is not the desire to do it; and there is not the money to pay for it. The owner of one great house told us that he had found one look at it to be enough to drive a prospective employee away.

13. It is little, if at all, easier to get outdoor workers and the craftsmen who are essential to the maintenance of the house. Gardeners are scarce and expensive; few recruits are now attracted into the career of estate carpenter, plumber or mason; and, in default of these indispensable workmen, minor repairs are left until they become major repairs, and major repairs, if they can be done at all, must be carried out at heavy cost by contractors.

(a) Evidence of the Pilgrim Trust.

(b) Report of the Commissioners of Inland Revenue for the year 1947-48.

REPAIRS AND MAINTENANCE

14. An old house needs continuous attention. There are always parts of the roof which need seeing to, defective timbers to be cut out and replaced, lead gutters and rainwater pipes to be mended, and decaying stonework to be made good. Inside the house pictures must be cared for, furniture repaired, carpets, tapestries and upholstery restored or replaced. Not only is it increasingly difficult to get this work done at all, but it costs at least three times what it did before the recent war.

15. Indeed, the war has immeasurably worsened a position serious enough before. During the war years not only were staff dispersed and ordinary maintenance virtually suspended, but great houses were pressed into service for all sorts of uses, some of them highly unsuitable, and their contents were often stored in unsatisfactory conditions without any expert supervision. Not only was much damage done to many houses by the temporary occupants, but the absence of proper heating and ventilation and the neglect of roofs started dry rot, which is said to be worse now than at any previous time. Owners are thus faced with heavy arrears of maintenance just at a time when the cost is higher than ever before, and labour and materials are scarcer.

THE RESULT

16. Under the burden of this accumulation of adverse circumstances the owner of a house expensive to maintain can only fall back on realising capital. Since the passing of the Town and Country Planning Acts, 1947, he can no longer raise it by the sale of outlying portions of the estate for development; one of the staple sources of fresh capital for the estates of this country has thus gone. So have the accretions of income which many owners of great houses formerly enjoyed from coal royalties. The resource to which an owner then naturally turns is the sale of the contents of the house piece by piece. But this only delays the inevitable end, at the cost perhaps of the dispersal of fine collections of works of art. Sooner or later the house becomes decrepit and the garden runs wild; the park timber is cut down and the beauty of the setting destroyed. Eventually the house itself is sold (if a purchaser can be found) and it may either be put to a use that ruins its remaining features of interest, or broken up for the sake of the lead, timber and fittings of value it contains^(a). This process is gathering alarming momentum.

SECTION. IIL

Expedients now Available to Owners

17. This picture would not be complete unless we recorded how greatly we have been impressed by the struggle made by many owners of historic houses against the fate that threatens their properties. For many it is a matter of personal pride to discharge a duty faithfully performed by their families for generations. For this they are prepared not only to draw on their

(a) A not uncommon fate is for an estate to be bought by a timber merchant, who after felling the timber, is left with the house as an embarrassment, and all he can do with it is to dispose of it for its materials.

dwindling capital but also to make no small sacrifices of personal comfort. Few of these houses are such as anyone would now choose to live in. The rooms are too vast, too numerous and too scattered; they are difficult to clean, light and heat; generally the house is inconveniently arranged for the life of today, and repairs are a constant burden. In some the owners and their families do much of the domestic work that used to be done by a large staff of servants; we have heard of more than one large house with valuable contents which is being maintained by the owner and his family with no more domestic help than one or two daily women. In some the owners and their families, assisted perhaps by voluntary helpers, devote much time to such tasks as the repair of upholstery and tapestries—a laborious and highly skilled craft.

18. Three possible expedients for alleviating their difficulties are open today to some owners of historic houses, though by no means to all. These are to come into the National Trust country house scheme; to make a business of showing their houses; and to adapt their houses, in whole or in part, to other purposes.

THE NATIONAL TRUST COUNTRY HOUSE SCHEME (a)

19. There are many variants of this. The feature common to most is that the owner of a house transfers it to the Trust, together with property yielding an income sufficient to maintain it, on the understanding that he and his successors will be permitted to live there. The owner undertakes to show the house to the public at pre-arranged times. In the hands of the Trust both the house and the endowment fund will escape death duties, and the income from the endowment fund will also be exempted from income tax and surtax. These are substantial advantages, especially for those with large incomes. A taxpayer who pays 19s. 6d. in the pound on the top slice of his income may be able, by forgoing only £125 a year of his spendable income, to put £5,000 a year into the hands of the Trust for the upkeep of his house. But those with smaller incomes will not benefit so much, and the scheme is out of reach of the many who cannot afford to give the Trust an endowment fund at all: the Trust has no resources which would enable it to dispense with one. "Most owners cling to their homes until they can no longer afford the endowment on which the National Trust insists" (b). Nevertheless the scheme has been remarkably successful. At present it enables over 50 historic houses, great and small, to be maintained intact and accessible to the public.

OPENING TO THE PUBLIC

20. An increasing number of houses are being opened to the public for a charge by owners who have not made their houses over to the Trust, but live in them or close by. In some circumstances this may bring a valuable return, but it is unlikely to do so unless visitors are numerous and the owner can bring himself under Case I of Schedule D by satisfying the Inspector of Taxes that he is running his house commercially as a show-place with a view to the realisation of profits, and has set up an organisation expressly for the attraction and reception of visitors (see Appendix II).

21. The possibility of making money out of an enterprise like this depends largely on the house itself and its situation. Much no doubt can be done by

(a) When we speak in this Report of "The National Trust" we must be understood as referring to both English and Scottish Trusts.

(b) The Marquess of Northampton.

skilful advertising ; and the motor coach has made many houses accessible which formerly were not to be reached by the general public in any large numbers. But even so the house needs to be well known and reasonably accessible to be a popular attraction. What may be a profitable enterprise for the owner of Warwick Castle, Chatsworth, or St. Michael's Mount cannot be embarked on with much hope of success by the owner of a house in an unfrequented district. The expedient is therefore uneven and capricious in its operation.

ADAPTATION TO OTHER USES

22. This also is an uncertain resource, though it has been employed successfully in some places in a variety of ways. Some houses, or their outbuildings, have been converted into flats ; of others parts have been let as schools or other institutions ; and in at least one case the owner has taken into his own hands all the surrounding estate farms and is running them on centralised lines, using the mansion both as his home and as the headquarters of a large-scale farming operation.

In such ways as these some owners have managed to shed part of their liabilities, but, for reasons we shall mention later, opportunities are not plentiful. Apart from other obstacles, a common difficulty is that conversions of this type demand capital expenditure of an amount likely to be beyond the means of most owners, especially those who are in greatest need.

CONCLUSIONS

23. It is abundantly clear that the struggle of the private owner to maintain the great house, however gallantly carried on, is an unequal one. Self-help alone can rarely save them, except the few who have famous houses in populous districts or much-frequented holiday resorts. If the national interest demands that this national asset should not be wholly lost, the nation must come to the rescue.

24. Before considering how this can best be done, we ought to sound a note of warning against expecting too much. "It seems to me," said one of our witnesses^(a), "that you have been asked to find a way by which one may eat one's cake and have it." The great country house can never again play the part it used to play in our social life. The position as we see it could not be put better than it was in the words of the memorandum submitted to us by the Pilgrim Trust :—

"When all is said and done, the hands of the clock cannot be set back. A feature of the nation's life which has so much enriched its beauty and its history cannot hope to survive unscathed by the prevailing changes of economic and social policy, but it is the earnest hope of the Trustees that in the national interest neither the present generation nor its successors should be condemned to the loss which the nation must inevitably suffer unless adequate means are found to preserve at least the more valuable of its historic buildings."

(a) Lord de L'Isle and Dudley, V.C.

SECTION IV

The Existing Machinery

INTRODUCTORY

25. We have dealt in Section II with the reasons why historic houses are in danger; and in Section III with the efforts of their owners to avert the fate that threatens them. We turn now to consider what external machinery for preserving them has already been provided by the State or by private effort^(a).

RESEARCH AND RECORDING

26. Essential preliminaries to the protection of a historic building are the research which establishes its importance and the records which identify it and specify the features worthy of protection. This is mainly the task of the Government Departments charged with listing and scheduling (which we deal with in paragraphs 30 to 32), but five other organisations are also to some extent concerned.

27. The three *Royal Commissions on Ancient and Historical Monuments* (for England, Wales and Scotland) are engaged in making an Inventory, county by county, of all the ancient monuments and constructions in the country, and specifying those which seem most worthy of preservation. This work (which extends to buildings in so far as they are "ancient and historical monuments and constructions") is carried out by specialists in the various branches of knowledge and requires intensive research and a high standard of scholarship.

28. The *National Buildings Record* and its *Scottish Council* were originally established in 1940 in order to make a quick record of valuable buildings thought to be specially exposed to bombing. Since the end of the war their work has been extended so that it now covers the whole country. They act as a clearing house for all architectural information about buildings in Great Britain. They are in close touch with the Royal Commissions, are consulted by the public, and supply prints for periodicals and books on architecture.

29. The bodies referred to in the two preceding paragraphs not only indicate what should be preserved, but also provide the foundation of scholarship and expert knowledge which successful preservation needs. They co-operate with one another and with the Government organisations concerned with listing and preservation.

LISTING AND SCHEDULING

30. This is the duty of two organisations, operating under two different codes. The *Ministry of Works*, operating under the Ancient Monuments Acts, 1913 and 1931, prepares schedules of "ancient monuments." These include historic buildings and houses, but not "inhabited" houses, which are defined as those "occupied as a dwelling-house by any person other than a person employed as the caretaker thereof or his family." Progress is slow. Although the Ancient Monuments Acts have been in force a long time, the

(a) Appendix III catalogues the various agencies and their powers and duties. Appendix IV contains a brief account of the arrangements made in France for protecting historic buildings.

number of ancient monuments which have been scheduled is still only a small proportion of the total estimated number. This, we understand, is chiefly due to the smallness of the staff employed on the work.

31. The *Ministry of Town and Country Planning* and the *Department of Health for Scotland* (a), operating under the Town and Country Planning Acts, 1947 (b) are charged with the duty of compiling lists of "buildings of special architectural or historic interest." Unlike the Ministry of Works schedules, the lists include both "inhabited" and "uninhabited" houses. They can also include buildings which have already been, or may be, scheduled as ancient monuments by the Ministry of Works; but to these the preservation powers of the Town and Country Planning Acts will not apply.

32. Seeing that a power to make lists was first conferred on the Planning Departments by the Town and Country Planning Acts of 1944 [1945], the progress of this listing has been disappointingly slow. It is true that survey reports of about 700 areas (or approximately half the total) have now been prepared, but there is much of the country still to be covered, particularly the rural areas, in which are situated many of the most important mansions. Moreover, most of the lists have still to be communicated to local authorities and to owners and occupiers in the manner which the Acts prescribe; indeed in only 120 areas out of 1,450 have the statutory lists so far been deposited. As this is pre-requisite to the operation of several of the powers of preservation contained in the Town and Country Planning Acts, the consequences are serious. We have been told of the destruction of a number of houses of outstanding interest which might have been saved if the machinery provided by the Act had been available in time.

"NEGATIVE" PRESERVATION

33. Both the Ancient Monuments code, administered by the Ministry of Works, and the Town and Country Planning code, administered by the Planning Departments and local authorities, contain measures of what we shall call "negative preservation," that is to say measures designed to prevent buildings from being demolished or altered in such a way as to destroy their features of interest. Which set of powers applies depends mainly upon the question under which Act the building has been listed or scheduled; it will be recalled that the Ministry of Works cannot schedule "inhabited" houses, and the powers of the planning authorities do not extend to houses which have been scheduled by the Ministry of Works.

34. There are a number of differences, to all appearances irrational, between the two codes. The owner or "occupier" of a "monument" scheduled under the Ancient Monuments Acts has to give the Minister of Works *three months'* notice of intention to demolish, remove, alter or add to the monument. The owner or occupier of a building listed under the Town and Country Planning Acts has to give the local planning authority *two months'* notice of intention to demolish or carry out works (other than those urgently required in the interests of safety or health) which would seriously affect its character. These provisions are similar to those relating to scheduled buildings in France (*monuments classés*): the object is to impose a brief delay while the authorities consider

(a) In what follows we refer to these as the Planning Departments.

(b) References to the Scottish Act are given in square brackets.

what is to be done. Those authorities may proceed to make a Preservation Order under the Ancient Monuments Acts or a Building Preservation Order under the Town and Country Planning Acts as the case may be. If they do not the powers of control lapse at the end of the prescribed period.

35. These powers of control are likely to be useless if the building has not yet been scheduled or listed; there is no assurance that the right authorities will hear of any projected works that ought to be prohibited. If they do not, the nominal safeguards which the law already provides are little use for saving historic houses. Moreover, the two different codes lead to different results in the same circumstances. Notices of works to a scheduled building must go to the Ministry of Works, where they are considered by experts. Notices of works to listed buildings go to local authorities, who may or may not have the necessary staff and knowledge to appreciate what is involved. A copy of each notice must, it is true, be sent to the Planning Department (i.e. to the Ministry of Town and Country Planning or the Department of Health for Scotland). But the local planning authority is under no obligation to consult the Department, and the Planning Departments have at present neither the staff nor the organisation to enable them to consider in every case whether to use their powers under Section 100 (2) [96 (2)] to direct the local planning authority to make a Preservation Order. Local Planning authorities are thus left with more responsibility for the preservation of historic houses than they can carry.

36. In addition to the special powers relating to buildings of historic or architectural interest, the Planning Acts confer on the planning authorities wide general powers for controlling development and changes of use. We deal later with the possible usefulness of these powers in preserving the setting of historic houses. Applied to the buildings themselves, they appear to suffer from these defects: that demolition is not "development" within the meaning of the Act and therefore does not require planning permission; and that some kinds of work, such as work which affects only the interior of a building, and does not increase its size, is also exempt from planning permission(a).

Preservation Orders

37. The effect of a Preservation Order, whether made by the Minister of Works or by the Planning Authorities, is to prohibit the demolition or alteration of the building unless the consent of the authority making the Order is first obtained. It is not necessary that the building should have been scheduled or listed before the Order is made.

38. Here again there are differences between the two codes. The Minister of Works has no power to make a Preservation Order in respect of an "inhabited" house. Many of the most important houses with which we are concerned are thus outside his purview. Under the Planning Acts, on the other hand, an "inhabited" house can be the subject of a Building Preservation Order, but not if it has at any time been scheduled under the Ancient Monuments Acts. This qualification is presumably intended to avoid overlapping between the two codes, but it is a crude device. It may also result in the loss of all powers of control over a building which was once scheduled, or the subject of a Preservation Order, under the Ancient Monuments Acts, but is subsequently occupied as a dwelling-house.

(a) It may need the permission of other branches of the local authority under by-laws.

39. If objection is raised to a Preservation Order under the Ancient Monuments Acts, it becomes invalid 21 months after issue unless confirmed by Parliament. Since the procedure for Parliamentary confirmation is cumbrous and uncertain, Preservation Orders have not been made by the Ministry of Works except by agreement with the parties concerned. Under the Planning Acts a Building Preservation Order may be made without the owner's consent, subject only to confirmation by the Minister.

40. Again, the financial consequences of action differ under the two codes. The Ancient Monuments Acts confer no power to compensate an owner for the operation of a Preservation Order. Under the Town and Country Planning Acts, though the mere making of a Building Preservation Order does not give rise to a claim for compensation, compensation is payable for any damage or expenditure resulting from action taken under the Order, whether from refusal of consent or from the grant of consent subject to conditions. In certain circumstances the owner may be able to force the local planning authority to purchase the property under the provisions of Section 19 [17]. The compensation is borne in the first instance by the local planning authority; and, although that authority is entitled to Exchequer grant not exceeding 50 per cent. of the total, the liability is likely to discourage local planning authorities from making Building Preservation Orders. And so the one form of control (apart from the general control of development which we have mentioned) that can be exercised over "inhabited" houses of outstanding historic or architectural interest is of dubious value.

