



**In the matter of the Cambourne to Cambridge Transport and Works Act Order
application made by Cambridgeshire County Council (and Greater
Cambridgeshire Partnership)**

Clare Hall, Cambridge

**Rebuttal Proof of Evidence on behalf of Clare Hall in relation to heritage
matters**

**Fiona Lamb
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04 September 2025**

Objector Number (OBJ213)
Inquiry reference (TWA/24/APP/03)

1. Introduction

- 1.1. This Rebuttal Evidence is prepared on behalf of Clare Hall in response to the Proof of Evidence provided by Mr Tom Wilson (CD26-01-APP-W2-1) on behalf of the Applicant.
- 1.2. In this Rebuttal I have not sought to respond to every point in Mr Wilson's Proof of Evidence with which I disagree. I have focussed on those issues where I consider the Inspector may find it helpful to have a written response.
- 1.3. This Proof responds to the following points made by Mr Wilson in his Proof of Evidence CD26-01-APP-W2-1 :
 - Status of the 3 No original paths that form part of the Grade II* listed Clare Hall and outlines the construction of the paths
 - Comparative level of harm resulting from the Adams Road Alternative Route
 - Views out from the Clare Hall Meeting Room and Study Rooms
 - Final section highlights an error Mr Wilson's Proof of Evidence
- 1.4. An errata table of corrections is included at the end of the document listing corrections to the Proof of Evidence submitted on 08 August 2025.
- 1.5. Appendix A1 Includes a legal note that outlines the legislative and case law background relevant to the first point below.

2. Status of the 3 No original paths that form part of the Grade II* listed Clare Hall and the requirement to alter 3 No. original pedestrian paths to form the maintenance track running alongside the C2C busway

- 2.1. Mr Wilson states in paragraph 4.6.8 CD26-01-APP-W2-1. *'The three paths that cross the grass to the metalled surface of Rifle Range Road are outside the curtilage because they are discontinuous from the physical layout of the internal space and because they have never been within the property boundary.'*
- 2.2. Mr Wilson also argues that the paths are not objects / structures fixed to the building, nor lie within the curtilage of the listed building. Refer to Paragraph 6.1.13.
- 2.3. Included below are additional photographs of Clare Hall taken in 1969–70, shortly after the project's completion. These images clearly show that the three principal paths were designed by Ralph Erskine and built at the same time as the main building complex. These paths are not incidental surfaces; they were conceived as integral circulation routes, forming a deliberate part of the overall architectural and spatial composition.
- 2.4. The three paths are not "discontinuous" from the internal layout: rather, they extend directly from the bridges spanning the rainwater channel, continuing the building's spatial arrangement outwards towards Rifle Range Road.

- 2.5. The paths cannot be described as a 'surface treatment', as stated by Mr T. Wilson in paragraph 6.1.14 of his Proof of Evidence. These paths are structures, constructed using the same red brick as the main Clare Hall buildings and two types of paving slabs: 40mm-thick exposed aggregate slabs and 40mm-thick smooth concrete slabs. The paths leading from the courtyard house and Scholars' Walk use exposed aggregate paving slabs, while the path leading from the Family Walk uses smooth-faced concrete slabs. The red bricks are laid lengthwise, with the bed face uppermost, forming the edges of each path, with an additional line of brick running through the centre. This pattern reflects the layout of the external paths and courtyards within Clare Hall. Their construction, using the same materials and finishes (red brick, smooth concrete, and exposed aggregate slabs) as the internal paved surfaces, underscores their deliberate role as an extension of the architectural fabric, reinforcing Erskine's holistic design intent.
- 2.6. The above points, together with the original and existing photographs (Figures 01–06) below, clearly illustrate why these three paths, together with the bridges and the rainwater channel, should be considered as original structures forming part of Erskine's Grade II* listed building. It is also worth highlighting that all three of these elements (paths, bridges, and channel) work together to define the thresholds of the original campus and cannot be separated or assessed individually, as suggested by Mr T. Wilson in paragraph 6.4.11 of his Proof of Evidence.
- 2.7. Please refer to Appendix A1 Legal Note that outlines the legislative and case law background that supports this conclusion.



