

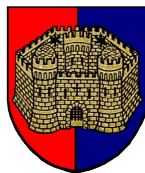
# Hillworth Park

## Gazetteer



Hillworth Park – Sale Catalogue 1923  
Courtesy of Wiltshire Heritage Museum

# Devizes





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### **About this Gazetteer**

Hillworth Park is quite a complicated asset comprising of different elements and types of heritage.

This gazetteer is intended to act as a sort of data base containing the detail relating to the most significant areas of heritage in support of the Conservation Management Plan.

The areas that have been identified for inclusion in this document are:

- **Hillworth House**

Although Hillworth House is now in private ownership and is not strictly part of the park, it is impossible to discuss the heritage of the park without considering the house. The park and the house are intrinsically linked and it is impossible to understand one without the other.

- **The Gardens**

The basic layout of the paths as shown on the plan of 1842 survives today, although many other changes have occurred. The gardens are rich with trees, including some very notable specimens.

- **Garden Pavilion**

This little building is thought to belong to the first house built on the site, the exact date of which is unknown, but it is not present on the map of 1737 and is first identified on maps of 1759. It gives us a glimpse into life and manners in the early 18<sup>th</sup> century.

- **The Religious Society of Friends (Quaker) Burial Ground**

One of the few features that has been consistent is The Religious Society of Friends (Quaker) Burial Ground highlighting the strong puritan tradition that existed in Devizes in the 17<sup>th</sup> Century.

- **Children's Play and Recreation**

Although these features are not of any great heritage value in their own right, they contribute to the great wealth of intangible heritage, which leaves no visible mark on the landscape. We believe that the way that people have used these elements of the park and the ways in which they are reflected in their lives, experiences and memories represent a heritage that is every bit as important as the physical structures and designs.

- **The Aviary**

The aviary is, like the Children's Play and Recreation, does not have any intrinsic heritage value, but it is an important part of people's experience of the park and how they have enjoyed it over the years.

- **Gateways to the Park**

The routes that link the park to the wider history, landscape and architecture of the town have been influential in the development of the park. Today they present an important opportunity in reinforcing the historic links with the town and surroundings.

### **The Research**

This gazetteer has been compiled by Devizes Town Council.

Devizes Town Council is indebted to Dr Lorna Haycock, Sandell Librarian and archivist, Wiltshire Archaeological and Natural History Museum and to Sandy Haynes, Garden Historian who were commissioned to undertake the research on Hillworth House and its gardens.

Additional research has been undertaken by the Friends of Hillworth Park.

## **Hillworth House**

### **A description of our asset today**

The current Hillworth House is situated in Hillworth Road, Devizes, some 100 yards to the west of the first Hillworth House built sometime before 1737. It is essentially the same building that was rebuilt in 1832 and remodelled in 1841.

It is a Grade II\* listed building<sup>1</sup> and is now divided into four apartments which are all in private ownership. The apartments own a narrow strip of land to the rear of the house, which directly abuts the main lawn of the park.

Although Hillworth House is now in private ownership and is not strictly part of the park, it is impossible to understand the park without understanding the house. The park and the house are intrinsically linked both physically and historically and it is impossible to comprehend one without the other.

### **How has it changed over time?**

#### **The original site**

The site of Hillworth House would have been outside the outer town ditch created in the mediaeval period. The ditch, shown on the John Overton map of 1737-8<sup>2</sup> as Gallows Ditch, ran along the northern edge of the present Hillworth Road, from the South Gate at the junction with Long Street down to the entrance to Hillworth Road (on the map marked as 'The Sand Way').

Then it originally ran across the valley below Devizes castle to link up with the North Gate. There may have been a small settlement further down the present Hillworth Road in Saxon or mediaeval times at Hillworth, which means 'an enclosed settlement or farmstead'. Hillworth is first mentioned as a field name in a deed of 1668<sup>3</sup>. Hillworth Road was formerly known as Gillett's Lane in the nineteenth century<sup>4</sup> and before that Gallows Ditch or Gallows Acre Lane (1831) and Folly Lane.

This historical context of the Hillworth area is important, as the house has been known as 'Hillworth House' which suggests its standing of some significance within its geographical area.