41. Lastly, as in scheduling and listing, there is a difference in the expert knowledge available to those who have to exercise these powers. Preservation Orders under the Ancient Monuments Acts are made by the Ministry of Works with the best expert advice ready to hand. The right use of Building Preservation Orders under the Planning Acts is mainly dependent upon such initiative and expert knowledge as local authorities may happen to possess. In some places this leaves little to be desired; in others it leaves much. The Planning Departments are, it is true, required to confirm Building Preservation Orders, and have power to direct a local planning authority to make one. But so far, for reasons we have already touched on, they have not made much use of these powers. Even when an Order is made, the Department may not hear what work the local planning authority is prepared to allow unless the Order specifically provides for any application made under it to be referred to the Minister.

Other Powers

42. Under the Housing Acts, local authorities, in preparing proposals for the provision of houses, are required to have regard to the preservation of existing works of architectural, historic or artistic interest and to comply with any direction given to them by the Minister of Health or the Department of Health for Scotland. This brings yet another Minister into the picture in England and Wales.

43. A similar duty rests on local planning authorities under the Town and Country Planning Acts 1944 [1945] in dealing with land held by them for the purposes of the Acts. Before consenting to the disposal or appropriation of listed buildings on such land the Planning Minister must satisfy himself that they will be effectively preserved or that there are good reasons for not doing so.

Negative Preservation of the Surroundings

44. The preservation of a historic building may involve controlling not only the building itself, and the amenity land, but also the surroundings. It may be necessary, for example, to restrict mining and quarrying, to control advertisements and the felling of trees, and to prevent the erection of factories, power-stations, sewage works, electricity pylons and the like. Certain powers are available for this purpose under both the Ancient Monuments Acts and the Town and Country Planning Acts. Under the former the Ministry of Works can make a Preservation Scheme for preserving the amenities of any building which falls within the definition of an ancient monument by restricting or prohibiting building, tree felling, quarrying and the like within a certain area. There must be a public enquiry if objection is raised, and compensation must be paid to any person whose property is injuriously affected by such a scheme. Although a number of such Schemes have been made, they have not so far been of importance in preserving the setting of the kind of historic house we are concerned with.

45. Of much greater importance are the powers of the same sort contained in the Planning Acts. As we have seen, these Acts give the planning authorities general powers of controlling development and changes in use. In particular they enable control to be exercised over the development of vacant land, and over the size, external appearance and use of buildings which may be erected upon it. Moreover, the lists to be compiled of buildings of special architectural or historic interest are expressly stated to be "with a view to the guidance of local planning authorities in the performance of their functions under the Act". It follows that account is (or should be) taken of such buildings in the preparation of Development Plans and in considering applications for planning permission for proposed development or changes of use in their vicinity.

46. The Planning Acts also confer specific powers of controlling advertisements and preserving trees; if a local authority acquire land for development they are under an obligation to have regard to the preservation of listed buildings; and directions may be given to New Towns Corporations for preserving such buildings.

47. On paper, therefore, the Town and Country Planning Acts create impressive powers to control the surroundings of historic buildings. But little has yet been achieved.

48. There are no doubt many reasons for this. One is that the machinery of the Planning Acts is still too new, and those who administer it are too much pre-occupied with other matters. With the lists as yet incomplete, in most areas few of the powers have been used; Development Plans are still in course of being made; the regulations for controlling advertisements and preserving trees have scarcely begun to operate. Neither at the centre nor with most local planning authorities is there yet either the skilled staff or the time and interest needed to exercise effectively the powers which the Acts give.

49. Another serious drawback is that the Town and Country Planning Acts do not run against the Crown. They give no power to control the development of land belonging to the Crown, including Government Departments, save in so far as agreements may be made under the powers of Section 88 [84]. But

it is just the activities of what is technically "the Crown" that in recent years have proved among the greatest menaces to historic buildings and their surroundings. Requisitioned houses have had their features of interest wantonly destroyed. Trees have been felled, and works such as the construction of airfields and the erection of huttid camps have been carried out around them, with a ruinous effect on the setting. At some famous houses, Wentworth Woodhouse and Staunton Harold for instance, amenities have been destroyed or are threatened by opencast coal mining. We think it unfortunate that a decision whether opencast coal mining is to be carried on at places like these should rest, as it apparently does, with a Minister responsible for producing coal. Authorities armed with powers of requisitioning and compulsory acquisition are, indeed, a standing threat to æsthetic values; and it appears that Service and other Departments can exercise their powers without any effective control by the Planning Minister.

Negative Preservation of the Contents of Houses

50. There is no power under existing law to prevent the dispersal of the contents of a historic house. The Board of Trade can forbid the export of works of art, and sometimes does. That may indirectly have the effect of keeping in their original setting treasures that would otherwise have left it. But that is all.

"POSITIVE" PRESERVATION

51. Negative preservation may serve to prevent a historic building being demolished or unsuitably altered, or the park timber being felled and the grounds covered with shacks, but it does nothing to preserve the building from decay and keep it in being. Maintenance and repairs are normally the business of the owner, but he cannot always do them without assistance in one form or another. We shall call this assistance "positive" preservation.

52. Assistance of that sort may mean no more than the giving of expert advice about the care of the fabric and the best way of carrying out works so as to preserve its special features; or it may take the form of carrying out the work, or of giving a grant towards the cost of it; or in the extreme case the only thing to be done may be to assume responsibility for the whole upkeep and maintenance of the building. Under the present law the following measures of positive preservation are possible.

Advice

53. For giving expert advice, the Ministry of Works (assisted by the Ancient Monuments Boards) are the only official body with the necessary powers and qualified staff. Both the Boards and the Inspectors appointed by the Ministry may give advice about the care of ancient monuments, and must do so if the monument is the subject of a Preservation Order. Generally, to give advice to local authorities, owners and others is an important function of the Ancient Monuments Branch of the Ministry of Works. They inform us that they have never refused a request for advice about a historic building; and that in 1948 advice was given on 250 buildings in England and Wales.

Repairs and Maintenance

54. If something more than the mere giving of advice is required, the only powers there are at present to contribute directly towards the repair and

maintenance of a historic building belong to the Ministry of Works and to local authorities. These will be described in the paragraphs that follow. (55-59). The Planning Acts do not go so far as this, and where an owner finds himself unable, though perhaps willing, to maintain a house, the planning authorities have no power to assist him financially.

55. The power of the *Ministry of Works* arises from the right of the owner of an ancient monument (not an "inhabited" house) to constitute the Minister the "guardian" of it. The owner retains the legal title, but the Ministry assume full power of control and become responsible for repairing the monument and doing everything necessary to protect it from decay or injury. An ancient monument which is the subject of a Preservation Order may be taken into guardianship without the owner's consent if it seems liable to fall into decay by neglect.

56. The Ministry may also, subject to specific Treasury authority in each case, contribute towards the maintenance of an ancient monument without becoming its guardian, but we understand that this power is rarely used, and again it does not apply to "inhabited" houses.

57. *Local authorities* have similar powers of becoming guardians of ancient monuments (other than "inhabited" houses) in or near their areas, or contributing towards the cost of preserving and maintaining them; but this expenditure does not attract Exchequer grant, and these powers have been little used.

58. A rôle of rather a different sort may be played in future by local housing authorities under the provisions of the Housing Acts, 1949. These Acts empower them to make loans and "improvement grants" to private owners for the improvement of houses or the provision of dwellings by conversion. Grants will not normally exceed £600 per dwelling, but more may be given in special circumstances. The authorities making the grants are entitled to Exchequer assistance in the form of annual contributions for 20 years equal to three-quarters of the loan charges on the amount of the grant.

59. These provisions may help owners of historic houses in modernising them and dividing them into flats. But it is unfortunate that the Acts make no stipulation for expert advice in carrying out the work. We think also that some encouragement should be given to the converse operation. Cottages may well be numbered among houses worthy of preservation and "where cottages are individually too small, suitable family homes may often be provided by lateral expansion, for example, by converting two houses into one, three houses into two, and so on"(a).

Acquisition

60. There are some historic buildings which can only be effectively preserved if they pass into the hands of some public authority with the necessary financial resources. Under the *Ancient Monuments Acts* the Ministry of Works can buy or accept any ancient monument together with any surrounding land necessary for its maintenance or amenity. They then become responsible for the upkeep of the monument both externally and internally and for general management. "Inhabited" houses are not expressly excluded from the scope

(a) The Society for the Protection of Ancient Buildings.

of this arrangement, as they are from many of the other provisions of the Acts. But the Ministry of Works tell us that the powers have not in fact been used to acquire "inhabited" houses. To do so would raise questions of high policy about the propriety of giving direct assistance from public funds to the many owners and occupiers of historic houses who would no doubt wish to take advantage of it.

61. Under the *Town and Country Planning Acts*, if a building which is the subject of a Building Preservation Order is not being properly preserved, the local authority or the Ministry of Works may acquire it compulsorily, together with any "amenity" land. Local authorities also have power to acquire by agreement buildings which are, or could be, the subject of a Building Preservation Order, together with the adjacent land. Both these powers have remained unused. One reason no doubt is that, though the local authority would be entitled to Exchequer grant towards the cost of acquisition, they would get none towards that of maintenance.

62. Much has been done to preserve historic houses under the ordinary powers of the Ministry of Works to acquire land and buildings for the public service. There are several occasions in recent years when this has been the only way of securing the preservation of historic buildings threatened with destruction. Audley End, which was acquired for the Ministry of Education as a centre for educational conferences, is a case in point. Other mansions of varying degrees of merit have been bought by the Ministry for use as schools and institutions of one sort or another. Local authorities, too, have used their general powers of acquiring buildings to save houses which might otherwise have perished. But such houses are liable to prove white elephants. The cost of repair may be formidable, and the cost of maintenance no small matter. Moreover this procedure, regarded as a means of preserving historic houses, has other shortcomings. The choice of the house is dictated by the needs of the public service and not by the quality of the house. The house ceases to be a home and has to be adapted to other purposes; and though the Ministry of Works and some local authorities have done their best not to destroy the character of houses so used, it is not easy to avoid doing so (see Section X).

Positive Preservation of the Contents of Houses

63. There are no express powers^(a) for the positive preservation by the State of the contents of historic houses *in situ*, although this was achieved, in the cases of Ham House and Osterley Park, by *ad hoc* arrangements in collaboration with the National Trust.

Rôle of the National Trusts

64. For the positive preservation of historic houses and their contents, by far the most important instrument is the National Trust. It may acquire land and buildings of beauty or historic interest by purchase, gift or otherwise; it may enter into restrictive covenants with owners; and it has developed the

^(a) Some powers are available to local authorities under other legislation, particulars of which are given in Appendix III, e.g. the Public Libraries Acts. Being intended for other purposes, however, these powers are not adequate and they have incidental disadvantages.

"country house scheme" which has already been described. The Trust is the only public body capable of preserving a country house as a home, and of holding and administering it as an entity with its art collections, furnishings, gardens, parks and agricultural estates.

Other Bodies

65. Various non-official bodies are also concerned with this subject. Amongst those interested in historic houses are the *Georgian Group*, the *Society for the Protection of Ancient Buildings* and the *Saltire Society*. These societies have not the resources with which to carry out actual preservation on any large scale, but they do most useful work in giving advice on the care of historic buildings, in appealing for funds in particular cases, and in awakening public opinion and bringing pressure to bear on Authority.

66. In a somewhat different category is the *Pilgrim Trust*, whose donations have been the means of preserving some buildings of the greatest importance.

SUMMARY

67. From this survey of the existing machinery for the preservation of historic houses and their contents the following conclusions emerge :—

- (i) Departments and other organisations concerned are numerous. This is perhaps not serious in the field of research and recording, where each has its own purpose. But it has unfortunate consequences in the field of listing, preservation and maintenance. Here there are on each side of the Border two Government Departments having duties which overlap both one another and those of the organisations engaged on research and recording ; 202 local planning authorities also have responsibilities and several other Departments and other types of local authority may on occasion be affected.
- (ii) It is absurd that the preservation of historic buildings should depend on two largely independent codes, overlapping at some points but differing in the Departments responsible for them, the manner of their administration, the powers they confer, and the types of building to which they apply. It is even more absurd that the question which code applies should depend, as it sometimes does, on which Department finds itself there first.
- (iii) Taken as a whole, the powers of negative preservation are imposing on paper, but in practice they have proved ineffective owing to the delay in putting them into operation and the undue reliance they place on authorities heavily burdened with other duties and often lacking the necessary knowledge and interest. Nor are the financial provisions such as to encourage local authorities to exercise their powers.
- (iv) Any powers of positive preservation the law purports to provide are useless for saving "inhabited" houses of outstanding historic or architectural interest.
- (v) Apart from the National Trusts there is no regular machinery for preserving the contents of historic houses.

- (vi) There is no effective safeguard against destructive activities by Government Departments and other public authorities occupying historic houses, and no machinery apart from interdepartmental consultation for ensuring that due account is taken of æsthetic considerations in deciding the purposes for which these houses should be used.
- (vii) The relevant provisions of the law have never been thought out as a whole, but have grown up sporadically. They are haphazard and unreliable: too often the possibility of effective action depends not on the merits of the house but on the code (if any) which it happens to fit, the circumstances of the owner, and the possibility of taking action under some different legislation designed for other purposes.

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PART B: RECOMMENDATIONS

SECTION V

The Central Authority

68. The anomalies that we summarised at the end of the last section have not escaped the notice of those who are concerned with the machinery of government. They were already being studied by the appropriate branch of the Treasury at the time of our appointment, but a decision has, we understand, been postponed until we have reported.

ADMINISTRATIVE CO-ORDINATION

69. We have heard much evidence on this subject, and given it the careful consideration that its importance calls for. We have come to the conclusion that the right course is to set up a new statutory body, both administrative and advisory, which will :—

- (i) take over some of the duties of the Government Departments and other organisations at present concerned ;
- (ii) exercise general supervision over all houses of special architectural or historic interest and their contents of value ;
- (iii) act as the central repository of technical advice and guidance ;
- (iv) advise on the exercise of the powers of negative preservation ; and
- (v) itself exercise certain new powers of positive preservation.

70. Such a body might be called the Historic Buildings Council. For reasons we shall explain later we think there should be a separate Council for Scotland.

71. We suggest a new body because we do not think that any existing authority is wholly suitable for the purpose.

72. We could not recommend giving these duties to the Planning Ministries and local planning authorities. They have many other duties ; the preservation of historic buildings is only a small part of their responsibilities. The subject with which we are concerned is too important and too urgent to be treated as a side-show. Moreover, if the plan is—as it must be—to apply special measures of preservation to a limited number of selected houses, a greater degree of centralised control is required than can conveniently be exercised by the Planning Ministries through the local planning authorities.

73. We do not think, moreover, that any branch of any Government Department would be suitable. It is generally recognised that governmental activities connected with science and art, where decisions may depend at least as much on the knowledge of an expert and the taste of a connoisseur as on the judgment and experience of an administrator, demand greater elasticity of control than is possible to a Government Department under our parliamentary system. The Department of Scientific and Industrial Research, the Medical Research Council, the University Grants Committee and the Arts Council, all reflect

this principle in one way or another. Some control there must obviously be by a Minister responsible to Parliament over all expenditure of public money. But the functions we have in mind are of a kind that is unsuitable for close ministerial supervision. Some of the powers that we propose will commonly necessitate a difficult choice between one house and another, a decision to help one owner and to refuse help to another. This choice must depend largely on the opinion of experts after weighing all the circumstances and in particular the artistic and historic value of the house. It would indeed be embarrassing if individual cases could be the subject of Parliamentary discussion and a Minister had to attempt to satisfy a hostile critic that he had weighed these imponderables rightly in deciding to give a grant towards the repair of the roof of Mr. A's house but not Mr. B's. Such an obligation would probably make some of the powers virtually unusable.