Figure 01 Original photograph looking north towards Family Walk



Figure 02 Original photograph looking south illustrating the path extending from the end of Scholars' Walk



Figure 03 Original photograph looking towards the path leading from the courtyard house and Family Walk

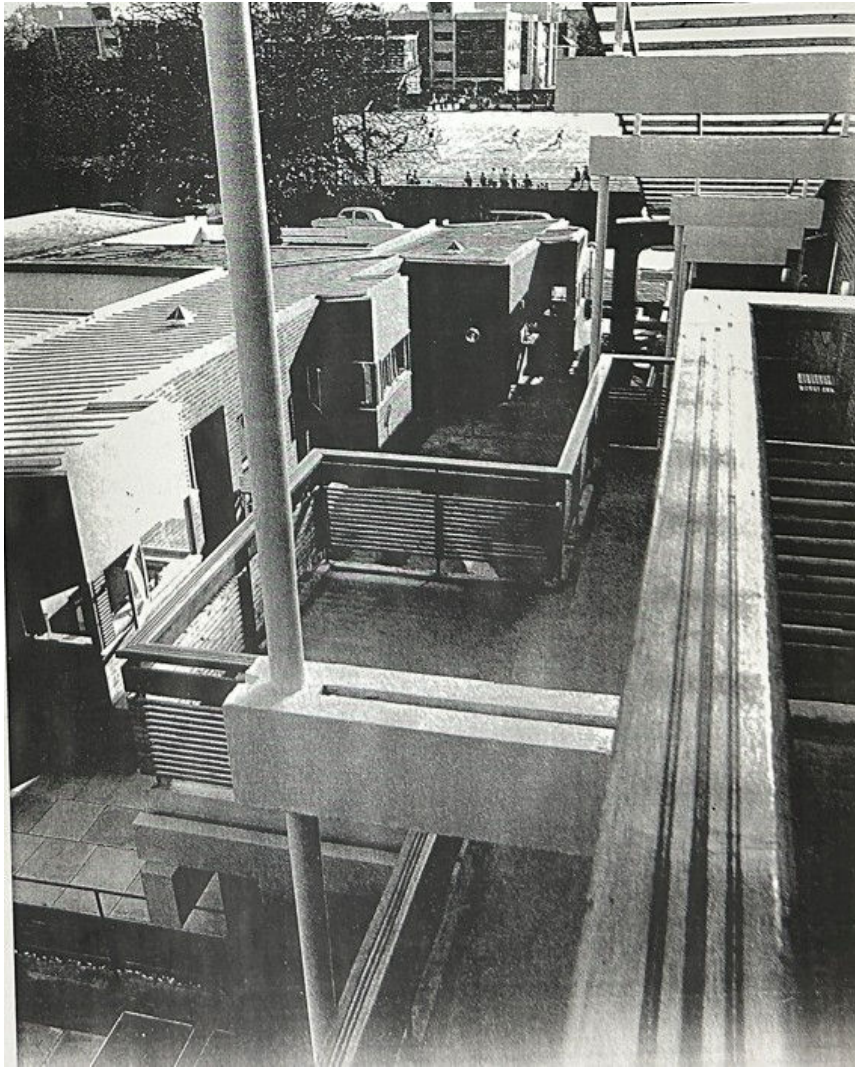


Figure 04 Original view looking south towards Rugby field from upper deck of residential block