The earliest map that shows the house was the one drawn by John Overton (1737-8)<sup>5</sup> with the house and garden located between the Gallows Ditch and the Quaker Burial Ground. This early house is shown in the middle of the Overton map and at the bottom of the Edward Dore map (1759)<sup>6</sup>.

#### **William Ludlow - the golden age of snuff and tobacco**

This house was replaced in 1779, when snuffmaker William Ludlow bought the property. He built a larger house on the site, although it is impossible to tell whether he demolished the original house, or merely altered it.

Ludlow was a wealthy man, described as 'a proprietor of a considerable Snuff Manufactory' and he gave evidence to the House of Lords on the Tobacco Bill of 1789 and in 1778 his trade goods are recorded as being insured for £1,000.

Devizes has a long tradition in the tobacco and snuff manufacture with tobaccos being cured and snuff ground being recorded from the early part of the 18<sup>th</sup> Century.

Snuff was ground and sold in Devizes by a firm of grocers founded by Richard Anstie in 1698, and around 1740 the windmills on the castle motte were being used as snuff mills. A grandson of the founder, John Anstie, established a highly successful and lucrative business as a clothier, making high quality but fine and versatile cloth known as cassimeres. He was one of the first clothiers to bring his workforce into one building, or manufactory, and the factory which he built in 1785 fronting on to New Park Street behind the family grocer's shop is one of the earliest to survive. John Anstie's venture quickly failed, but the snuff business continued in premises behind the factory along Snuff Street. Eventually, by 1917, the factory itself had been taken over for snuff and tobacco making, which ended in 1961.

In 1779 Hillworth House is recorded as having twenty two acres. Most of the fields to the south of the gardens were let out by freehold, leasehold or copyhold to Adlam, Street, Hobbs, Chiffence and Collins as far as Asman's Green (now The Breach) with areas given in acres, rods, poles and perches. However, Ludlow retained, within the grounds, a strip of land fronting the Hillworth Road on which he built a snuff factory which is described in a later sale catalogue as being a handsome brick building. This is shown on the 1812 plan to the left of the house<sup>7</sup>.

Ludlow had a map of the property, drawn up in 1812 by John Hayward, a surveyor from Rowde<sup>8</sup>. This shows a house with outbuildings and stables fronting on to Hillworth Road. The grounds appear to be wooded and the Quaker burial ground and the garden pavilion are both marked.

Ludlow went bankrupt, perhaps because of competition from the local firm of Anstie. Baker, George Sloper wrote in his diary on 29 May 1803- 'Mr Ludlow of the Folly at Townsend declared a Bankrupt in the London paper, but the bankruptcy was superseded (sic)<sup>9</sup>.' Again in 1813 Ludlow became bankrupt and retired to Bristol where he traded as a tobacconist. The house was subsequently sold.

Advertised for sale by auction in 1813, the house was described as

'comfortable, with 22 acres of land adjoining, with many clumps of trees with a park-like appearance, good gardens and shrubberies, handsome summer house, gardener's cottage, a dairy house, coach house and four stall stable. Also a handsome modern brick building, apparently the manufactory with spacious, dry underground offices, capable of being made a genteel and commodious dwelling house, also good barn and stabling for six horses, ox houses, wagon sheds etc<sup>10</sup>.'

#### The school years

The next owner is not specifically named, but in August 1819 a letter from R Elliott (who is managing the Hillworth Estate) is sent to Mrs Wakeford, Andover, Hampshire. He is requesting instructions for the future of the Hillworth Estate. The house and garden are occupied by a Miss Sarah Pawsey at 30 guineas per annum. The rest of the letter and enclosures detail rentals received and other estate matters<sup>11</sup>.



Miss Sarah Pawsey, kept a preparatory school. A notice in the *Salisbury and Winchester Journal* of 12 July 1819 states<sup>12</sup>.

‘Miss Pawsey acknowledges with gratitude the encouragement she has received, and respectfully informs her friends and the public, that her Hillworth House Preparatory School for young gentlemen will reopen on Monday the 18<sup>th</sup> July 1819. The terms are moderate and delightful’

A similar announcement was made in January 1822 in *The Salisbury Journal* that she hoped ‘to inspire her pupils with a love for literature’<sup>13</sup>.

Miss Pawsey was one of three sisters, the others being Frances, wife of the Revd. Richard Elliott, for fifty years minister of the Independent Chapel, and Anne, Mrs Vardy of Warminster.