74. The question, then, at once arises whether we have not in the National Trust a ready-made body that satisfies these requirements. The Trust is a non-governmental organisation of the highest standing and long experience. It has been signally successful in winning the goodwill of owners of historic houses and solving the difficult psychological and other problems that arise when circumstances force an owner to part with a house which has been occupied by his family for hundreds of years. That the Trust is at pains to study the circumstances of each case and adapt its arrangements to them is shown by the variety and flexibility of the agreements into which it has entered.

75. We have however decided that this solution must be rejected. We say this not only because the Trust has so many other responsibilities as owner of large areas of land and "places of natural beauty." That indeed seems to us a far from negligible objection: the powers that we suggest for preserving historic houses are important enough to need an authority that concentrates on them. But what is more serious is that to give them to the National Trust could hardly fail to jeopardise those very characteristics of the Trust's present work that are all-important—its freedom and elasticity and the friendly and informal relations which subsist between it and those with whom it deals. As we have said, we hope that the new authority will have a large measure of freedom. But it cannot be so free as the National Trust is now; it will be responsible for deciding how public monies are to be spent; and it must be under ultimate ministerial and parliamentary control. If the National Trust were to be in this position its relations with its clients and potential clients would inevitably become less intimate and less flexible. Its nature would be bound to be changed, and no-one who knows anything of its work would like to see that happen. At the same time, if the proposals we make are adopted, the present sphere of usefulness of the Trust should be not only maintained but enlarged.

SCOTLAND

76. As to whether there should be a single organisation for Great Britain or a Council for England and Wales and a separate Council for Scotland, we have decided in favour of the latter.

77. The system of land tenure in Scotland is fundamentally different; there are important differences of history and traditions; and the questions that arise in Scotland out of the selection, preservation, maintenance and use of

historical houses are by no means the same as in England. There are fewer houses with contents of outstanding value; special arrangements have often to be made for dealing with the surrounding land; and there are exceptional problems in finding uses for houses in so sparsely populated a part of Britain as the Highlands.

78. We think, therefore, that there is need for a separate Historic Buildings Council for Scotland; and to have one would accord with the existing statutory responsibilities under the Town and Country Planning Acts. We summarise in Appendix VI the way in which such a Council might be constituted and its relations with the Scottish Departments and other bodies.

COMPOSITION OF THE HISTORIC BUILDINGS COUNCILS

79. The work of the Historic Buildings Councils will be largely for experts. We do not suggest that the Councils should consist solely of experts, but we think that they should contain persons with special knowledge in the fields of history, archaeology and antiquities, architecture and the associated arts and crafts, and the fine arts, in particular painting and furniture; together with a member or members with qualifications in law, in finance and in estate management. The appointments would no doubt be made after consultation with the appropriate learned societies and other organisations in all three countries. Each Council should also, we think, have a member appointed after consultation with the appropriate National Trust, and another after consultation with the appropriate associations of local authorities. These members should not sit in a representative capacity. Finally, assessors should be appointed to sit with each Council from its sponsoring Department (see paragraph 82) and from other Government Departments when matters affecting them are being considered.

80. We do not think that there is need for any of the members to serve full-time except the Chairmen or Vice-Chairmen, or possibly both. It is not within our province to make any recommendation on the question of payment.

81. The Councils will, of course, need whole-time secretaries and staff, some of whom it may be possible to recruit from the organisations which we suggest the Councils should absorb.

MINISTERIAL RESPONSIBILITY

82. Some Minister will have to appoint the Council^(a) and to be responsible to Parliament for it. We strongly recommend that this should be the Chancellor of the Exchequer. It is fitting that the Council should be placed where bodies concerned with the arts and sciences already are, such as the Arts Council, the Museums and Galleries and the University Grants Committee; and we should like to see it associated with a Department that has, we are told, developed a specially happy technique of combining freedom with control in the dealings with the public bodies for which it is responsible.

^(a) From now on when we speak of the Historic Buildings Council it should be understood that we refer to both English and Scottish Councils unless otherwise stated.

83. We are aware of a body of opinion that regards it as constitutionally undesirable to add to the responsibilities of the Treasury as a spending Department. This is a matter outside our purview. We hope that this objection to our proposal will not outweigh its practical advantages. But if that should be so we recommend that the responsible Minister should be the Minister of Works. That Department has for many years done excellent work in the preservation of buildings and ancient monuments entrusted to its care, and it has a fine tradition in this field. It has not, like the Ministry of Town and Country Planning, other duties that may create a conflict of interest.

84. As regards Scotland we recommend that appointments to the Scottish Council should be made in consultation with the Secretary of State for Scotland and that he should be *de facto* associated with all matters affecting Scotland.

FINANCE AND CONTROL

85. We do not regard it as within our scope to make recommendations about the way in which the Historic Buildings Councils should be financed, except to observe that there is much advantage in the five-year budgeting system applied to the Arts Council, under which they know what their resources will be for some time ahead. Money will be needed for various purposes referred to in later Sections. We cannot tell how much money can be spared. All that is certain is that each Council could use to good advantage more than it is ever likely to be given. We would, however, observe that at the 31st March, 1948, the National Land Fund stood at over £51 million and interest was accruing on it at the rate of some £900,000 a year. We understand that the future of the Fund will be considered in the light of our recommendations. That encourages us to hope that here might perhaps be found financial resources that would enable a long step forward to be taken in the preservation of the historic houses of Britain (a).

86. As regards control, we have already recommended that the Historic Buildings Councils should be given the greatest possible freedom of action compatible with constitutional theory. The sponsoring Department should be content with budgetary control; if it attempts to exercise detailed supervision the result can only be overlapping and duplication of expert staffs, work done twice that need only be done once, delays and formalities, friction and frustration—all of which it is one of the chief objects of our proposals to avoid. It may be thought necessary to confer on the responsible Minister the usual power of giving general directions to the Councils in the performance of their duties, but we should expect that this power would be as seldom used as it is by other Ministers who have similar powers. Indeed, we trust that everything possible will be done to allow the Historic Buildings Councils to develop a more than ordinary degree of independence. The only measures of control that we recommend are that each Council should be required to present an annual budget for approval, and an annual report and annual accounts to be laid before Parliament; that the accounts should be audited by the Comptroller and Auditor-General, and that the Secretary or Chairman should be made the accounting officer and as such liable to appear before the Public Accounts Committee.

(a) See para. 148.

SECTION VI

Relations of the New Authority with Existing Authorities

87. Before turning to the topic proper to the present section, we think it right to refer to a matter not strictly within our terms of reference. It is outside our province to make recommendations about ancient monuments other than houses. But we cannot refrain from pointing out the advantages there would be in including all ancient monuments (with any modifications that may be necessary) in the arrangements we propose. The dividing line between a "house of outstanding historic or architectural interest" and an "ancient monument" is not always clear. Sometimes it does not exist. A house may be both if it is in ruins, derelict or so primitive as to be uninhabitable. Moreover, if separate arrangements were retained for ancient monuments other than houses the result would be to perpetuate just that duality and dispersal of expert manpower which our recommendations aim at getting rid of.

AUTHORITIES AT PRESENT ADMINISTERING CODES FOR NEGATIVE PRESERVATION

88. As we have seen, there are in existence two codes of negative preservation which overlap and neither of which works satisfactorily. The groundwork of any system of negative preservation must be in Great Britain, as it is in France, the listing of houses and the imposition of restrictions on alterations to the houses so listed. In building for the future should we take as our foundation the code of the Ancient Monuments Acts, or that of the Town and Country Planning Acts, or some combination of both?

89. In favour of the Ancient Monuments Acts it may be said that they are older and well established, that they already provide certain powers of positive preservation, that they are administered by a Department which has an expert staff, has acquired a great knowledge of the necessary techniques and has been singularly successful in the discharge of its duties relating to ancient monuments. It has been represented to us that, if the powers of the Ancient Monuments Acts were extended to cover "inhabited" houses, the Minister of Works would be able to do all that is necessary.

90. On the other hand it must be remembered that the code of the Town and Country Planning Acts forms part of an elaborate piece of machinery, not yet three years old, for the planned control of development and use of land throughout the country. In constructing this machinery Parliament assumed that, if a historic house is to be preserved, the first step is to have it recorded in the development plan for the area and in the records of the local planning authority, so that its value can be taken into account in any proposals affecting it, such as building houses or making roads. Thus the sections of the Town and Country Planning Acts relating to buildings of special architectural or historic interest form, with the rest of the Acts, an interlocking whole. They cover all those matters which a code for the negative preservation of buildings must contain—listing, notice of works, the granting of permission, compensation for refusal of consent, the control of advertisements, the preservation of trees, development of adjacent sites, appeals, public enquiries, entry on land and grants to local authorities. Much of this would have to remain for ordinary

planning purposes even if the Ancient Monuments Acts were made the basis of negative preservation of historic houses. Thus we should have failed in our purpose of substituting one code for two.

91. Moreover, we think there will be advantages in keeping local authorities in the picture. In this matter, as in every other, they vary in the enthusiasm and efficiency with which they discharge their duties. But some have already shown a keen and practical interest in the preservation of historic houses within their areas, and we have no doubt that more will do so.

92. We accordingly recommend that the Town and Country Planning Act, 1947, and the Town and Country Planning (Scotland) Act, 1947, should remain the statutory basis for negative preservation. Unless it should be decided to bring ancient monuments under the same code (in which case the Ancient Monuments Acts could be repealed) the Ancient Monuments Acts should be so amended as no longer to apply to buildings of special architectural or historic interest which fall within the scope of the Town and Country Planning Acts, 1947.

93. A number of amendments will be needed in order to make the Town and Country Planning Acts an efficient instrument of negative preservation. These we summarise in Appendix V. Among the more important are provisions designed to ensure that houses of outstanding historic and architectural interest are exempt from requisition (as are *monuments classés* in France); and that proposed changes of use are notified as well as proposed works. We think, too, that the penalties for unauthorised works should be substantially increased. We also deal in that Appendix with certain other minor defects in existing legislation which have been brought to our notice.

RESPONSIBILITY FOR ADMINISTERING THE CODE

94. If the code chosen for negative preservation is to be that of the Planning Acts, the authorities responsible *de jure* for its administration must clearly be those who are now responsible under those Acts. However important may be the part played *de facto* by the Historic Buildings Council—and, as we shall explain, we think it should be very important—final and formal responsibility must rest with a Minister for anything that may involve so drastic an interference with the rights of private property as a Preservation Order.

95. Although we contemplate the Planning Authorities remaining *de jure* responsible for negative preservation, we expect them to look to the Historic Buildings Council for guidance in the exercise of their powers regarding buildings of special historic or architectural interest. In some respects our recommendations go further. We propose in a later Section that the listing duties of the Ministry should be transferred to the Council.

RELATIONS WITH LOCAL AUTHORITIES

96. It would be impossible to lay down any hard-and-fast rules to govern the relationships between the Historic Buildings Council and local authorities. The Council will be a highly skilled repository of all the relevant technical knowledge, and local authorities will no doubt welcome its advice. The Council will have power to make grants by way of "positive preservation," and if it should be thought fit in any case to help a local authority in this way (though we do not contemplate that this would be a common use of the Council's

funds) the help will no doubt be acceptable(a). The houses which we shall later propose should be "designated" as of outstanding interest will be the concern of the Historic Buildings Council, but we should expect that houses in towns, and groups of houses, would usually be cared for by local authorities. It is fitting that Temple Newsam, for instance, should be cared for by the City of Leeds to which it means so much, and that the Crescent and squares of Bath should be the responsibility of the municipality that they adorn. But over a large part of the field the Historic Buildings Council and the local planning authorities (and local authorities) will have to work out in the light of experience the most effective methods of co-operation. The responsibility will fall squarely on the Council when it has to deal, to quote our terms of reference, with a "house of outstanding architectural or historic interest which might otherwise not be preserved." It is when others fail that the Council must be ready to intervene.

RELATIONS WITH THE MINISTRY OF WORKS

97. A consequence of the arrangements which we propose will be that the present duties and powers of the Ministry of Works in regard to the listing and preservation of historic houses will disappear, and the Historic Buildings Council will become responsible for exercising general supervision over the historic houses at present falling within the province of that Ministry (other than those mentioned below). It may be that the Council will become responsible for all ancient monuments as well.

98. The Ministry of Works will remain responsible for Royal Palaces and all buildings which are in use by the Crown and Government Departments, whether they are of special historic or architectural importance or not. Houses in the Ministry's possession that are used as museums should remain with them. But the future of historic houses that have come into the Ministry's possession merely in order to be preserved should be considered by the Ministry and the Historic Buildings Council.

99. It follows that the relations between the Historic Buildings Council and the Ministry of Works will have to be very close. Both will need the expert knowledge and skill which have been built up in the Ministry. If the Historic Buildings Council becomes responsible for ancient monuments, it would presumably have to absorb the Ancient Monuments Branch of the Ministry of Works, together with such of the staff of the Ministry as are engaged wholly or mainly on listing, preserving and maintaining ancient monuments and historic buildings. In that event the Ministry would no doubt be entitled to call on the services of the Historic Buildings Council and its staff on an agency basis for buildings for which the Ministry will remain responsible.

100. If the Historic Buildings Council deals only with historic houses, and the administration of ancient monuments is left where it is, the Ancient Monuments Branch would presumably remain with the Ministry, and the Historic Buildings Council would be entitled to use its service on an agency basis when needed.

101. In either case the Historic Buildings Council should be entitled to use on an agency basis all the other branches of the Ministry as occasion may require.

(a) See paragraphs 156 and 176.

RELATIONS WITH THE ROYAL COMMISSIONS

102. The tasks of the Royal Commissions are to make an Inventory of ancient and historical monuments and to specify those which seem most worthy of preservation. Both these tasks will concern the Historic Buildings Council, particularly if its activities extend to ancient monuments. Both in listing houses and in advising on a Preservation Order the Council will often depend on the researches of the Commissions, and the Commissions will no doubt often find the Councils' lists a convenient starting point for researches. We think also that they might be helped by the Councils in some of their staffing problems.

103. Liaison is obviously desirable and might be effected in one of two ways. If the Historic Buildings Council becomes responsible for all ancient monuments, the Commissions could perhaps be wound up and the preparation of the Inventories made a specialised branch of the Councils' work. In this event the Commissioners might become advisory panels, which would continue to render the kind of services that they render at the present time in the preparation of the Inventories.

104. Alternatively, the Commissions might be housed in the same building as the Councils and arrangements made for common services as far as possible. Their position would then not be unlike that of the Historical Manuscripts Commission, which exists for a somewhat similar purpose in a different field, is housed in the Public Record Office, and relies on that office for much of its material and its office services.

105. We make no recommendation on this point, since it is not within our terms of reference to advise on matters other than the preservation of houses of outstanding historic or architectural interest, and for this purpose it does not matter which alternative is adopted, provided that there are full co-operation and the best possible use of the available skilled manpower.

THE NATIONAL BUILDINGS RECORD^(a)

106. The position of the National Buildings Record is rather different. Like the Historic Buildings Council, it is concerned only with buildings, and its photographs and measured drawings will be invaluable to the Council in the task of listing and preservation. In France a photographic section forms part of the central organisation. The Historic Buildings Council will have no less need for such a section, both in order to keep its necessary records and in order to meet the demand for photographs of historic houses for publications, guide books, picture postcards and so forth. Indeed these activities might be developed into a profitable sideline.

107. In these circumstances there seems little point in continuing the National Buildings Record as a separate organisation, and we suggest that it should be merged in the Historic Buildings Council, of which it should become a specialist section; and that, if necessary, some of the members of the present Council of the National Buildings Record should be grouped into an advisory panel in order to advise the Historic Buildings Council on this branch of its activities.

^(a) Including the National Buildings Record (Scottish Council).

RELATIONS WITH THE NATIONAL TRUST

108. It is no part of our plan that the Historic Buildings Council should usurp any of the functions of the National Trust. As we have seen, the Trust has a character of its own, and represents an element of freedom and individuality which it would be lamentable to lose. There will be some types of case (in particular those where a house is taken over but the original owner remains in occupation) in which the Trust is the acknowledged expert. We should expect its "country house scheme" to be the normal way of dealing with houses which may be taken over by the Historic Buildings Council with the owner remaining in occupation.