Figure 05 Existing view of path leading from courtyard house



Figure 06 Existing view of path leading from Scholars' Walk

3. Comparative level of harm resulting from the Adams Road Alternative Route

- 3.1. Mr Wilson provides an assessment of the comparative level of harm to heritage assets between the C2C busway route and the College's proposed alternative route, which would turn off Grange Road and run along Adams Road..
- 3.2. Paragraph 7.1.2 of Mr Wilson's Proof of Evidence CD26-01-APP-W2-1 concludes that the *'route along Adams Road instead of Rifle Range Road has been considered during the ongoing assessment of the CtoC Scheme. Such a route would be harmful to the 73 of 73 historic environment including some listed buildings and one conservation area. The overall degree of harm would be towards the low end of 'less than substantial' and broadly similar to that of the CtoC Scheme.*
- 3.3. For the purposes of making a comparative assessment, I have only reviewed the heritage assets as defined by National Planning Policy Framework (NPPF, 2023) and included in the National Heritage List for England that are located along Adams Road.
- 3.4. The proposed alternative route would turn off Grange Road into Adams Road and not continue past and impact on the main elevation of the Grade II* Robinson College, Grade II Listed Elmside before turning into Rifle Range Road and past Grade II* listed Clare Hall.
- 3.5. There are **no** statutory listed buildings along Adams Road Alternative Route between Grange Road and Wilberforce Road except the north elevation of the Grade II* listed Robinson College. The principal elevation and address of Robinson College is Grange Road. Figure 08 below Extract Map from Historic England List Entry <https://historicengland.org.uk/listing/the-list/map-search/>.
- 3.6. As outlined by Mr Wilson, both Grade II* Listed Clare Hall and Grade II Listed Elmside would **not** be impacted by the proposed Adams Road Alternative Route.
- 3.7. The impact of the Adams Road Alternative Route on Robinson College would reduce as the Adams Road Alternative runs along the shorter north elevation and not the principal East elevation facing Grange Road.