In 1826 the paper announced that ‘Miss Pawsey had left Hillworth House; she went to live in Bridewell Street, Devizes and later to Weymouth.’<sup>14</sup>.

#### The house on the move

In 1832 the property was bought by Thomas Hall, who demolished the existing house and rebuilt the house and gardens on a site some one hundred yards to the west.

It is only speculation as to why the site of the house was moved, but rumours of the site of the proposed railway would have run very close to the original site. Pressure had been mounting from the early 1830s to attract a railway to the town and although it was not until 1857 that the railway finally opened, the debates about route and location would have been an issue of active discussion at the point at which Hall relocated Hillworth House.

Of course there may have been pedestrian reasons for the relocation such as the condition of the existing house at the time.

At this time the house and gardens could also be approached by a long drive from the Potterne Road.

#### The tenure of the Meek Family

In 1841, the house was purchased by Alexander Meek, by whom it was remodelled and many additions made. He was a man of some standing in the town, a banker, County Treasurer, Town Clerk and solicitor in the firm of Locke, Tugwell and Meek.

Alexander Meek made many changes to the house, but the map of the lands of Alexander Meek by Brambles, dated 1842<sup>15</sup>, shows the house, with the adjoining properties much as they are now.

Not only a man of some standing, but a significant benefactor, whereby just prior to his death in 1889, Meek gave £1000 to St James Parish Church to build the Southbroom Parish Rooms, which are still in use today. The 1881 records show Alexander Meek as living in Clevedon, Somerset on census day, but he is reported to have died in Devizes in 1889 aged 80 years.

The house remained in the family's possession through his son, Alexander Grant Meek. Alexander Grant Meek was listed on the 1881 census as head of the house. He was born into the house in 1843 and was educated at Harrow and Magdalene College, Oxford. On graduation in 1865 he became articled to his father as a solicitor and became a partner in his father's firm in 1869. He married Mary Edith Grant in 1875, who was the daughter of John Grant of Manningford Bruce. Meek inherited the estate of John Grant upon his death.

He went on to take many of the civic roles that his father had undertaken. He was Town Clerk of Devizes, County Treasurer and in 1880 became the Registrar and High Bailiff of the Devizes County Court. He was also Clerk and Treasurer to the Visiting Committee of the very large County Asylum in Devizes. In 1891 he became a Justice of the Peace and in 1892 a County Council Alderman.

As evidence of his wealth and standing, the 1891 census reveals that the household included a cook, a nurse and a maid. By 1901 the servants had increased to five including a butler.

Alexander Grant Meek died in 1917 aged 83 but his widow continued to occupy the property until she died in 1923. She had a handsome stained glass window placed in the Beauchamp Chapel in St John's Church in her husband's memory<sup>16</sup>.

There is a tradition of the grounds being opened to the public being used for public concerts during Hospital Weeks, as the Meeks had been great supporters of the Cottage Hospital.

#### The 20<sup>th</sup> Century

Following the death of Meek's widow, the property was sold by private treaty in 1923 to a Mrs Seaton of Taunton<sup>17</sup>. The sale catalogue describes the estate as consisting of an estate of 27 acres, with garden, accommodation land, kitchen garden and cottage on Hillworth Road. It is further described as

*'an attractive Georgian residence, with fourteen bedrooms, four bathrooms, five reception rooms, servants' hall, domestic offices and a small farmery. The finely timbered grounds are of exceptional charm, with tennis and croquet lawns, herbaceous borders, rose gardens, woodland walks, a wild garden, a Queen Anne summer house with a domed slate roof, a walled kitchen garden with a small range of glass houses, a productive market garden having a long frontage to Potterne Road'*

In 1945 when there was an acute housing shortage, the house and land were bought by the Council of the Borough of Devizes<sup>18</sup>. The house was turned into apartments for rental accommodation.

Of the 27 acres of the grounds, fifteen acres were sold for private residential development in what is now Queen's Road. Hillworth Road was also extended with the building of Hillworth council estate leaving an area of nearly five acres became the present Hillworth Park. Some of the tenants of the apartments in Hillworth House worked for the Council's Parks Department.

With local government reorganisation in 1974 the house was transferred to the new Kennet District Council with the park transferring to the new Town Council. Subsequently the houses were sold to private individuals. It is not clear exactly when this occurred, as no documents can be accessed, with the exception of 1 Hillworth House, where the current owner states that his records show the apartment was first transferred out of local authority ownership in 1983.