109. The Council will, of course, be able to make grants to the Trust for both general and specific purposes upon such terms and conditions as it thinks fit. We have no doubt that the two bodies will co-operate fully in all matters affecting houses of outstanding historic or architectural interest, including arrangements for organised public access and for the issue of consolidated guide books, and other measures for awakening public interest (see paragraph 163).

110. We were told by the National Trust that there were two handicaps to their usefulness that they would like to see removed by legislation. The amendments of the law that they suggested are:—

- (i) that notwithstanding Section 14 of the National Trust Act, 1907 (which in effect limits the minimum annual subscription of members of the Trust to 10s.), the Trust should be empowered to fix, and from time to time vary, its minimum subscription, in order that the Trust may raise as large a revenue as possible from the public.
- (ii) That where leases are granted to tenants for life under the 1939 Act they should be exempted from death duties.

111. We endorse these suggestions. As regards the second, we understand that the Trust have in some cases granted leases to former owners for periods as long as 200 years, so that the value of the tenant's interest is little different from what it was before, when he was freeholder. Since one of the recommendations we make is that freeholders' interests in houses designated as of outstanding interest should be exempted from death duties so long as the houses are not sold, the exemption of a leasehold interest, however long, would logically follow.

RELATIONS WITH OTHER GOVERNMENT DEPARTMENTS

112. We contemplate that the Historic Buildings Council should be the authority to which other Departments would look for advice on the exercise of powers relating to historic buildings. These Departments will include the Treasury on the acceptance of houses and their contents in lieu of death duties, and the Health Departments on questions arising under the Housing Acts about the demolition of historic houses, and proposals for converting such houses into new dwellings with the assistance of loans or grants under the Housing Acts, 1949.

SECTION VII

The Selection of Houses for Preservation

113. Before we address ourselves to the question what further measures are needed to secure the preservation, maintenance and use of houses of outstanding historic or architectural interest, it will be well to say something about how the houses that fall within that description are to be identified and catalogued. It is manifest that, if a Historic Buildings Council of the sort we have proposed is set up, this must be one of its duties. That being so, we think that the Council should be responsible also for the listing of "buildings of special architectural or historic interest" under Section 30 [28] of the Town and Country Planning Act, 1947. We have already drawn attention to the overlapping of the functions of the various bodies engaged in listing, and the need for a single listing body and a single list. The Council as listing authority should use as a basis the lists and schedules now being compiled by the Ministries of Town and Country Planning and Works, should take over the listing staff of the former, and should complete its list as rapidly as possible with the aid of the pooled knowledge and information of all who have hitherto been engaged on work of this sort. Speed is vital. Many houses are now being lost because, without listing, the statutory safeguards cannot be operated.

114. It will, no doubt, be necessary for the Minister of Town and Country Planning to retain formal responsibility for these lists. They are the basis of much of the power of negative preservation contained in the Town and Country Planning Act. But their compilation will be essentially a matter for experts; the Historic Buildings Council will supply the experts, and must not be lightly overruled. We suggest that if at any time the Minister disagrees with the advice of the Council, he should be required to record his reasons in writing and lay them before Parliament(a).

115. Those who are now compiling the statutory lists under the Town and Country Planning Acts are working under guidance laid down by the Committee appointed by the Minister under the chairmanship of Sir Eric Maclagan. This Committee recommended that buildings should be listed in three categories:—

Grade 1 should include buildings of such importance that their destruction should in no case be allowed.


Grade 2 should include buildings whose preservation is a matter of national interest and whose destruction or alteration should not be undertaken without compelling reason: and

Grade 3 should include buildings of architectural or historic importance which, though they do not rise to the degree properly qualified as "special" to justify statutory listing, so contribute to the general effect or are otherwise of sufficient merit that a planning authority ought, in the preparation or administration of its plan, to record them as an asset worth trying to keep.

116. It has been estimated that these three grades may, when complete, contain some 200,000 entries(b). A much shorter list will have to be made of

(a) Appendix V contains the amendments we suggest to the Town and Country Planning Act, 1947, in order to adapt its provisions to our proposals.

(b) The statutory lists ought to comprise all eligible buildings, whoever owns them. Buildings belonging to the Crown, and those scheduled by the Ministry of Works, should be added.



those houses of "outstanding historic or architectural interest" that are to be regarded as eligible, in case of need, for the full measures of positive preservation that we recommend. We propose for convenience to refer to houses on the statutory list as "listed houses" and those on the shorter list as "designated houses." All the houses eligible for the MacLagan Committee's Grade I will no doubt be designated, and many of those in Grade II.

117. It is not for us to attempt to prescribe any canons for the Historic Buildings Council to follow in what will be a most delicate and difficult task. The comparative claims of the many houses for which some case can be put forward can only be properly weighed by the Council when it has the whole picture before it. Nor can we form any reliable estimate of the number of houses likely to be designated. The information provided to us by the Ministry of Works and the National Trusts indicates a figure of about 2,000, but in fairness to our informants it should be said that this is highly speculative. The actual figure must depend in a large measure on the Historic Buildings Council's interpretation of its duties and the amount of money at its disposal. There are only two suggestions that we should like to make. One is that the Council will probably find it prudent to start with a small list of houses that, so to speak, choose themselves, and then gradually to enlarge it, rather than to try at once to make a perfect and complete list. The other is that if the Council finds itself having to choose between houses of much the same merit in different parts of the country, it should give some weight to the accessibility of a house from important centres of population. Other things being equal, the selection of houses on which public money may be spent should have some regard to the extent to which the public can profit.

118. The main effects of designation will be to entitle the owner of a privately owned house to the tax concessions that we shall later recommend, to make any owner of such a house eligible for financial assistance of the sort we shall describe (though not, of course, necessarily entitled to it) and to impose on the Historic Buildings Council the duty of seeing that the house is preserved. Whatever may be the number of designated houses, there will certainly be many houses of no small historic or architectural interest outside that category. But these will be listed and will have the protection that listing gives. A notice will have to be given to the planning authorities and through them to the Council of any proposed alterations or changes of use that would seriously affect their character. There will be an opportunity for experts to consider whether anything should be done and if so what—perhaps to advise or restrain the persons proposing to do the work, perhaps to operate the further machinery of control that the Planning Acts give to the planning authorities, perhaps to arrange for the house to be designated. Many houses will survive naturally because they are of a size and type and so situated as to be still in demand as dwelling-houses. Others will be put to one or other of the purposes described elsewhere in this report. Thus the machinery of the Act will provide, even for houses not designated, at least some safeguard against vandalistic alterations, and may do much more.

LISTING OF CONTENTS

119. If a house and its contents are to be preserved "as a unity" it is clearly essential to list those of the contents that go to make up the "unity." We

therefore recommend that the Historic Buildings Council should be empowered to list the contents of designated houses, and the owners should be required to give notice of any intention to remove any contents so listed.

RIGHT OF ENTRY

120. There is no right under the Town and Country Planning Acts for listing officers to enter private property. This has proved a handicap, and we recommend that the right of entry which already exists under those Acts for other purposes should be extended to duly authorised persons concerned with the listing, preservation and maintenance of historic houses.

PUBLICATION

121. The Statutory Lists will be published in the manner prescribed by the Town and Country Planning Act. We recommend that the lists of designated houses should be made public in whatever way may be thought most appropriate. The fact of designation will naturally be communicated to owners, occupiers, local planning authorities and any others who may be affected. The list might also be published, as is the list of *monuments classés* in France. But there does not seem any need to publish the lists of contents; they might be kept by the Council and open to inspection by anyone interested. No doubt publication of a list of designated houses will give rise to argument. But that is not sufficient reason for trying to keep it secret; it is a matter of public importance, and in any case is bound to be known sooner or later.

SECTION VIII

Positive Preservation: Relief from Taxation

122. As we remarked in an earlier chapter, negative preservation will not be enough. An injunction by Authority may suffice to prevent the owner of property from pulling down a house or making vandalistic alterations to it. But no injunction can stay the course of decay, and no compulsory order can force the owner of a house to spend money that perhaps he has not got. If Authority is to enforce positive preservation, Authority must say where the money is coming from.

123. Let us consider first the house that is still the family home, for to preserve it in that form is best, if it can be done. More than one witness emphasised this. "These houses," said one, "are and always have been the homes of their owners, constructed for family life and gathering through the generations the charm and spirit associated with that peculiarly English word 'home'. They are not merely beautiful structures, but possess an indefinable atmosphere as the centres of a highly civilised home life. To convert them into mere 'show-places' or to institutionalise them as museums, Government offices, hospitals, or schools would deprive them of their intrinsic character and rob them of their 'soul' "(a). We agree. No small part of the fascination of a visit to the ancestral homes of the Sidneys at Penshurst and of the Cecils at Burghley or Hatfield lies in the knowledge that they are still the homes of the

(a) The Pilgrim Trustees.

direct descendants of the most romantic figure of Queen Elizabeth's reign and of her greatest statesman. Nothing brings home more vividly the continuity of our history.

124. Unfortunately there is often no choice except between letting a house go to ruin and "institutionalising" it in some way. But we shall come to that later: we will consider first the case in which the better course may still be possible. If today the representative of the family cannot live in the ancestral home this is probably because he cannot afford it. The problem is whether some proper means can be found of giving him financial help.

125. The obvious first approach to this question is to ask whether he can be relieved of some of the burden of taxation that has brought him to his present pass.

126. As the law stands at present^(a), the owner of a historic house who surrenders it to the National Trust, with an endowment fund to keep it up, and then goes on living in it, can obtain indirectly for himself and his descendants an ample measure of relief from both income tax and death duties. But an owner who retains his property in his own hands cannot. For him, all that the law does is to give exemption from death duties in respect of pictures and other objects of "national scientific historic or artistic interest," so long as they are "enjoyed in kind," and to entitle him, if he makes it a matter of business to show his house to the public, to set against his other income any loss that he may incur in doing so. In all other respects he pays taxes just like anybody else.

127. There is no mystery about the reason for this difference of treatment. The Trust is a "charity" in the legal sense, and the exemption of charities from taxation is a long-established principle. The private owner of a house is an individual taxpayer, and the orthodox canons of taxation require all individual taxpayers to be treated alike if the circumstances affecting their taxability are the same. The idea of differentiating between taxpayers on any other ground—of introducing an element of "privilege," in the original sense of that word—is regarded with abhorrence by the theorist and with apprehension by the administrator, who fears the unforeseeable consequences of making a breach in the symmetry of the tax code. It is this that accounts for a distinction which may at first sight seem curious.

128. We think the time has come to be realistic. When taxation was moderate it was no doubt salutary to pay strict regard to such considerations. No great harm could be done, no gross injustice inflicted, by rigid uniformity. It is different now. Taxation at its present height produces some results in particular cases that are by general consent contrary to public policy and ought to be remedied. That has already been recognised in more than one instance, as, for example, when it was found necessary to make special arrangements to put at the disposal of the Prime Minister resources consistent with the responsibilities of his office.

129. If we approach the subject in this spirit, the conclusion seems inescapable. That it is in the public interest for houses of outstanding architectural or historic interest to be preserved is implicit in our terms of reference. That the owner of the house is almost always the best person to preserve it

(a) See Appendix II.

was the unanimous opinion of our witnesses, and is our own firm conviction. That taxation is the chief cause of his being unable to do so is notorious. There may be overwhelming objections of principle to removing this impediment by the straightforward course. We do not know : the Board of Inland Revenue did not think it proper to give evidence before us. If there are, it will presumably be necessary to get the same result by taking money in taxation and paying it back to the same people by way of grant. But, in the absence of evidence to the contrary, we feel justified in assuming that there is no compelling reason for recommending so devious a path to our objective. "It is illogical to tax owners out of existence and then to subsidise them to keep them going"(a).

INCOME TAX AND SURTAX

130. The essence of the trouble is that the owner is not left with enough money, after paying income tax and surtax, to maintain his house. No foreseeable general reduction of taxation is likely to provide a solution. The straightforward remedy, therefore, is to exempt from income tax and surtax so much of his income as is reasonably necessary to maintain the house. At present this is only done if he can show that the house is "managed on a commercial basis and with a view to the realisation of profits." In that case all reasonable expenditure on the upkeep and repairs, both of the house (and contents) and of the grounds (except any part of either which is reserved for the owner's exclusive use), is allowed as a deduction in calculating the profits derived from showing it, and losses can be set off against the owner's other income. In short, so much of his income as is necessary to meet that expenditure is treated as tax-free. Is it right that only those who go into business as showmen of their houses should be entitled to this relief? It is not everyone who can do that. For some it is too laborious a task to build up the organisation required to satisfy the Revenue that the business is genuine. Some, for geographical or other reasons, can never hope to make a profit, however hard they try. On the other hand, an efficient and business-like organisation that fully satisfies the Inspector of Taxes may tend to deprive a house of its character as a private house and to lessen the "atmosphere of personal interest . . . an element difficult to define but invaluable to retain"(b).

131. We do not ourselves think it right that eligibility for tax relief in respect of the upkeep of historic houses should depend on provisions of the law designed to regulate the taxation of business enterprises. To insist on commercialisation as a condition precedent to receiving the greatest measure of relief can have no logical justification, and may result in giving most help to those who need it least. The law ought to recognise expressly the special position of houses of outstanding historic or architectural interest as a national asset, just as it has recognised in certain respects that of ancient monuments and works of art. The preservation of these houses is a matter of public concern. Those who undertake it are doing what is not the less a public service because it may happen to coincide with their private interests. We think that relief should be direct and express. We recommend that all owner-occupiers of designated houses should be allowed an enlarged maintenance claim of the sort we are about to describe, provided that they show their houses to the public in accordance with arrangements approved by the Historic Buildings Council (see paragraph 163).

(a) Country Landowners' Association.

(b) The Saltire Society.

ENLARGED MAINTENANCE CLAIM

132. Maintenance claims at present have two limiting factors: they must not exceed the Schedule A assessment, and only the "expenses of ownership" may be included. These limitations operate against the owner in two ways. In the first place the amount of the assessment is often far below the actual expenses in the case of houses like these. Secondly—and this is even more important—relief is denied on expenditure such as heating and lighting, wages, cleaning and repairs to furniture, pictures and other contents, and the upkeep of amenity land—all items that are unavoidable in maintaining historic houses, and all likely to be heavy.

133. We recommend that both these limitations should be done away with for designated houses. The maintenance claim should no longer be subject to a maximum equal to the amount of the Schedule A assessment, and it should include expenses of occupation as well as of ownership—everything, in fact, that is reasonably spent on maintaining the house, contents, and amenity land. The Historic Buildings Council, would, we suggest, be the proper adviser on what is "reasonable." The grant of this relief might be conditional on a certificate by the Historic Buildings Council to some such effect as that due care has been taken of the house, listed contents and amenity land during the year in question; that the statutory conditions attaching to designation have been fulfilled; and that the expenditure in question has been reasonably incurred on the maintenance of the house, listed contents and amenity land.

134. The owner-occupier will have to pay some tax in respect of his own occupation. But we are impressed by the argument that it is unfair merely to make a rule-of-three apportionment of the Schedule A assessment between the parts of the house which are of public interest and those reserved by the owner for his own use, and to tax the owner on the latter. Our witnesses represented to us that it is not always possible to draw a clear line between the two, and, even when it is, the upkeep of the owner's part tends, owing to the type and age of the structure, to be unduly costly. This is a highly technical matter, and as we did not have the advantage of witness from the Board of Inland Revenue, we cannot make a specific proposal. But what we suggest would be just is to find some means of requiring the owner to pay the same tax as he would have paid if he had been living in an ordinary house.

135. So far we have been referring to the owner-occupier. How the relief we propose for him is to be divided between the owner and the occupier where they are different is again a subject too technical for us to make precise recommendation on without expert assistance. All we can do is to recommend that the relief we have proposed for the owner-occupier should be suitably shared between owner and occupier when the house is let, so that each gets relief on the expenditure he has borne.