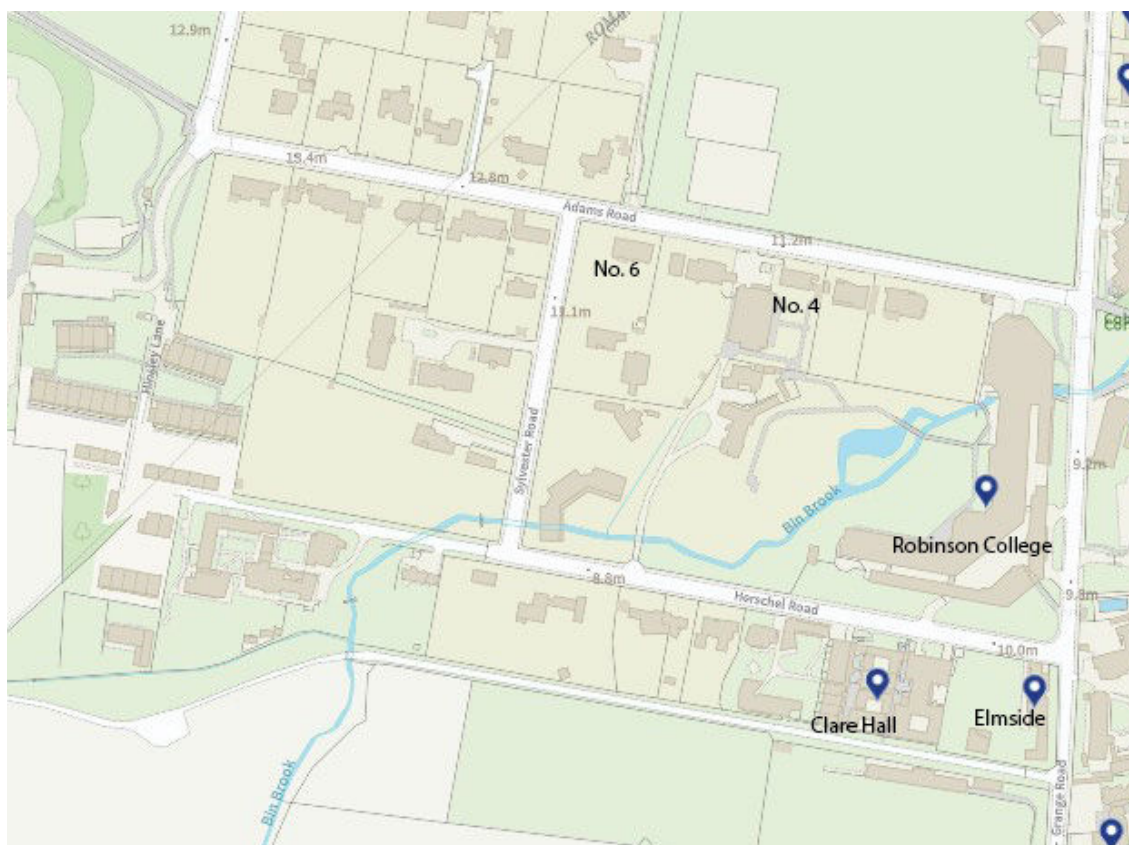


Figure 07 Extract Map from Historic England List Entry (Note only the buildings with blue tear drop annotation are statutory listed buildings) No. 4 & 6 are only locally listed.

- 3.8. There are two locally listed buildings on Adams Road: 4 & 6 Adams Road which would be impacted by the Adams Road Alternative Route. Both of these buildings have off street parking to the front of the buildings and are set back from the C2C busway. Therefore the impact in terms of noise, impact on setting, loss of privacy from passing buses would be less than the impact on Clare Hall when passing along Rifle Range Road.
- 3.9. The proposed Adams Road Alternative Route would impact fewer statutory listed assets along this section of the alternative route and therefore the impact of the Adams Road Alternative Route cannot be 'broadly similar to that of the CtoC Scheme's' outlined in Paragraph 7.1.2 of Mr Wilson's Proof of Evidence.

4. Views out from the Clare Hall Meeting Room and Study Rooms

- 4.1. Paragraph 6.1.51 states that *'the long horizontal window in the meeting room is set at a low height, indicating that it is intended to provide light rather than to present a view.'* This is a misreading of the positioning of the cill of this window. This room was designed as a meeting room and as the occupants are mostly seated whilst occupying this room. Erskine deliberately inserted this window at a lower height so that the view out from the room can be readily viewed whilst seated at meeting room tables. Refer to the Figures 09 and 10 below which illustrate this point.



Figure 08 Original photo of meeting room showing relationship of window cill with seated position.



Figure 09 Existing photos of meeting room showing relationship of window cill with seated position



Figure 10 Existing meeting room illustrating the deliberate lower placement of the window cill so that views can be seen while seated at the meeting room and study desks



Figure 11 Existing view from meeting room



Figure 12 View looking towards the study room windows

5. Paragraph 6.1.51 of Mr Wilson's Proof of Evidence states that because one small bathroom window on the south elevation is obscured and the views out of the meeting and study rooms are off tree trunks and the rugby ground, this supports his conclusion that Erskine did not consider views to the south to be important. It is usual practice to provide obscured glass to provide privacy to bathrooms in most residential properties. All other windows have clear glass to allow views out and daylight into each space. Refer to figure 11 above. Reflective film has been added to the ground floor windows along Rifle Range Road to provide privacy when viewed from outside Clare Hall further emphasizing the importance of privacy for these rooms. This careful placement of the window cills of the meeting and study room windows in relation to the seated position clearly demonstrates that the view was important to Erskine.

6. Error in Mr Wilson's Proof of Evidence

- 6.1. Paragraph 4.2.19 of Mr Wilson's Proof of Evidence incorrectly states that the 'slender metal rails' have been added since the removal of the gates to both Family Walk and Scholars' Walk. See figure 12 below which clearly show these rails in place on completion of the project in 1969. This error further illustrates the applicant's lack of understanding of these carefully designed thresholds.



Figure 13 Original photograph looking north towards Scholars' Walk

7. Conclusion

- 7.1. The additional material set out in Mr Wilson's Proof of Evidence provides detail to support the applicant's assessment of impact of the proposed C2C busway on the Grade II* listed Clare Hall. This additional information does not alter the substance of my original assessment.
- 7.2. The rebuttal presented here demonstrates that the three original paths connected to the bridges that pass over the rainwater channel are integral structures of Ralph Erskine's holistic design for Clare Hall; that the Adams Road Alternative Route would result in less cumulative harm due to the fact that there are no listed assets with a principal address on Adams Road; and that Erskine's careful treatment of views from the south facing rooms underscores the architectural and historic significance of the site.
- 7.3. I maintain the conclusion set out in my original Proof of Evidence that the proposed C2C scheme along Rifle Range Road would result in 'less than substantial harm' at the higher end of the spectrum as defined by the National Planning Policy Framework (2023).