Until 1975 the conservatory attached to 1 Hillworth House was accessible by the public. However, in 1975 as part of an agreement acknowledging vesting and defining access and boundaries, the Town Council gave up rights to the conservatory, and this is now in the ownership of the apartment 1 Hillworth House<sup>19</sup>. This agreement was confirmed by a conveyance between the District and Town Council in January 1981.

### **How is it currently managed?**

The house is managed and maintained by the individual owners of the apartments.

### **How do people use it today?**

The separation of house and land in 1945 is very significant and the relationship that exists between the residents of Hillworth House and the life of the park is a delicate and sensitive one.

The house is used for residential purposes. Some people have indicated that they bought their apartments because of the benefit of having a large garden that they do not have to maintain. However, this close proximity of relationship brings some conflicts with the reality of living next door to a public park having the potential for nuisance both real and perceived, in terms of noise and antisocial behaviour.

This was highlighted by the legal challenge was brought against Devizes Town Council, which was heard in the Bath County Court in 2002. The claimant who lived in an apartment in Hillworth House claimed an injunction and damages arising from alleged nuisance caused by the siting of a skatepark, by the Town Council, in Hillworth Park. The judge found that there was an actionable nuisance and awarded injunctive relief for the removal of the skatepark.

### **Where are the gaps in our knowledge?**

There are no documentary records that can accurately date the original house and park. Therefore, we are reliant on the first maps that show the presence of a house on the site to give an indication of its date.

Why Thomas Hall moved the location of the house when he rebuilt it in 1832 is unknown, but at this time plans were being made to build a railway to Devizes and the lines would have been close to the position of the original house. It may have been that the prospect of the development of the railway close to the site of the original house may have precipitated the relocation. This, as previously stated, is speculation, however, the railway and its location would have been a active debate in 1832 when the property was moved.

The house was in the ownership of the local authority at least until 1974 when a major reorganisation of local government took place – there are legal documents that chart

the transfer of the house to Kennet District Council and the land to Devizes Town Council. However, no subsequent records, with the exception of the owner of Apartment 1, can be found, either by Kennet District Council that identify when the individual apartments were sold to private owners. It is most probably after the 'Right to Buy' legislation was introduced in 1980.

### **How is our asset significant?**

Hillworth House sets the historical context of the heritage of Hillworth Park. It provides the historic backdrop with evidence of the designed landscape and vistas.

The fact that the Hillworth House is a listed building demonstrates it has been nationally recognised as a structure of significance.

However, beyond the limits of the geographical structure, the history of Devizes and its commercial and social development can be seen no more succinctly than in the history of Hillworth House and, therefore, the Park – the life of the House and Park helps us to understand our past and the influence of that past on our lives and community today.

Tobacco and snuff making were key industries that have contributed to Devizes life and wealth. The cautionary story of a self made entrepreneur, William Ludlow, helps us to understand the development of the town and the relationships with class, commerce and enterprise. Alexander Meek was an altogether more successful tale of a professional man of great influence on the town. In both cases, their wealth and influence are demonstrated through their occupation of Hillworth House and its parklands.

### **References**

- 1 *Hillworth House Listing – appendix 1*
- 2 *Map by John Overton 1737/38 – appendix 2*
- 3 *Wiltshire Records Office, Wythers and Hope to May, 1668*
- 4 *Map of 1869 by Weaver*
- 5 *Map by John Overton 1737/38 – appendix 2*
- 6 *Map by Edward Dore 1759 – appendix 3*
- 7 *Map by John Hayward 1812 – appendix 4*
- 8 *Map by John Hayward 1812 – appendix 4*
- 9 *Wiltshire Archaeological & Natural History Society Library, Box 328, Ms.2605*
- 10 *Wiltshire Archaeological & Natural History Society Library, Wiltshire Cuttings, Vol.2, p227*
- 11 *Wiltshire Records Office ref: 2106/83*
- 12 *Salisbury and Winchester Journal 12 July 1819*
- 13 *Salisbury Journal, 14 January 1822*
- 14 *Wiltshire Archaeological & Natural History Society Library, Wiltshire Cuttings, Vol.2, p227*
- 15 *Map by Brambles of the lands of Alexander Meek 1842 – appendix 5*
- 16 *Wiltshire Archaeological & Natural History Society Library, Wiltshire Cuttings, Vol.2, p227*
- 17 *Sale Catalogue 1923 – appendix 6*
- 18 *Conveyance between estate of the Late Victoria Seaton and the Mayor, Alderman and Burgesses of the Borough of Devizes, Sept 1945*
- 19 *Agreement between Kennet District Council & Devizes Town Council re vesting of the park Dec 1975 & subsequent conveyance Jan 1981*