136. We see no reason to recommend any change in the practice of calculating maintenance claims on a five-year average.

ADMISSIBLE EXPENSES UNDER SCHEDULE D

137. This question, now so important a factor in determining the tax relief of the owners of historic houses, will no longer matter much to the owners of designated houses if the recommendation we have just made is accepted. All reasonable expenditure on upkeep will be allowed under the enlarged maintenance claim, and expenditure attributable wholly to showing the house will be, as it is now, admissible as an expense under Schedule D. In short, all owners of designated houses who make arrangements to the satisfaction of the Historic Buildings Council for showing their houses will get the same tax relief as those who at present satisfy the Revenue authorities that their houses are "managed on a commercial basis and with a view to the realisation of profits." No doubt those who do now manage their houses in that way and do in fact realise a profit will go on as they are. Those for whom the attempt to do so would be hopeless, or who for some reason would sooner not make it, need no longer try.

138. But this is true of designated houses only. Indeed, our only proper concern is with designated houses, for we assume that all those of "outstanding architectural or historic interest" will find their way on to the inner list. But there will be many other houses which are well worth a visit. Their owners should be encouraged to show them. Although this, perhaps, takes us outside our terms of reference, we suggest that the question should be considered whether the law or practice of Income Tax might be adapted in such a way as to make it easier than it is now for the owner of a house who shows it occasionally to the public to get the advantages of being assessed under Case I of Schedule D.

DEATH DUTIES

139. The relevant provisions of the law are fully set out in Appendix II. Broadly they amount to this: that exemption from duty is granted in respect of property passing (or being deemed to pass) on the death of its owner (or former owner) if it is:—

- (i) a house given or left to the National Trust;
- (ii) property given or left to the National Trust to provide income for the upkeep of such a house, so far as it is not more than enough for the purpose;
- (iii) property scheduled as an Ancient Monument given or left to the Ministry of Works or local authority.

140. It will be convenient to consider separately the case of the house itself and that of property earmarked as a source of income for the upkeep of the house.

HOUSES

141. Exemption has long been granted in respect of works of art "enjoyed in kind." It is no great extension of this principle to apply it to a house if that house is itself a work of art. We recommend that when a house has been designated, and so recognised as of outstanding importance, no death duties should be charged on the house itself, or the amenity land, or such of its contents as may be listed by the Historic Buildings Council, so long as they remain unsold. We see little risk of abuse in such a relief; indeed it seems no more

than the logical consequence of a principle admitted by Parliament many years ago. If the property (or any part of it) were sold, the vendor would have to pay duty at the rate charged on the rest of the estate at the last death ; but freedom from duty would continue to run with the house, whoever owned it.

MAINTENANCE FUNDS

142. As we have seen, the only way in which the owner of an historic house can at present get the greatest relief from taxation that the law offers is by making over his house to the National Trust, together with other property sufficient to provide the income to keep it up. Thus he secures exemption from income tax and surtax on the income from the property and exemption from death duties on both property and house.

143. If our proposals are accepted the position will no longer be quite like this in the case of designated houses. It will not be necessary to make the house over to the Trust in order to get relief from death duties on it. Nor will it be necessary to make over a maintenance fund to the Trust in order that the money spent on the upkeep of the house and grounds may be exempted from income tax and surtax ; the "enlarged maintenance claim" that we have proposed will see to that. But only by making over both to the Trust can death duties be avoided on the property that produces the income spent on maintenance. We earlier instanced an imaginary owner of a designated house who, by assigning a fund to the Trust, converts £125 a year into £5,000 a year. If our proposals for an enlarged maintenance claim are accepted, that owner will be able to secure this benefit without parting with any property. But when he dies, and death duties are charged on his estate, the source of the income he used for upkeep will (in the case given) be reduced by more than half, perhaps by much more than half, and so on at each succeeding death. If he had made over house and fund to the Trust the income available for upkeep would have remained intact in perpetuity.

144. The question poses itself whether the public interest demands that full relief should be denied except at the price of making over both house and fund to the Trust. Some owners feel great and natural reluctance to part with the ownership of their houses. Many owners cannot afford to deprive themselves of control over the income that the Trust may stipulate for as a condition of taking the house. Moreover, these irrevocable steps rest on the assumption that the family will want to live there always. That may prove not to be so : there may come a time when the family representative would prefer to abandon the struggle, sell the house, and use the maintenance fund for other purposes. There need be nothing discreditable about such a decision. We can well believe that some of those who now own historic houses may hesitate to put that course out of reach of their descendants for all time, and that this makes them unwilling to carry out the conditions on which alone they can obtain the tax concessions designed to enable them and their successors to go on living there.

145. We have come to the conclusion that to remove this condition would be a natural extension of our other recommendations and should not be open to any serious objection. One of our witnesses suggested that the simplest way of doing it would be to exempt from death duties a sum equal to the capitalised value of the average of the last ten years' maintenance claims. We think that

abuse would be difficult to prevent or detect under such a system ; the property producing the income ought to be earmarked and in the hands of trustees. What limits recourse to the present relief is that an owner is required to part with both house and fund irrevocably. Two schemes have been suggested to us for removing this limitation. In both, the owner of a designated house, while retaining the ownership of the house, would assign property to the National Trust or other trustees approved by the Historic Buildings Council (or to the Historic Buildings Council itself) on trust to use the income for the upkeep of the house. In both, so long as the house was unsold, no death duties would be payable on the capital of the fund—or so much of it as produced the income that had in fact been spent on the house. The difference between the two schemes begins when the house is sold. Under the one, the trustees would then become liable to pay to the Revenue what would have been payable in death duties on the last death but for the exemption ; the vendor of the house would be entitled to what was left, and the trust would come to an end. It would, of course, be open to the purchaser to create a new trust of the same sort. Under the other scheme the trust fund would be regarded as attached irrevocably to the house. Thus, on a sale, the purchaser would get the benefit of it, and that fact would be reflected in the purchase price ; he would be buying both house and an income to maintain it with. Deferred death duties would then be payable by the vendor on the value of the house thus enhanced.

146. We cannot ourselves see any fatal objection to either of these schemes. But in the absence of expert evidence we make the recommendation with reserve, and cannot express any preference between the two.

MAINTENANCE FUNDS NOT FOR THE BENEFIT OF THE SETTLOR

147. As we have remarked, maintenance funds passing or deemed to pass to the National Trust on the death of the owner or former owner are exempt from death duties. We can see no good reason why this exemption should be denied if the owner of a designated house leaves his house, with an endowment, not to the National Trust but to the Crown or a local authority or some other public body, to be maintained for the public benefit. We recommend that duty should not be charged in such circumstances on such endowment funds.

NATIONAL LAND FUND

148. Some witnesses attached importance to the arrangements under the National Land Fund (see Appendix II, paras. 33-37), by which houses and land may be accepted in payment of death duties, and thought that they should be extended to the contents of houses. But these arrangements merely create machinery for enabling property to be accepted by the State in lieu of death duties. They do not provide any relief from taxation. In theory they should enable the State to possess itself of historic houses : in practice they have been little used. The effect of the National Land Fund is merely to make the State one of a number of potential purchasers of a house ; in many cases the State has been unwilling to accept property because of the difficulty of finding a use for it ; and in others executors have no doubt been able to do better elsewhere, even at the risk of the houses being sold for demolition ; it is their duty to do the best they can for the beneficiaries. Moreover, we greatly prefer to

approach the subject by way of reliefs from taxation which will enable these houses to remain as far as possible in private ownership and not force them to become the property of the State.

ENTERTAINMENTS DUTY

149. We have enumerated in Section I the reasons why houses of outstanding historical and architectural interest should be preserved. We put first their great cultural and educative value. This being so, it seems to us anomalous that there should ever be any question of entertainments duty being levied on the admission of the public. Yet, as Appendix II shows, this may happen ; and it is the more likely to happen to the enterprising owner who is making a real effort to help himself by opening his house as a show place accessible to the largest possible number of persons. An organisation which is insisted on by the Commissioners of Inland Revenue if the house is to be regarded as being managed "on a commercial basis and with a view to the realisation of profits" may lead the Commissioners of Customs and Excise to take the view that entertainments duty is leviable.

150. We recommend that no entertainments duty should be leviable where a house is shown to the public under arrangement approved by the Historic Buildings Council, whether the house is a designated one or not.

RATES

151. We do not think there is at present a case for relief from rates for the occupiers even of designated houses. The burden is trifling compared with that imposed by taxation.

152. But a point arises as regards owners' rates in Scotland. Unlike rates in England, these are payable even when a house is unoccupied ; and witnesses have told us of houses whose owners have taken the roof off, and so hastened their decay, in order to free themselves from the liability for owners' rates on properties which they could no longer occupy. We do not think that the liability to owners' rates should be waived in any case where they would be payable if the house were an ordinary one. But we suggest that, in order to gain time while the future of the house is being considered, collection of owners' rates on a designated house that is unoccupied should be suspended for a period up to one year at the request of the Historic Buildings Council for Scotland, while the future of the house is being considered.

SECTION IX

Positive Preservation: Other Measures

153. But even relief from taxation on the lines suggested in the preceding Section may not be enough. The expenditure needed to preserve the house may be so heavy that the owner cannot afford it even after being excused tax on an equivalent amount of income, if he has so much. Is the Historic Buildings Council to have power to make monetary grants to the owners of designated houses that remain in private hands? A witness said, in advocating tax relief, "the State cannot well be asked to make contributions out of public moneys to

the living expenses of individual private citizens. But to give money is one thing; to refrain from taking money away is another." We think this is an over-simplification. What from one point of view may be described as making contributions out of public moneys to the living expenses of individual citizens might from another be called making reasonable provision out of public moneys to ensure that a national asset shall be preserved in the most appropriate way. As we observed in Section III, the owner of a great house who lives in it today, and admits the public to see it, has a burdensome, anxious, and in some respects uncomfortable way of living, which few would choose except under the influence of a sense of duty.

GRANTS AND LOANS

154. We have no doubt that the Historic Buildings Council ought to have the power to make grants; the only arguable point, to our mind, is the extent of that power. The most usual occasion for its exercise would be when necessary repairs to the fabric of a house are beyond the owner's means. Exceptional repairs to furnishings and interior decoration might reasonably be regarded no differently. Help given for such a purpose is clearly more in the nature of preserving a national asset than "contributing to the living expenses of an individual." We think the Historic Buildings Council should have unfettered discretion to spend money in this way within its available resources on designated houses. It would no doubt ordinarily stipulate for the owner to bear part of the cost of the work, but it should be free to bear the whole in exceptional cases. It would probably be the usual practice to make loans rather than grants, but to make grants should not be beyond the Council's power. There ought not to be any difficulty in arranging terms that would ensure that the Council got its money back if the house were sold at its improved value. Generally the Historic Buildings Council would be free to impose whatever conditions it thought fit. Grants and loans of this sort are regularly made in France (Appendix IV).

155. When we come to grants or loans in aid of ordinary upkeep, we are on more questionable ground. But we do not think that even this should be ruled out altogether. We attach importance to giving the Council a wide discretion; if it uses that discretion in a way that public opinion thinks improper, means of expressing disapproval will be ready to hand. We can imagine cases in which it would be not improper to give or lend moderate sums for specific items of upkeep such as the heating of rooms with valuable contents which were not used as part of the owner's residence. But we should expect that, when a maintenance grant from public funds is necessary to preserve a house as a home, the Council will generally think it more prudent to invite the National Trust to take the house into its country house scheme, and in that case any help that is necessary would be given through the Trust.

ACQUISITION

156. However desirable may be preservation as a home, for many houses this will be an unattainable ideal. The Historic Buildings Council should have the same power to help the owner of houses that are no longer homes—local authorities for instance—as they have to help the private owner, though we should expect it to be used more sparingly(a). But something more than this

(a) See paragraphs 96 and 176.

will be needed. A house designated as of outstanding interest may find itself without an owner willing to live in it or any other suitable occupant. The only way of saving it may be to buy it. The powers of the Council must be adequate to that contingency. Again, the ultimate outcome of a Building Preservation Order made under the Town and Country Planning Act may be compulsory acquisition and the vesting of the subject of the Order in the Ministry of Works as the Act at present directs. In Appendix V we recommend that among the amendments to the Act should be the substitution of the Historic Buildings Council for the Ministry of Works in the relevant section (41 (2) [38 (2)]). It will be necessary to provide for this also in defining the Council's power.

157. We therefore recommend that the Historic Buildings Council should have power to acquire houses, compulsorily if it should be necessary to do so in order to preserve them, and to own and manage property. But we do not contemplate setting up yet another public authority whose primary duty is to own and manage property. There are too many already. If the Council has to buy a house to save it, the house may have to be held for a time while it is under repair, but the Council should find an appropriate purpose to put it to as soon as possible. (This does not mean, of course, that the Council will part with any of its duties in respect of designated houses.) We shall deal with possible uses in Section X. But it may be some time before a suitable use can be found, and the powers of the Council should be ample to make the best use of the house in the meantime.

158. These powers of acquisition must extend beyond the house itself. They must also be exercisable in respect of both the contents of houses and their amenity land. We have already emphasised the importance of preserving the setting of a house as well as the house itself, and also in some cases such of its pictures, furnishings and other contents as, so to speak, form integral parts of its personality. Our terms of reference require us to consider the preservation of a house and its contents "as a unity." Acquisition of both house and selected contents will be one way of doing this, but it will not be the only way, or even the more usual way. It may be convenient to say something here about the difficult question how this "unity" is to be preserved when a house remains in private hands.

PRESERVATION OF THE CONTENTS

159. We have already recommended that the Historic Buildings Council should have the duty of listing those contents of a designated house that ought to be preserved with it—those, in fact, that ought to be regarded as essential elements in the "unity" of the whole. We have also recommended that the Council should have the power to share the expense of keeping listed contents in repair. But the owner of the house, in the absence of any special provisions to prevent him from doing so, will always be able, subject to any private trusts, to sell any of the contents he pleases. It is true that he can be forbidden to export any notable works of art, and so may have his opportunities limited. But if he can find purchasers in this country there is nothing to prevent him from destroying piecemeal the "unity" that ought to be preserved.

160. We do not think that the proper way of restraining those who are so minded is for the Council to make sure of the "unity" by itself buying the listed contents. There might be circumstances in which it would be right to

do so. But to rely on this as the means of ensuring "unity" is obviously open to objection. Nor should it be needed. The number of houses is comparatively small in which this matter of unity of house and contents is really important. The danger of dispersal is slight: the owners, who, by hypothesis, are still living there, may be expected to be as jealous of their treasures as any Council would be. So far as the danger exists, we think that the right way to guard against it is for the Council, in granting any financial assistance, to impose a condition that no listed chattels will be sold without the Council's approval, coupled with a covenant to repay any grant already made if the condition is broken.

MISCELLANEOUS

161. The Historic Buildings Council will have other important duties of preservation besides that of coming to the rescue with grants or loans or purchases.

Advice

162. The Council will by its nature be a central repository of information and expert knowledge on everything relating to historic houses and their contents. We should expect it to arrange for advice and help to be readily obtainable by everyone interested on every variety of relevant topic, from the repair of the fabric of an ancient house to the tax reliefs obtainable on money spent on maintenance, from mending tapestries to organising days of public admission.

Public Access and Publicity

163. As we have said (paragraph 131) we think that if financial help is given, whether by special tax relief or by grant or loan, it should normally be one of the conditions that the house is shown to the public. But here again we should be sorry to see the discretion of the Council fettered by a rigid requirement that this must always be so in all circumstances. Even more should we deprecate a uniform rule about the numbers of days on which a house must be shown. That will be affected by a great many factors. The duty of the Council here will be to determine the owner's obligation, and to see that he carries it out. The Council might also organise suitable publicity of a general sort. In this last, as in so many other matters, it will no doubt work closely with the National Trust, who have so much experience of doing this for the houses they own. Combined action will be needed. Illustrated guide books and railway posters are among the methods that naturally suggest themselves for spreading the educational influence of historic homes. At present, although the National Trust issue an excellent handbook to the houses they own, there is no complete catalogue of all houses shown to the public.