Figure 14 Aerial view of Clare Hall

8. Errata to Proof of Evidence of Fiona Lamb

The following lists corrections that relate to the previously submitted Proof of Evidence on 08th August 2025.

Proof of Evidence of Fiona Lamb (OBJ213)

Cambourne to Cambridge Transport and Works Act Order

Inquiry reference: TWA/24/APP/03

Page	Original Text	Correction
p. 20,4.1.1	There are approximately 370,000 listed buildings in the England...	...370,000 listed buildings in England...
p. 24, Site description	...the west block situated across the Family Walk form the court houses...	...the west block situated across the Family Walk forms the court houses...
p. 47, Fig. 15 caption	horizontal window	horizontal window
p. 66, C2C scheme section	...each of 3 no. existing paths to be reduced in lenght by a 1/3...	...each of 3 no. existing paths to be reduced in length by a third...
p. 69, C2C revised sketch	...a semi matured tree planted 700mm away...	...a semi-mature tree planted 700mm away...
p. 73, 7.2.4	...provides jusitification for...	...provides justification for...
p. 79, Impact section	...in May 2025(needs checking)...	...in May 2025 (needs checking)

Appendix A1

Legal note that outlines relevant legislative and case law.

**In the matter of the Cambourne to Cambridge Transport and Works Act Order
application**

Clare Hall, Cambridge

Legal Note on Heritage Issues

1. The purpose of this note is to provide assistance on the interpretation of terms used in section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990 ('LBCA 1990'). Specifically, this note considers three legal issues which arise from the analysis of Thomas Wilson at paragraphs 6.1.13-6.1.15 of his proof of evidence, namely:
 - a. the interpretation of the terms "object" and "structure", in the context of s.1(5)(a) LBCA 1990;
 - b. the interpretation of "fixed to a building", in the context of s.1(5)(a) LBCA 1990; and
 - c. the approach to determining whether an object or structure forms part of the curtilage of a listed building, applying the test in *Attorney General ex rel Sutcliffe v Calderdale MBC* (1983) 46 P & CR 399.

Legal context

2. Works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest are only permitted where those works are authorised by way of listed building consent: LBCA 1990, ss.7 and 8.
3. A "listed building" is defined as a building which is for the time being included in a list compiled or approved by the Secretary of State (LBCA 1990, s.1). Section 1(5) LBCA 1990 further provides that '(a) any object or structure fixed to the building' or '(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948' shall be treated for the purposes of the Act as part of the listed building.

Factual background

4. There are three paths connecting Clare Hall, a Grade II* listed building, to Rifle Range Road. Part of these paths sit inside the red line boundary for the proposed Cambourne to Cambridge Order ('C2C Order'). These paths are part of the original Erskine designed and constructed scheme at Clare Hall.¹
5. In his proof of evidence, Mr Wilson alleges that the paths do not comprise an "object" or "structure" for the purposes of s.1(5) LBCA 1990, because '[r]ather than being an "object" or "structure", the paths comprise merely a surface treatment of the ground'.² Mr Wilson further alleges that the paths are not fixed to Clare Hall since the paths 'abut the low concrete "bridges" that cross the canal'.³ As for curtilage, Mr Wilson notes that he has 'considered the *Calderdale* factors regarding whether a structure or object is within the curtilage of a listed building' and concludes, following *Calderdale*, that the paths in question 'are not curtilage listed because they are not part of the listed building's layout and are outside the property'.⁴
6. This note considers the meaning of "object or structure" and "fixed to the building" for the purpose of s.1(5)(a) LBCA 1990 and whether the approach taken by Mr Wilson to curtilage is correct as a matter of law.
7. It should be noted, however, that Ms Lamb in her proof of evidence does not rely on the 'deeming provisions' in s.1(5)(a) or (b) of LBCA 1990. Rather, she considers the paths are part of the listed building, without needing to rely on s.1(5)(a) or (b).⁵ This legal note therefore only addresses the legal points arising from the analysis of Mr Wilson.