## **The Gardens**

### **A description of our asset today**

There are still features in the park which show its development from the 17<sup>th</sup> through to the 20<sup>th</sup> century. The Quakers Burial Ground and Garden Pavilion still remain and the basic layout of the paths as shown on the 1842 plan<sup>1</sup> survives to this day.

The whole park comprises an area of some 2 hectares (nearly 5 acres) and is split into two main sections – an ornamental area and a large open grassed area divided by a berberis hedge.

There are some very notable specimen trees, which are sometimes difficult to appreciate because of the large numbers of conifers which have taken over their space. A full survey of the age and condition of the trees has been undertaken which was completed in December 2007<sup>2</sup>.

There are a number of mature trees, which clearly date prior to the construction even of the first house on the site – for example a huge English Oak (*Quercus Robur*) estimated to be some 550 years old and thought to be the oldest in the South West of England. Likewise a Sweet Chestnut (*Castanea Sativa*) is thought to be in the region of 475 years old, which would predate the first estate.

However, there is evidence of deliberate planting taking place during the most deliberately designed periods of the garden of say, 1737 to late the 1800s. These include a stand of four Common Lime trees (*Tilia x Europaea*) in the south west corner of what is currently the recreational area which are mirrored further south west, in what is now a private garden. These particular trees, along with some impressive Blue Atlas Cedars (*Cedrus Atlantica*) and Cedar of Lebanon (*Cedrus Libani*) date from the first half of the 1800s.

The old English Oak is surrounded by folk law and a local legend has it that a man hanged himself on this tree and many people have claimed to see his ghost dangling from the branch. The branch he was said to have hung himself on, fell from the tree the day before Christmas Eve in the mid 1980's, and some have claimed to still see his ghost dangling in midair from the now missing branch. You can see where the branch used to be on the Oak's trunk.

### **How has it changed over time?**

The Edward Dore map of 1759 shows a short avenue of trees leading up to the Garden Pavilion, which were probably yews. At this point, the whole site would have covered approximately one acre<sup>3</sup>.

The 1812 plan<sup>4</sup> shows that the gardens, which covered the same area as the earlier one, had been completely altered. The Garden Pavilion remained at the end of a straight walk but there was considerable planting of trees and shrubs through which wound serpentine paths. Two other small garden buildings are shown, one round and one square.

When Thomas Hall purchased the estate and rebuilt the house on its new and current location, the pleasure gardens now stretched down to the southern boundary of the burial ground. The fields, which had been rented out, were planted with trees to form a 'parkland' setting. New grounds were laid out in what had previously been a field and form the site of the present day Hillworth Park.

It is likely that the planting of the range of cedar trees took place during this time as part of the period's classic desires to plant interesting specimens from foreign climes.

The 1842<sup>5</sup> plans show that the only garden feature from the earlier gardens that remained was the Garden Pavilion which was now located at the eastern corner of a shrubbery. The gentle curving paths formed a perambulation around the boundaries of the garden with a central lawn, surrounded by flower beds, shrubs and trees. The curved eastern boundary of the garden is about a metre higher than the neighbouring garden and is edged with industrial slag. The nearest local source for this material is probably Seend where a layer of ironstone was extracted and smelted in the 1860s. The rest of the grounds form a park or were let out to various tenants on the south side as far as Potterne Road.

The development of the gardens can best be demonstrated by using the overlay maps<sup>6</sup>.

The 1923 sale catalogue<sup>7</sup> shows well kept ground with fine specimen trees and paths following the original Victorian layout. The feel of the park was more open with the trees forming a canopy, there were fewer shrubs and more formal herbaceous flower beds. There is a small fountain in the centre of the lawn surrounded by a circular flower bed. Just south of the Garden Pavilion is a thatched open sided structure, rather like an African 'breeze house'.