Archives

164. One matter which should not be overlooked in the preservation of a house of historic importance is the preservation of any archives in it. They are often a mine of information on the history of the estate and the family that lived there and on the customs of the past; but many owners are ignorant of their importance and allow them to be destroyed or dispersed. This is not unnatural: archives are often indecipherable except by the expert; they take up room and, to be properly cared for, need skilled treatment not easy to arrange for.

165. Save for certain types of documents which should be on exhibition in the places to which they relate, archives differ from contents such as pictures in that they cannot ordinarily be regarded as essential to that "unity" of house and contents to which we have to pay regard. It is no doubt interesting to study them on the spot, but that is neither the most convenient arrangement for students, nor the easiest way of giving them expert attention. There may be advantages in sending them to a national or university library, or to one of the local record offices which many local authorities have established.

166. What is needed is for the existence of any archives to be made known to experts who can assess their importance and suggest any action that may be desirable and practicable. That will be a matter for co-operation between the Historic Buildings Council and the Historical Manuscripts Commission and the British Records Association. It should be a condition of designation that access is allowed for the purpose of examining the archives.

Architects and Craftsmen

167. One of the most serious problems connected with the care of ancient buildings is that of procuring expert architectural advice and specialised craftsmanship. It is not every architect who is qualified to care for old buildings, and the craftsmen versed in the skilled techniques required are rarer still. Indeed, it is not too much to say that some of the houses with which we are concerned are a specialised study in themselves.

168. Some estates are fortunate in still having their own skilled craftsmen—men who have been there all their lives and thoroughly understand the fabric and its contents. But they are dying off, and we are told that it is proving almost impossible to attract new entrants into work which offers at best a poor reward in terms of money by comparison with what the same standard of craftsmanship can earn outside. The Ancient Monuments Branch of the Ministry of Works has built up a fine organisation of architects and craftsmen. Its work is universally praised. But in size this staff scarcely suffices to cope with the work for which the Ministry is now responsible and the Branch is in no position to take on any more.

169. The problem is a serious one and deserves to be tackled urgently and vigorously. One of the first tasks of the Historic Buildings Council should be to further the specialised training of the architects and craftsmen who will be needed in increasing numbers if the measures we propose are to be successful.

170. For architects it may perhaps be possible to arrange courses of specialised training in conjunction with the R.I.B.A. We have learnt with interest of a scheme in force in the London diocese under which each church is placed under the supervision of an architect who makes it his special study and gives advice about work to be done to it, although he is not necessarily responsible for carrying that work out. Some similar scheme may be found possible for houses. Each designated house might perhaps be placed under the supervision of an architect who would make a special study of that type of house.

171. For craftsmen we understand that the Ancient Monuments Branch has conducted training courses from time to time. We hope that this method will be extended and developed. What is needed is to offer new entrants a

career with prospects. The Historic Buildings Council, with its wider responsibilities, will be in a better position to do this than any private estate, however large. There will be need both for mobile craftsmen, who can be sent from job to job, and for craftsmen who are prepared to be attached to a particular house or group of houses for a long time.

172. But it will be necessary to make full use of local skill. We do not contemplate that the Council will do the work itself except where local skill of a sufficiently high standard is unprocurable, or procurable only at an exorbitant price. That by itself will probably give the organisation quite as much practical work as it can manage; and for the rest its tasks will be to supervise, to set the standards and to train the craftsmen.

SECTION X

Uses

173. The circumstances will of course vary infinitely. Each case will have to be considered on its merits. The question will depend not only on what would in theory be the best use to put a house to, but also on who can be found willing to put it to any use at all. As one of our witnesses remarked, the best may be here the enemy of the good, a truth to which the Historic Buildings Council will no doubt be alive. It would be both rash and presumptuous for us to lay down any general principles except the one on which all our witnesses were agreed, and which we have already mentioned. That is that the owner of a house is usually (though not of course invariably) the right person to preserve it, especially if it has long been in his family; and that the first need is, in the words of a witness^(a) "for owners to be given help instead of being, as at present, discouraged to the point of despair." Of the help now given them by the National Trust and of the further help that we propose they should have, we have written in other Sections. Here we are concerned with the uses by which historic houses may be preserved when the owner no longer lives there.

MIXED USES

174. But first we wish to refer to that combination of private and communal use that is to be found when the owner still lives in part of the house and the rest is not merely a show place but is used for some social or educational object. This provides the nearest approach to the ideal put before us by the Georgian Group:

"These houses were designed not so much to be the residence of a single family as to be a social centre where the people of the neighbourhood would foregather. In these very different times, some use must be found whereby the halls and saloons will again re-echo with laughter and conversation."

175. Corsham Court, which we visited, shows how happily this object may be achieved, given the will and the right combination of circumstances. Part of the house accommodates the Bath School of Art; the State Rooms, which house Lord Methuen's collection of pictures, are open to the public

(a) Mr. Christopher Hussey.

and are also available to the students for study and for social activities. Lord Methuen uses the rest of the house as his home. There are no doubt other houses, not brought to our notice, used in ways more or less similar. It is a precedent that deserves to be widely followed.

GENERAL REMARKS

176. We must now turn to the main purpose of this section—a review of some of the uses to which historic houses might be put when they are no longer homes. There are two general remarks with which we ought to preface what we have to say about this. One is that in this sphere we have regarded the Historic Buildings Council as being concerned (as it clearly should be) with the fate of all listed houses, not merely the designated. The other is that nothing we say about the Historic Buildings Council “giving assistance” or any phrase like that, must be interpreted as meaning that we think that it ought to use its financial resources to relieve either local authorities or the Exchequer of obligations which, as the law now stands, it is the duty of either to shoulder. It is conceivable that the Historic Buildings Council might have to come to the rescue with money to help a local authority to save a designated house; there can of course be no objection to this where no specific statutory duty rests on the local authority; and, even where one does, there might be cases where help would be justified. But we think that in general the Historic Buildings Council should guard its funds jealously against encroachments of this sort(a).

MUSEUMS AND KINDRED USES

177. Many houses are already museums, some owned by the State, some by local authorities, some by the National Trust and some by private owners, and this is a use which naturally suggest itself for houses that are no longer lived in, particularly where there are contents of value. The Director of the Victoria and Albert Museum told us that he thought it would be a great advantage for his museum to acquire a series of houses with their contents that were outstanding collections of comparatively limited periods, as for instance of the Elizabethan, Restoration, early Georgian, Adam and Regency periods. But he, like other witnesses, thought that it would be a pity to overdo the conversion of historic houses into museums, and that a use which kept the house “alive” was generally to be preferred.

178. There are also of course many houses, some of them lived in, which are treated as show-pieces without being “museums.” Some of these are devoted felicitously to housing exhibits connected with one person or subject, especially in that person’s birthplace or home. One example is Down House, the home of Charles Darwin, which is preserved by the British Association. It has been restored as nearly as possible to the condition in which Darwin knew it, houses a large collection of Darwiniana, and is used in accordance with the endowment “as far as possible for the benefit of science.” Another is Hughenden Manor, a house of little architectural merit, but of deep interest as the home of Disraeli, and full of Disraeli relics, the whole admirably arranged by the National Trust, who own it. The Ministry of Education pointed to the Royal Observatory at Greenwich as a memorable example of an historic

(a) See paragraphs 96 and 156.

building where great contributions to astronomical and natural science have been made, now serving as a museum for the important apparatus that was formerly used in it.

179. Again, a house in or near a town may be used in whole or in part as a library or art gallery or for concerts or other similar civic purposes, or a town house may be made the headquarters of one or more learned societies and used for such purposes as lectures and meetings. Gladstone's Land in Edinburgh, restored by the National Trust for Scotland and now the headquarters of the Saltire Society, is a case in point. We understand also that there may be a need for one or two suitable houses to be used as local record offices for housing archives and making them accessible to students.

EDUCATIONAL PURPOSES

180. "It seems to us," wrote the Ministry of Education, in welcoming the opportunity to give evidence about the problem we were considering, "that education in the wider sense in which we like to think of it would be among the chief losers were no solution to be found." It will be clear to anyone who has read the first Section of this Report that we are emphatically of the same opinion, and we propose to refer in some detail to the various possible educational purposes that were brought to our notice.

Schools

181. More than one historic house is in use as an independent boarding-school, preparatory or secondary. Stowe is the best known. About the merits of this way of "preservation" there are arguments on both sides. The most attractive argument in favour of it is that imaginative boys and girls who live in such surroundings at a formative age get something of unique value which they never lose.

182. But this great gain of the few may be at the cost of some loss by the many; for it is not convenient to arrange for houses used as schools to be regularly open to the public. There are, moreover, other reasons why this use is not likely to help much in solving the problem. Most schools of this sort (said the Ministry of Education in their memorandum of evidence) number their pupils in hundreds and often require gymnasia, laboratories and so forth; the amount of additional building required would almost certainly spoil any house which was considered worth preserving. An even more compelling reason is that no more independent schools are likely to be started in present economic circumstances; that there is no probability of much development of boarding-schools in the State system for the time being; and that, even if such a development did come, the difficulties of adaptation and the high cost of maintenance would be likely to rule out the use of historic houses for that purpose.

183. It appears, however, that the same difficulties do not apply to schools for handicapped children—"special schools" as they are called. These are smaller than ordinary schools, and the classes in them are smaller. Since the passing of the 1944 Act a demand has arisen for these schools which cannot be met by new buildings, and recourse has been had to whatever buildings were available, including some country houses of importance. It is estimated that something like a hundred new special schools of various types are still needed and that "unless the circumstances controlling new building improve unexpectedly, the great majority of them will have to be opened in existing large houses."

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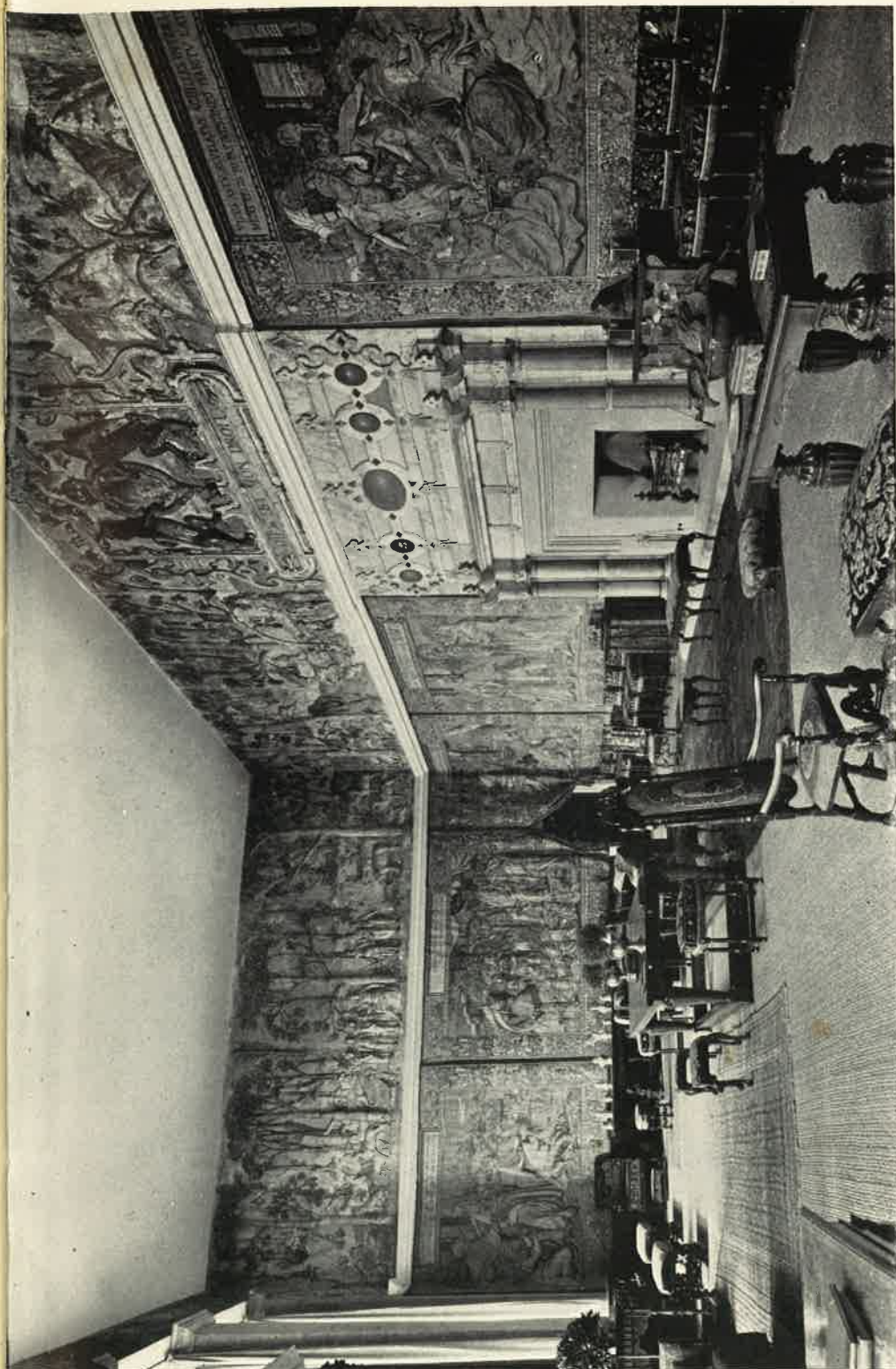
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HARDWICK HALL, DERBYSHIRE. THE HIGH GREAT CHAMBER.
Described as the most beautiful room in the whole of Europe, this illustrates the case where house and contents merit preservation as a unity.
Copyright 'Country Life'



to a private

184. The Ministry admit that to put historic houses to this use is not a wholly satisfactory way of preserving any part of them except the fabric, and that enjoyment of the house is limited in general to the staff, the pupils and their parents. But they argue that "the handicaps of these children are often compensated for by exceptional gifts of the sense of touch, for example, or of sensitiveness to atmosphere" and that "there is a strong case for regarding fine furniture, beautiful surroundings and a gracious atmosphere as part of their educational apparatus."

185. We think it right to put this plea on record in the words in which it was made to us. We, who are concerned with the preservation of historic houses, naturally do not approach the proposal from the same angle as those who have the responsibility of enabling afflicted children to make the best of their lives; we are perhaps more impressed by its drawbacks as a means of preservation. To advise on these questions, after assembling and considering all the relevant facts, will be one of the duties of the Historic Buildings Council.

Youth Clubs and Youth Hostels

186. For youth clubs there are no doubt houses in towns which might suitably be used, though there would be a risk in doing so. The Ministry of Education dismiss the risk perhaps too lightly. They say:

"We see no reason why a youth club's quieter activities—and there are some—should not be pursued in rooms of artistic value, and the more lively ones confined to the less damageable parts of the house. It is in any case good training for young people to learn to take care of valuables which are part of the common heritage."

187. The Youth Hostels Association is, as the Ministry point out, always a potential user of any house situated in pleasant country, but we cannot help doubting whether the treatment given to houses so used can properly be called "preservation."

Training of Youth Leaders

188. Several fine old houses, we were told, have been taken over by the national voluntary associations concerned with the training of leaders. The Girl Guides' Association, the National Association of Girls' Clubs and Mixed Clubs, and the Central Council for Physical Recreation are among them. About this the Ministry say, and we agree, that "appreciation of the fine things around them which students passing through these centres may acquire will be particularly valuable, since they will have opportunities of interesting so many young people." They add that it is their impression that "there is an unsatisfied demand for places of this kind, though their cost both in acquisition and in upkeep is always a difficult problem for the voluntary associations concerned." That is a matter in which the Historic Buildings Council might be able to give valuable help.

Training of Teachers

189. Several great houses, including Wentworth Woodhouse and Alnwick Castle, have been adapted in whole or part since the war for use as teacher-training colleges. The accumulated need for teachers is, however, now largely met, and the Ministry do not think that there can be much further demand for houses for this purpose.