Analysis

The meaning of "object" or "structure" in s.1(5) LBCA 1990

¹ CD26-08-W5-1 Fiona Lamb Proof of Evidence, para. 7.2.2.

² CD26-01-APP-W2-1 Tom Wilson Proof of Evidence, para. 6.1.14.

³ Ibid.

⁴ Ibid, para. 6.1.15.

⁵ CD26-08-W5-1 Fiona Lamb Proof of Evidence, 7.2.2

8. There is no definition of the terms “object” or “structure” within the LBCA 1990. As for the ordinary meaning of these words, the word “object” is defined as ‘a thing placed before the eyes or presented to one of the senses; a material thing (that can be) seen or perceived’.⁶ The word “structure” is defined ‘a thing which is built or constructed; a building, an edifice. More widely, any framework or fabric of assembled material parts’.⁷
9. The word “structure” in the predecessor to s.1(5)(a) LBCA 1990 was also considered by the High Court in *Watson-Smyth v Secretary of State and Cherwell DC* (1992) P&CR 156. In that case, Sir Frank Layfield QC held that if “structure” in s.54(9) TCPA 1971 was used in the ordinary sense of the word, that is, as ‘an edifice or framework put together by erection or building’, the Inspector was entitled to conclude that the ha-ha at issue in that case was a structure. The court in *Watson-Smyth* also referred to the judgment of Lord Keith in *Debenhams plc v Westminster City Council* (1987) AC 396, in which Lord Keith held (at 403 F-H) that the word “structure” was:

‘intended to convey a limitation to such structures as are ancillary to the listed building itself, for example the stable block of a mansion house, or the steading of a farmhouse, either fixed to the main building or within its curtilage. In my opinion the concept envisaged is that of principal and accessory’.

10. Sir Frank Layfield QC found that the inspector was entitled to conclude that a ha-ha (comprised of a ditch and a wall) was a structure on either interpretation of the word. Whilst the applicant had sought to argue that a ditch could not be an object or structure, the judge found that the Secretary of State was entitled to accept the inspector’s finding that the ha-ha necessarily comprises two elements which were integral parts of one structure, and therefore did not need to consider whether the ditch was a separate feature (*Watson-Smyth* at 165). This decision has been cited as confirming that ‘structures such as terraces, balustrades, flights of steps and so forth

⁶ Shorter Oxford English Dictionary

⁷ Ibid.

are structures capable of being part of a listed building by virtue of section 1(5) [LBCA 1990]’.⁸

11. The wider legislative context, including reading s.1(5) alongside s.1(3) of the LBCA 1990, also indicates that s.1(5) LBCA 1990 is intended to be read widely so as to encompass features which could reasonably be considered part of the building. Section 1(3) of the LBCA 1990 requires the Secretary of State, in considering whether to include a building in a list, to take into account not only the building itself but also (emphasis added):

‘the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a manmade object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building’

12. In *Calderdale*, upon considering the predecessor to s.1(5) (s.54(9) TCPA 1971) alongside what is now s.1(3) LBCA 1990 (s.56(3) TCPA 1971), Stephenson LJ held as follows (at 405) (emphasis added):

The setting of a building may consist of much more than man-made objects or structures, but there may be objects or structures which would not naturally or certainly be regarded as part of a building or features of it, but which nevertheless are so closely related to it that they enhance it aesthetically and their removal would adversely affect it. Such objects or structures may or may not be intrinsically of architectural or historic interest, or worth preserving but for their effect on a building which is of such interest. But if the building itself is to be preserved unless the Secretary of State consents to its demolition, so also should those objects and structures be. That object is achieved by section 54(9) requiring them to be treated as part of the listed building. They do not thereby become

⁸ Charles Mynors and Nigel Hewitson, *Listed Buildings and Other Heritage Assets* (6th Edition) (2024), para 5-54.

absolutely immune from demolition, but the power is there to give or withhold consent to the demolition of all or some of them.