It is described as follows:

*The finely timbered grounds are of exceptional charm, with tennis and croquet lawns, herbaceous borders, rose gardens, woodland walks, a wild garden, a Queen Anne summer house with a domed slate roof, a walled kitchen garden with a small range of glass houses, a productive market garden having a long frontage to Potterne Road'*

The official Town Guide of 1946 described the lawns, shrubberies and flower gardens and the fine collection of trees, especially copper beech and cedar.

The area where the park office and glasshouses are currently situated was originally the kitchen garden. This area had low box hedges, which were removed in 1949 by Mr Stanley Cross, the Park Superintendent.

The thatched house was converted at some point during the early 1960s to an aviary, but was removed in 1981 when it had deteriorated to a condition that was no longer suitable as a home for birds<sup>8</sup>.

Whilst the park needs to retain a whole range of aspects and activities, there is a desire to make it a more integrated space.

The circular flower bed remains sadly marooned in a large lawn.

To the west of the garden was a ditch with the vertical side lined with stone, the remains of which can just be seen, today, at the entrance to the recreational area of the park, near Hillworth House. It was known as the ha ha, but from the photograph it appears too shallow to have kept animals out of the main pleasure garden. It was, reportedly, filled in during the 1960s and is now marked by a berberis hedge.

### **How is it currently managed?**

Devizes Town Council manages the gardens and park with a small in-house team of three full time staff supplemented by seasonal labour during the summer months. This team also manages a range of other facilities across the town, and it is accurate to say that staffing levels are very tight. Consultation has shown that the community want the park to be tended to a very high standard, however, the limitations of staff resources mean that the Council falls well short of this community aspiration.

### **How do people use it today?**

The park is in open access to the public at all times. Until 2001 the gates were locked each evening at dusk. However, young people would often climb over the gates and gather in the park, sometimes causing a nuisance to local residents. Following consultation with the police, it was decided to leave the gates open which gives greater legitimate access and allows the police to have a presence which was previously not possible

The park is used for a wide range of activities including

- Relaxation
- Sport
- Children's Play
- Route to town
- Educational visits
- Family picnics
- Musical events
- To enjoy the natural surroundings
- Dog walking

### **Where are the gaps in our knowledge?**

The maps provide good historical records and the skills of an experienced garden historian have helped us interpret the changes that have taken place over the years. However, this remains interpretation rather than hard documentary evidence, which has been supplemented with local knowledge.

We do know that the structure of the ha ha existed and was probably filled in the 1960s, but we do not know for sure what its purpose was.

There is a raised area of land at the Queen's Road entrance to the park which is man made, but it is not known what this was intended for other than, perhaps, as a vantage point.

There is evidence that at some point, considerable thought was given to planting schemes, especially of the trees, however, we do not know for certain when these were undertaken.

### **How is our asset significant?**

The heritage of the park is a tapestry of wealth and of 'losing it all', of commerce and conspicuous consumption, together with the tapestry of folk law and environmental richness

The park's colourful past tells the story of some of the most notable people of standing in Devizes. Their successes and failures mirror the new commercial and social developments that Devizes experienced.

In the broadest sense of the term Hillworth Park is a community space, which is used in lots of different ways. The needs of any community are diverse but we have been able to understand the significance of the park to our local community through robust and extensive consultation. It is used for recreation, sport, contemplation, relaxation, dog walking, children's play, as a short cut to town, for a quiet lunch away from the office – the list is endless.

People have told us how they use the park for physical activity contributing to the health of the community and challenging the sedentary lifestyles that impact on the health of the community.

It has great social value as one of those spaces that has the capacity to bind a community together. An outdoor community space that draws people out of their homes, contributing to the fabric of society by giving the opportunity for people to meet, relax and play. By meeting and sharing with others, the bonds and shared values of the community are strengthened.

People have been hugely generous in sharing their own personal experiences, shaping that rich invisible history that leaves no physical mark. It is a place where children have learnt to crawl, to walk, to ride bikes, play football, the scene of first dates and kisses, where people in turn have watched their children and then grandchildren play where they once played.