Teachers' Courses and Conferences

190. When Audley End recently came into the market, it was bought by the Ministry of Works and is now maintained by them. The state rooms are open to the public ; the rest of the house is to be used for the Ministry of Education's "Short Courses for Teachers," but it awaits costly adaptations before it can be brought into use. The Ministry say that there is no doubt that they could make good use of one or two more such centres, preferably in the North Midlands and North of England. But the usual difficulty arises that no country house would meet the requirements of single bedrooms for about sixty people, separate washing accommodation for men and women, and so on, without alterations on a scale which, as at Audley End, is not possible at present.

Adult Education

191. There are at present 22 adult education residential centres, run by local authorities or by private enterprise. Some of these are in houses of historic or architectural interest that have been acquired for the purpose. The Ministry said they would like to see an increase in their number, but here again financial difficulties are an obstacle to doing as much as the promoters would wish.

192. The Ministry also suggest that when the time comes to set up County Colleges under the Act of 1944 further opportunity will arise for a suitable use for these houses.

Departments of Universities

193. Evidence on this was given to us on behalf of the University Grants Committee. Although the Universities need more accommodation both for residential and for teaching purposes, it is not thought likely that they can make much use of houses of the sort we are concerned with. The Universities "certainly could not regard it as one of their functions to become curators of buildings of historic importance" ; their interest must be a strictly utilitarian affair. As a rule the need is for buildings in towns, but sometimes they are wanted outside for extra-mural purposes. Lumley Castle is in use as a hall of residence of Durham University, Madingley Hall as a hostel for undergraduates of Cambridge, and Keele Hall as the nucleus of the new North Staffordshire University College. Obviously this type of use is a most suitable one, but opportunities are not likely to be many.

Centres for Music, Drama and the Arts

194. Few uses could be more appropriate than to make fine old houses (in the words of the Ministry of Education) "centres for music or drama, in connection with, for example, the Rural Music School Association, foundations like Glyndebourne, or festivals like those at Malvern or Bath." Something is already being done on these lines. We have mentioned Corsham Court. Bretton Hall, in Yorkshire, is another house that the local authority is putting to a similar purpose, although, unlike Corsham Court, it does not also provide the owner with a home. The principal rooms are being retained intact as studios, music rooms, lecture rooms and library ; parts of the stable block are being turned into a theatre ; and the less valuable parts of the house are being adapted to provide living accommodation. Activities such as these fall within the province of the local education authority, and presumably attract grant.

Other Educational Uses

195. Among other educational purposes *prima facie* suitable we may mention use as rural community centres like Craigston Castle, and as centres for field research.

HOTELS, ETC.

196. There are great practical difficulties in converting such houses into hotels, even if this should be thought a worthy expedient. Kitchens must be entirely re-equipped, or even re-built; bathrooms, sanitary accommodation and heating must be provided on a large scale. Even if alterations like these could be made without destroying the personality of the house, the cost (which would presumably include a development charge) would probably be prohibitive.

197. The main argument put forward in favour of this use is that it would attract American visitors and earn dollars. The most interesting form in which the proposal has been made to us is a scheme submitted by the Polytechnic Touring Association, Ltd. Under this, a number of historic houses, carefully chosen both for their quality and their situation, would be turned into hotels not by providing bedrooms and bathrooms in the house itself, but by building separate blocks, near the house, and connected to it by a covered way. These would contain bedrooms and bathrooms of a simple standardised type. The state rooms would be used as dining rooms, sitting rooms, lounges and so forth.

198. This proposal, coupled as it is with a suggestion that something of the sort could be done in time for the Festival of Britain, raises considerations outside our terms of reference. It becomes a matter of high policy, only capable of execution if sponsored by the Government and financed by the Treasury. Nor do we feel able to express a confident opinion on the only aspect of it that does concern us—whether it would be a suitable method of “preserving” the selected houses. The danger that they might be spoiled is obvious, but we do not say that they would inevitably be. No one can answer that question except in relation to each house and after knowing the exact nature of the work proposed at it.

CONVERSION INTO FLATS

199. In recent years many large houses have been divided into flats, leaving the state rooms as they are, and usually on view to the public. It is not every house that lends itself to this treatment without loss of character, but for a house that does it is often a good solution. The Society for the Protection of Ancient Buildings told us that they felt that great houses “if treated sympathetically could frequently be divided into separate houses or flats.” We hope that for any such scheme that may be approved by the Historic Buildings Council the local authority will make generous use of the power of financial assistance given to them by the recent Housing Act.

200. We were much taken with a suggestion made by one witness that some historic houses should be converted in this way and used as homes for elderly people. We understand that local authorities are already buying country houses for this purpose. It would be interesting if the experiment were made of choosing an architecturally fine one and letting the tenants share in the duties of taking care of the state rooms and showing them to the public.

OFFICES

201. The Pilgrim Trustees, in their evidence to us, roundly denounced the conversion of historic houses into government or commercial offices as being entirely destructive of their spirit. We cannot endorse this without reserve, because we have seen houses of beauty and character used as the headquarters of industrial concerns without detriment to them; on the contrary they had been given every care that good taste could devise and money provide. But such examples are extremely rare. We think it safe to say that, except possibly when used to accommodate a small headquarters staff of a rich and enlightened concern, the use of a house of architectural merit as offices always spoils it. If there is a large staff the house cannot be used economically except by dividing up the rooms in a way that destroys their character. Of Government Departments it is certainly true that they ruin any fine house that they may occupy. That is perhaps natural. The high cost of the work that is usually needed in order to preserve the character of an historic house, and the inevitable waste of space, could hardly fail to evoke parliamentary criticism. We hope that the Historic Buildings Council will regard it as part of its duty to safeguard interesting houses from being converted into offices, especially government offices.

202. The uses we have considered are far from exhaustive. The Council will have to go thoroughly into all the matters we have mentioned and many more. But we have received from our witnesses so much interesting information, and so many weighty opinions, that we thought it right to put on record the gist of that evidence, and the impression that it made on us, for the benefit of those who later will have the responsibility of taking these difficult and important decisions. These are matters in which it will be easy to make mistakes and easier still to incur the accusation of making them.

SECTION XI

Summary of Recommendations

CREATION OF HISTORIC BUILDINGS COUNCILS

- (i) That a statutory body should be created for England and Wales (paragraph 69) and another for Scotland (paragraph 70) and entrusted with duties both general and specific for furthering the preservation of houses of outstanding historic or architectural interest. These might be called the Historic Buildings Council for England and Wales and the Historic Buildings Council for Scotland.
- (ii) That the Councils should be appointed by the Chancellor of the Exchequer who should be responsible to Parliament for them (paragraph 82). Appointments to the Scottish Council should be made in consultation with the Secretary of State for Scotland (paragraph 84).
- (iii) That the Councils should be required to present annual budgets and annual reports and accounts, the accounts to be audited by the Comptroller and Auditor General (paragraph 86).

RELATION OF COUNCILS TO EXISTING AUTHORITIES

- (iv) That the Councils should absorb the National Buildings Record and its Scottish Council (paragraph 107).
- (v) That the Councils should co-operate closely with the Royal Commissions on Ancient and Historical Monuments (paragraph 105).
- (vi) That the Councils should become the central authorities for advising Government Departments (paragraph 112), the planning authorities (paragraph 95) and owners and others (paragraph 162) on all matters relating to historic buildings and their contents.
- (vii) That in order to get rid of the confusion caused by the existence of two different sets of statutory provisions for the protection of historic houses, the Ancient Monuments Acts should be amended so as no longer to apply to such houses, leaving them subject only to the relevant provisions of the Town and Country Planning Acts, 1947 (paragraph 92).
- (viii) That these latter provisions should be administered as at present by the planning authorities (paragraph 94), but under the guidance of the Historic Buildings Councils (paragraph 95).
- (ix) That the Councils should take over the responsibility for compiling the lists of buildings of special historic or architectural interest under Section 30 [28] of the Town and Country Planning Acts 1947 (paragraph 113).

DESIGNATION OF HOUSES OF OUTSTANDING INTEREST AND THEIR CONTENTS

- (x) That each Council should compile a list of houses of outstanding historic or architectural interest, which should be known as "designated" houses (paragraph 116). These lists should be published (paragraph 121).
- (xi) That each Council should also be empowered to list such of the contents as go to make up the "unity" of a designated house in cases where preservation as a unity is important (paragraph 119). These lists should not be published but should be available for inspection (paragraph 121).
- (xii) That owners of listed contents should be required to give notice to the Council of any intention to remove them (paragraph 119).

POLICY

- (xiii) That designated houses should, so far as possible, be preserved as private residences occupied preferably by the families connected with them (paragraphs 123 and 129).

TAX RELIEFS

- (xiv) That the owner-occupiers of designated houses should be entitled to the following tax reliefs subject to showing their houses to the public (paragraph 131) and certain other conditions, namely :
 - (a) Relief from income tax and surtax in respect of approved expenditure on repairs to and maintenance of the house and contents (paragraph 132).
 - (b) Relief from death duties on the house, listed contents and amenity land so long as they are not sold (paragraph 141).
 - (c) Relief from death duties (subject to certain conditions) on property assigned to trustees to maintain the house out of the income of that property (paragraph 145).

Special provisions would apply to the case where the owner is not the occupier.

- (xv) That the question should be examined whether the tests of eligibility for assessment to income tax under Case I of Schedule D might be made less stringent for owners of listed houses who show them occasionally to the public (paragraph 138).
- (xvi) That entertainments duty should not be levied on the admission fees charged for visits to designated or listed houses (paragraph 150).
- (xvii) That collection of owners' rates on unoccupied designated houses in Scotland should be suspended for a period up to one year at the request of the Historic Buildings Council for Scotland while the future of the house is being considered (paragraph 152).

OTHER AIDS TO PRESERVATION

- (xviii) That the Historic Buildings Councils should have wide powers of aiding the preservation of designated houses and their listed contents (including houses owned by local authorities or the National Trusts) by giving expert advice (paragraph 162); by themselves carrying out works of repair and maintenance; and by loans and grants at their discretion on such terms and conditions as they think fit (paragraphs 154 and 155).
- (xix) That the Councils should have power to acquire designated houses, their contents and the amenity land by agreement, or compulsorily if that is necessary to preserve them, and to hold and manage properties so acquired until some suitable use can be found by which they can be preserved (paragraphs 157 and 158).

CO-OPERATION WITH LOCAL AUTHORITIES

- (xx) That local authorities should be encouraged to co-operate closely with the Councils in the preservation of listed and designated houses and their contents, and in particular should make the preservation of houses in towns their special concern (paragraph 96).

OTHER DUTIES

- (xxi) Other duties of the Councils should include :
 - (a) The furtherance of the specialised training of architects and craftsmen (paragraph 169).
 - (b) The organisation of suitable publicity (paragraph 163).

We must place on record a warm tribute to our Secretary, Mr. A. E. L. Parnis, of the Treasury. His ability, energy and experience, given enthusiastically to our service, have been of the utmost help to us; and his keen interest in the subject of our inquiry has made our association a particularly happy one.

ERNEST GOWERS (*Chairman*)
 AVA ANDERSON
 W. H. ANSELL
 A. F. BLUNT
 CYRIL FOX
 J. D. IMRIE
 J. C. LITTLE

A. E. L. PARNIS (*Secretary*)

30th March, 1950

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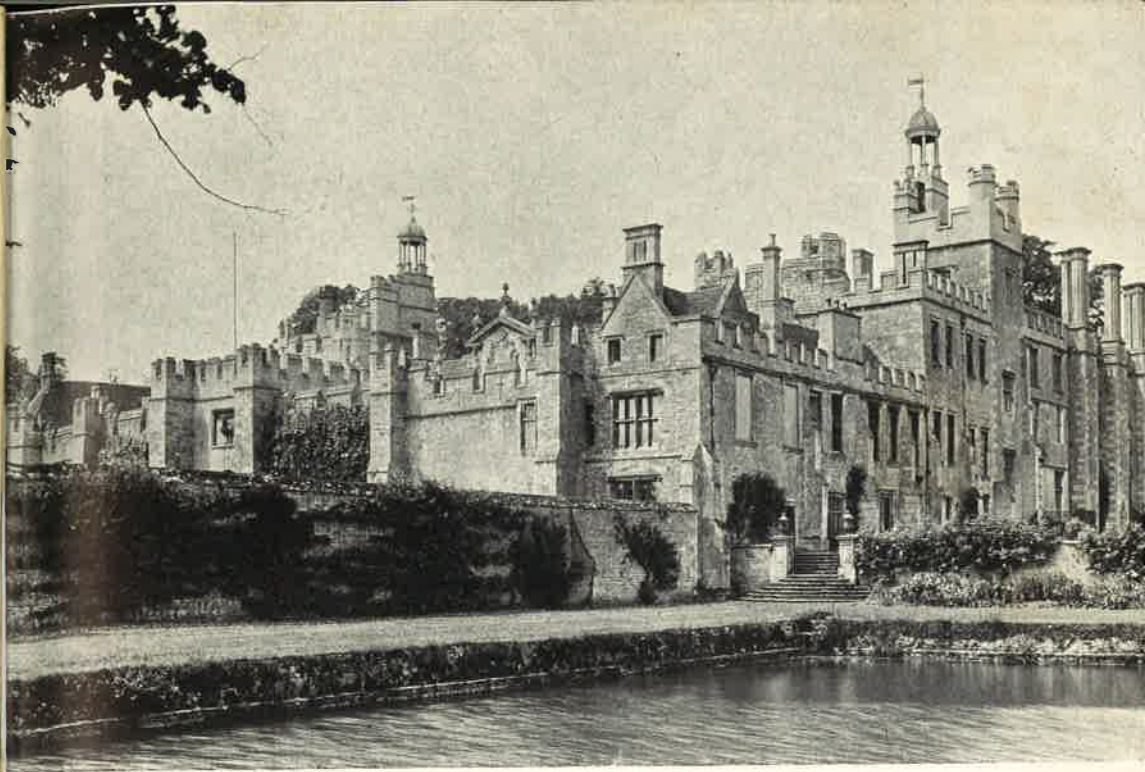
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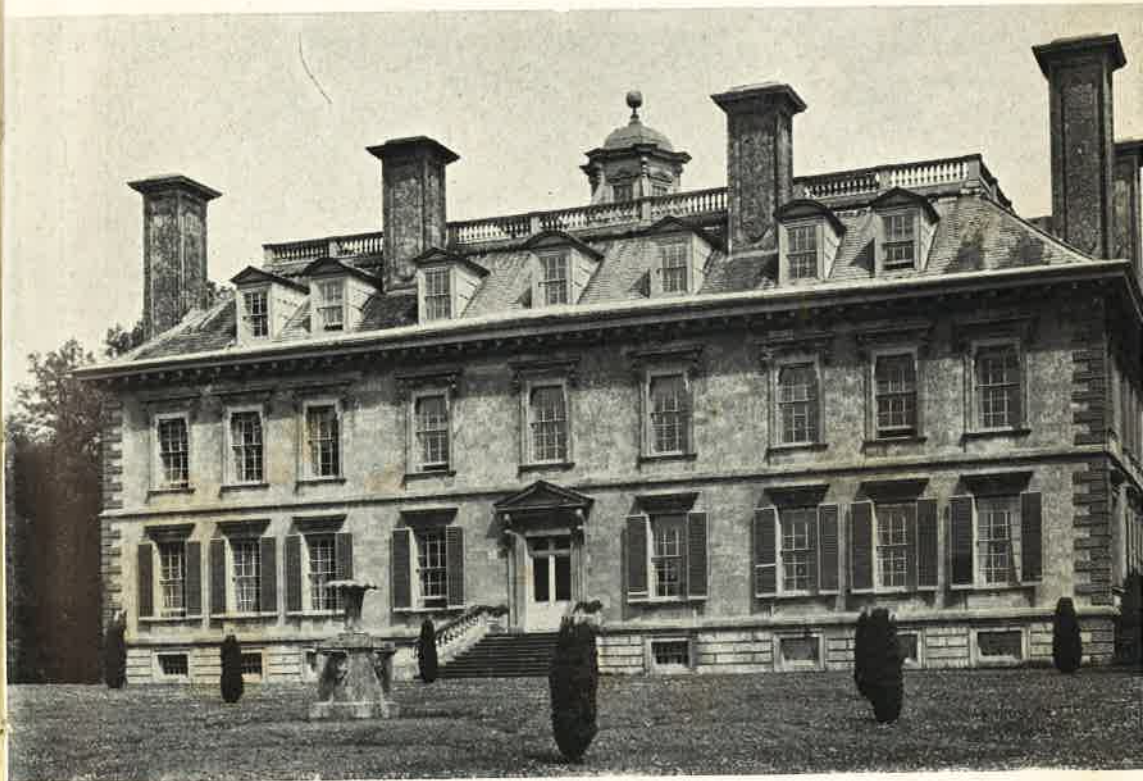
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DRAYTON HOUSE, NORTHANTS.