If that is the right approach, it indicates a broad approach to the subsection as a whole and a construction of it which will enable the Secretary of State to exercise his discretion to grant or withhold listed building consent over a wide rather than a narrow field. Without straining the language of the subsection it will bring within its ambit many objects, or more particularly structures, which it might be thought incongruous to include in a listed building. A multiple store adjacent to the birthplace of a statesman might have to be treated as part of the birthplace because it was a structure fixed to it. A block of flats replacing the stables of a mansion house might have to be treated as part of the mansion because within the curtilage of the mansion.

13. Although the full width of this reasoning was not accepted by the House of Lords in *Debenhams* (on the basis that “structure” is limited to such structures as are ancillary to the listed building itself (see above)), the reasoning with regards to objects and ancillary structures remains good law.

14. As outlined in the introductory sections above, Mr Wilson alleges that a path cannot be an “object” for the purposes of s.1(5) LBCA 1990 because a path is a “surface treatment”. This analysis does not have any support in case law on the correct interpretation of s.1(5) LBCA 1990. Moreover, the suggestion that in all cases a path should be regarded as a “surface treatment” is inappropriate and over-simplistic, because paths come in different forms and widely varying degrees of structure and formality. In this case the paths comprise 40mm thick exposed aggregate and smooth faced concrete slabs edged with red bricks that match those used within Clare Hall. The bricks are laid bed face uppermost with an additional line of brick running through the centre, with each path designed by Erskine and constructed as part of the Clare Hall development.

15. It follows from the above analysis of the words “object” and “structure” in s.1(5) LBCA 1990 that:

- a. There is support in case law for a wide interpretation of s.1(5) LBCA 1990, albeit this should not be read so wide as to include ‘structures’ that are buildings in their own right;
- b. It is open to an inspector to consider an object or structure as an integral whole, and if so, the question of whether component parts of that object or structure are objects or structure in their own right does not arise;
- c. Should the inspectors find that the paths in question are material things that can be seen or perceived, it would be open to them to find that a path is an “object” for the purposes of s.1(5) LBCA 1990; and
- d. Should the inspectors consider the paths in question to be ‘a framework or fabric of assembled material parts’ and ancillary to Clare Hall, it would be open to them to find that the paths are ‘structures’ for the purposes of s.1(5) LBCA 1990.

The interpretation of “fixed to a building...” in s.1(5) LBCA 1990

16. The meaning of the word “fixed” in this context was considered in *Debenhams*, in which the House of Lords considered the predecessor to s.1(5)(a) and (b) LBCA 1990,⁹ finding that:

‘...the word “fixed” is intended to have the same connotation as in the law of fixtures, and that what is achieved by the latter part of s.54(9) is that the ordinary rule of the common law is applied so that any object or structure fixed to a building should be treated as part of it. The provision is dealing with the question of whether certain things, namely objects or structures, are to be treated as part of a building, not whether what is undoubtedly a

⁹ Section 54(9) of the Town and Country Planning Act 1971, which provides: “for the purposes of the provisions of this Act relating to listed buildings and building preservation notices, any object or structure fixed to a building, or forming part of the land and comprised within the curtilage of a building, shall be treated as part of the building”

building or part of a building is to be regarded as part of another building.’
(*Debenhams* at 409 A-B (Lord Mackay)).

17. In arriving at this conclusion, Lord Mackay approved the decision of the High Court in *Corthorn Land and Timer Co. Ltd v Minister of Housing and Local Government* (1965) 17 P&CR 210. The law of fixtures was discussed in detail in that case, which Lord Mackay summarised as follows (408 F-G):

‘...the ancient rule of the common law was that whatever is planted or built in the soil or freehold becomes part of the freehold or inheritance, thus a house becomes part of the land on which it stands and anything annexed or affixed to any building (not merely laid upon or brought into contact with the building) was treated as an addition to the property of the owner of the inheritance in the soil and was termed a “fixture”...’