### **References**

- 1 *Map by Brambles of the lands of Alexander Meek 1842 – appendix 5*
- 2 *Tree Survey – Devizes Town Council*
- 3 *Map by Edward Dore 1759 – appendix 3*
- 4 *Map by John Hayward 1812 – appendix 4*
- 5 *Map by Brambles of the lands of Alexander Meek 1842 – appendix 5*
- 6 *Overlay Maps – appendix 7*
- 7 *Sale Catalogue 1923 – appendix 6*
- 8 *Devizes Town Council minutes 1980/81*



## **The Garden Pavilion**

### **A description of our asset today**

This little building is a listed building and the listing extends to the wall that runs from it. The building was first listed in 1954 and is Grade II\*. The listing describes it as follows:

*Early 18<sup>th</sup> Century. One storey. A square brick pavilion on stone plinth, with a moulded stone cornice and ogee shaped hipped old tile roof, with band of shaped tiles and ball finial. Entrance door on north side half glazed, nine panes with two bottom panels in surround of stone architrave, curved frieze and cornice. Each other side has a central window with stone architrave and cill. The interior is octagonal on plan with three corner cupboards and fireplace in forth corner. Panelled dado and cupboard fronts. Plaster panel over fireplace. Moulded plaster entablature with enriched frieze, floral and shell ornament, bracketed cornice and plain domed ceiling. A very pretty building which overlooks the Quaker Burial Ground on the east side, a grassed space with some fine tree planting, partly enclosed by a low brick wall.*

The building is currently on English Heritage's Buildings At Risk Register. In the register the condition is described as 'poor' and is summarised as follows:

*An attractive brick structure located in what is now a public park. External sheeting applied to the windows has reduced breathability and windows are beginning to rot. Minor stone defects are apparent and external ground conditions are poor due to the absence of a rain water disposal system.*

Although the steps, windows and door are in very poor repair, a conservation specialist has inspected the building and advises in his condition report<sup>1</sup> that the brickwork and roof are in reasonable order.

It is screened off from the rest of the park by over grown shrubs and trees and is, therefore, no longer the focus feature that it was once designed to be.

### **How has it changed over time?**

It is a reasonable assumption that the Garden Pavilion belonged to the earliest house on the site. It is known locally as the Queen Anne conservatory or pavilion but it is not thought to have been built in the Queen Anne period between the years 1702-1714. The building is not shown on the 1737-8 map<sup>2</sup> but is shown on the Edward Dore map of 1759<sup>3</sup>.

The Dore map<sup>4</sup> shows that the grounds now included a strip of land to the west where a small garden pavilion was built at the end of a short avenue of trees, probably yew.

It is possible that the building, which contains two rooms, a cellar with a panelled room above, was a 'banqueting house'. Here one would walk through the gardens after a meal and take sweetmeats and drinks. The building, which is approached by steps, is slightly raised and so, from the south facing window, one would have looked out over the surrounding landscape.

Although it is presumed to be a banqueting house, with views over Old Park, it is also believed that it was used by the Quakers as a meeting room and as a mortuary for burials in the Quaker Burial Ground.

Over time, the building fell into a degree of decline and substantial works were undertaken in 1981 to repair and replace windows, the roof and replace the stone finial on top. This work was by BL Sloper Building Contractor at a cost of £2590<sup>5</sup>.

### **How is it currently managed?**

Devizes Town Council currently manages the structure in a very limited way, in as much that it is kept secure and watertight. However, since the repairs in 1981 it has again fallen into disrepair. Consultation has revealed the desire of the community for this building to be restored and clearly management arrangements will be required to match this aspiration.

### **How do people use it today?**

Sadly, the Pavilion is not in public use at the current time, but consultation indicates the affection that the public feel for this little building and clearly wish to see it brought back to some kind of active use. There are no services within the building although we have recently had water gas and electricity laid on nearby.

### **Where are the gaps in our knowledge?**

Although we know that the pavilion is widely known locally as the Queen Anne Conservatory, we do not know for certain the date of its construction and can only definitively identify its presence on the Dore map of 1759<sup>6</sup>.

It is also not certain how it has been used over the years. It is deduced that it may have been a banqueting house, because of its probable date of construction, and that it is known that this sort of building was popular for this purpose on estates at this time.

Although it reputedly has been used as a Quaker meeting room and the cellar as mortuary for the burial ground, it is not known if or when this usage occurred and there is not documentary evidence to support this.

### **How is our asset significant?**

Like Hillworth House, itself, the fact that the Pavilion is a grade II\* listed building means that it is nationally recognised as being of significance.