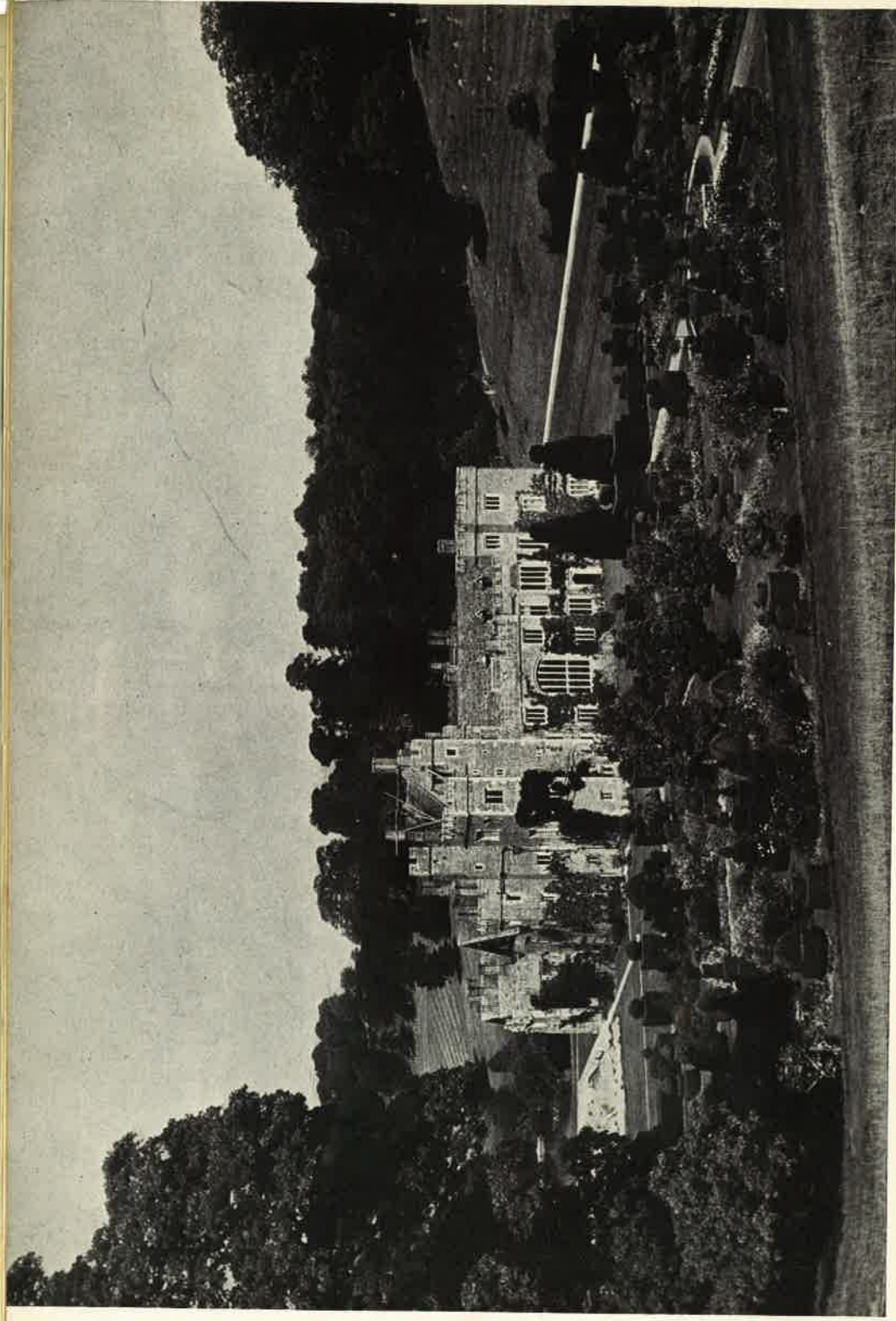
A pleasing mixture of many styles from the 14th to the early 18th centuries.
Occupied as a private house.



COLESHILL, BERKS.

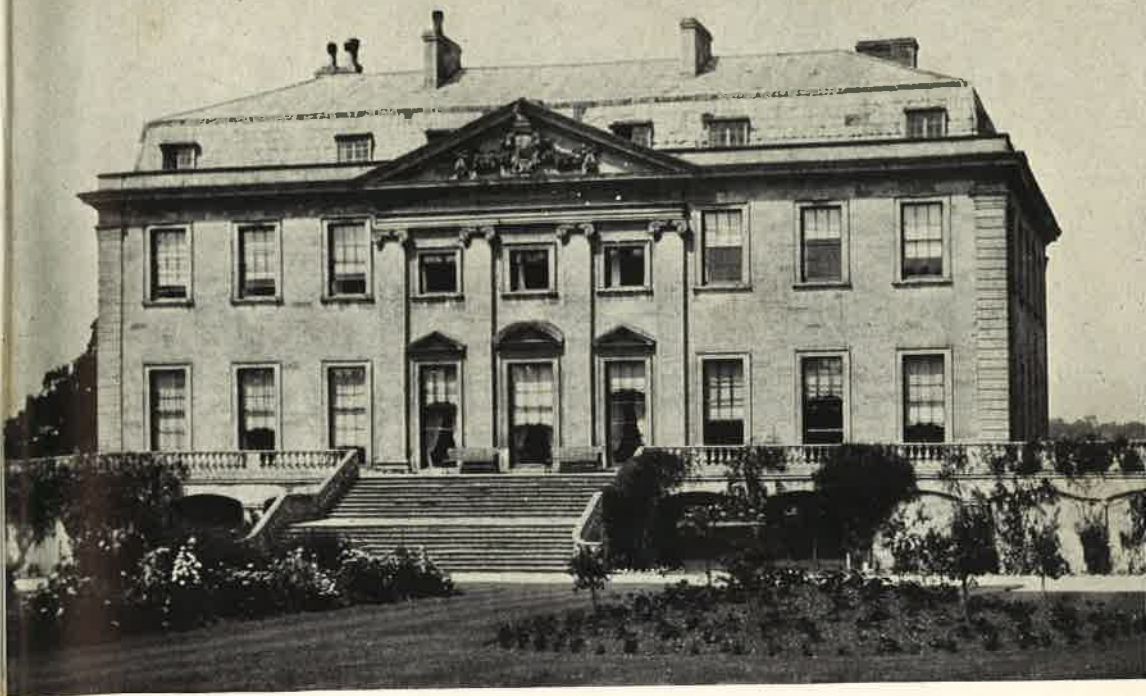
Copyright "Country Life"

A dignified 17th century house now empty.



COMPTON WYNYATES, WARWICKSHIRE—An early Tudor house with beautiful gardens in a superb setting. In private occupation.

COMPTON WYNAYATES, WARWICKSHIRE—An early Tudor house with beautiful gardens in a superb setting. In private occupation.



BLATHERWYCKE HALL, NORTHANTS.

A Georgian house occupied by the military, damaged, sold by auction to a contractor in 1948, and completely demolished for the sake of the materials.



STAUNTON HAROLD, LEICESTERSHIRE

Copyright "Country Life"

A delightful grouping of house and church in a setting threatened by proposals for opencast coal-mining.



WENTWORTH WOODHOUSE, YORKS. THE WHISTLE JACKET ROOM.
A fine interior spoiled on conversion to a Training College.



By Courtesy of the Distillers Co., Ltd.
20 ST. JAMES'S SQUARE, LONDON. THE "EATING ROOM".
An Adam interior successfully converted to office use.

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BRYMPTON D'EVERCY, SOMERSET.

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A 16th century house with 17th century additions, in a wonderful setting.
In private occupation.

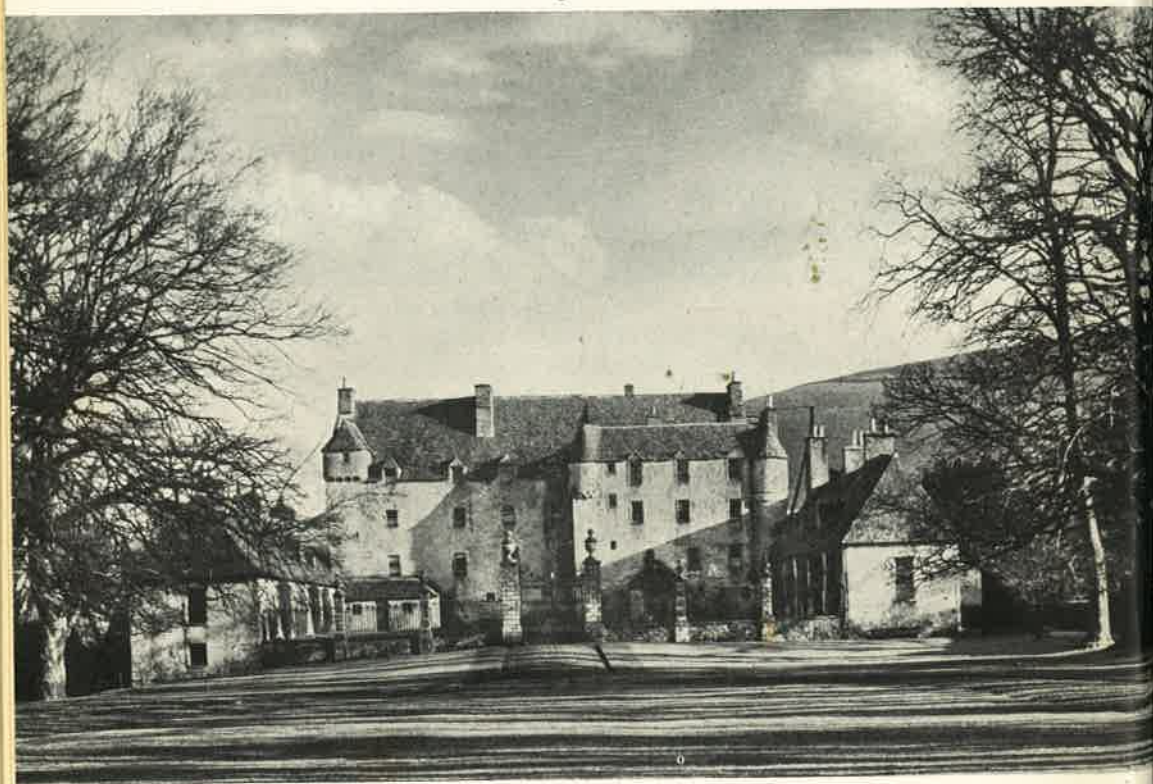


By permission of the National Museum of Wales

ST. FAGAN'S CASTLE, GLAMORGAN.

An Elizabethan house inside 13th century fortifications.

Given to the National Museum of Wales in 1947 as the nucleus of a Welsh Folk Museum.



TRAQUAIR HOUSE, PEEBLESSHIRE.

Photo. Robert M. Adam

Typical Scottish work of the 16th-17th centuries. A private residence.

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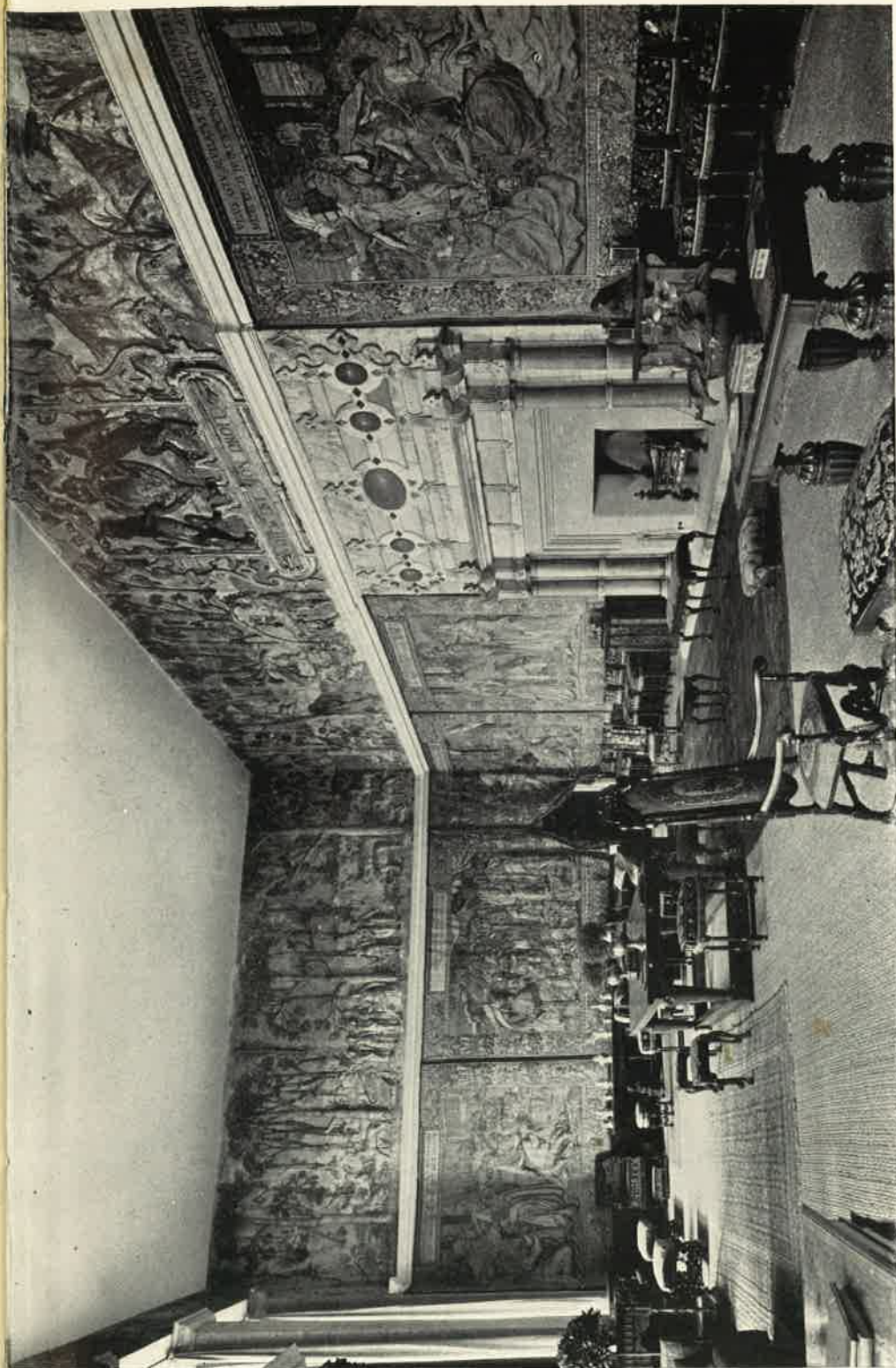
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HARDWICK HALL, DERBYSHIRE. THE HIGH GREAT CHAMBER.

Described as the most beautiful room in the whole of Europe, this illustrates the case where house and contents merit preservation as a unity.



BLICKLING HALL, NORFOLK.

A fine Jacobean house now owned by the National Trust and leased to a private tenant. Open to visitors twice a week.