18. In *Debenhams*, there was no dispute that the building in question was “fixed to” the listed building both by an underground tunnel and by a footbridge (414 C-D) (Lord Ackner), although, as discussed above, the majority found that the word “structure” did not include a distinct building which is connected structurally to the first building: see 403 D-E (Lord Keith) and 409 D-E (Lord Mackay).

19. The precise scope of the word “fixed” was also considered in the earlier case of *Calderdale*, in which the Court of Appeal considered whether a terrace of cottages (beginning at No.3) was fixed to a mill in circumstances where a bridge was attached to the mill, No.1 of the terrace was attached to the bridge, and each of the cottages in the terrace was attached to its neighbour (at 404). Stephenson LJ upheld the finding of the judge that ‘the terrace was a structure fixed to the mill in the ordinary sense of those words’ (406).

20. In short, therefore, it is clear that s.1(5)(a) is intended to apply the common law to ensure that any object or structure annexed or fixed to a building should be treated as part of it, and that an object or structure “attached” to a building would result in that object or structure being “fixed” to that building for the purposes of s.1(5)(a) LBCA

1990. Moreover, an object or structure may be “fixed” to a building by way of a bridge and/or a tunnel.

21. The question for a decision-maker would therefore be whether the paths are laid upon or brought into contact with Clare Hall (in which case, they would not be fixed to it) or whether, they are annexed or attached to Clare Hall (in which case they would be fixed to it). If Ms Lamb’s evidence is correct, and the paths were designed and constructed as part of the development and function as an extension to the Family and Scholars Walks,¹⁰ the paths (if not obviously part of the listed building) would more readily be described as being attached or annexed to Clare Hall, as opposed to being ‘brought into contact with’ or ‘abutting’ Clare Hall.

The correct approach to determining whether an object or structure forms part of the curtilage of a listed building

22. It is well established that the question of whether something falls within the curtilage of a listed building is a question of fact and degree. In *Calderdale*, there was agreement before the court that three factors have to be taken into account in deciding whether a structure or object is within the curtilage of a listed building, namely:

- a. The physical “layout” of the listed building and the structure;
- b. Their ownership, past and present,
- c. Their use or function, past and present.

23. Thus, where a building and a structure are in common ownership and one is used in connection with the other, there is little difficulty in putting a structure near a building or even some distance from it into its curtilage (*Calderdale* at 407). However, buildings in different ownerships may still be within the same curtilage (*Calderdale* at 408). Thus, although the listed building and the terrace in *Calderdale* were in separate ownership at the time of the relevant conveyance, the court held that the terrace of

¹⁰ CD26-08-W5-1 Fiona Lamb Proof of Evidence, para. 5.6.1.

cottages remained ‘so closely related physically or geographically to the mill as to constitute with it a single unit and to be comprised within its curtilage in the sense that those words are used in this subsection’ (*Calderdale* at 409).

24. It follows that whilst the three-fold test in *Calderdale* remains central to analysing whether an object or structure falls within the curtilage of a listed building, no one factor is determinative. Indeed, as argued by counsel for the planning authority in *Calderdale*, difficulties would arise if too much attention is paid to title and division of ownership (as opposed to historical association and proximity), since that would mean that listed building control could easily be evaded by colourful transfers of title (*Calderdale* at 408-409).

25. It would therefore be open to the inspectors to find that the paths fall within the curtilage of Clare Hall, on the basis that the paths are so closely related physically or geographically to Clare Hall so as to constitute with it a single unit, notwithstanding the absence of legal ownership (past or present) over the full extent of the paths.

Conclusion

26. In conclusion, as a matter of law, it would be open to an inspector to find that a path is an “object or structure fixed to a building” for the purposes of s.1(5) LBCA 1990. Moreover, the absence of legal title over the paths in question would not preclude a finding that they fall within the curtilage of Clare Hall.

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9 September 2025

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