However, the strength of feeling expressed in several extensive consultations demonstrates how significant this little building is to local people. It has a mystery and presence that seems to enchant, both old and young alike and people want it to be restored, used and accessible.

### **References**

- 1 *Condition report prepared by Colin Johns – appendix 8*
- 2 *Map by John Overton 1737/38 – appendix 2*
- 3 *Map by Edward Dore 1759 – appendix 3*

- 4     *Map by Edward Dore 1759 – appendix 3*
- 5     *Devizes Town Council letters and minutes 1981*
- 6     *Map by Edward Dore 1759 – appendix 3*



## **The Religious Society of Friends (Quaker) Burial Ground**

### **A description of our asset today**

This is a very peaceful enclave to the edge of the park, however, the downside of its seclusion is its potential use for antisocial behaviour. There are currently no seats situated in the area although there is a concrete plinth for a bench.

The mature trees are quite imposing and create a dark space. However, there are a number of fine specimen trees, some of which require remedial work.

The area can now only be entered from the park and currently there is only one gateway, which adds to the sense of seclusion. The access is through a gate, which bears the date 1665. The gate is damaged and is in need of repair. Evidence remains of an original gateway in the north east corner.

Burials have taken place over the years but, as with Quaker tradition, they are unmarked. Full burials have not taken place for many years, however, strewing of ashes occasionally occurs.

### **How has it changed over time?**

Devizes has a strong protestant non-conformist tradition and the history of Quakers in Devizes has been traced back to 1647<sup>1</sup>. The first Quaker Meeting in Devizes started during the Commonwealth of Oliver Cromwell. Under Charles II, despite persecution, Quakers were said to number nearly 100.

They had a meeting room at 23 High Street and when in 1654 the whole of the 'old' or 'great' deer park was split into small grounds, the Quakers bought one such plot to use as their burial ground.

The gate to the burial ground bears the date of 1665 and it is assumed that the burial ground dates from then. As soon as the Act of Toleration was passed in 1689, the Quakers built a meeting house at the burial ground. The Dore map of 1759<sup>2</sup> shows a building of some two and a half times as large as the Garden Pavilion, on the south eastern edge of the burial ground and on the lane leading to town. Whether this is the meeting room is unknown but it seems possible. This meeting room was sold in 1702<sup>3</sup> and the Quakers built another in the High Street which still stands today as a private house.

The burial ground was not part of the original Hillworth House estate, having its own gateway set diagonally into what was a lane or footpath. This gateway, built in Bath Stone, can be found in the north eastern corner of the burial ground.

At some point between 1812 and 1842 the lane running to the eastern boundary of the burial ground ceases to exist as a thoroughfare, and so it is likely that the burial ground became integrated into the park at this point.

This may have been due to the numbers of the Quaker meeting declining throughout the 18<sup>th</sup> Century, partly because many emigrated to Pennsylvania, and the meeting died

out in 1824. Alternatively, it may have been because the Burial Ground was full and they no longer had a specific use for it.

However formal transfer of ownership took place in 1905 when the Burial Ground was sold to Alexander Grant Meek for £75 on condition that it was not to be built on and that burials were not to be disturbed<sup>4</sup>.

Today there is now a thriving Quaker Meeting House situated next to the Kennet and Avon Canal at Sussex Wharf.

### **How is it currently managed?**

The burial ground is part of Hillworth Park and is managed by Devizes Town Council. It is mowed on a regular basis, but is somewhat neglected and the trees are overcrowded and in need of rationalisation and thinning.

### **How do people use it today?**

The area is not greatly used because it is rather secluded and overgrown.

The Devizes Religious Society of Friends holds a service annually, and occasionally there is a strewing of ashes.

### **Where are the gaps in our knowledge?**

In 1689 the Quakers built a Meeting House at the burial ground and sold it in 1702. The 1759 map shows a building on the south eastern edge of the burial ground and on the lane leading to town. It is not known for sure whether this was the Meeting Room.

There are no documents that identify when the burial ground became part of the estate. The map of 1812<sup>5</sup> shows a lane still existing to the east of the burial ground, but by 1842 on the brambles plan<sup>6</sup>, this lane seems to have disappeared. At this point, whereby it appears there no longer exists a separate access, it is reasonable to assume that the grounds had become, at least informally, part of the estate.

It is known that the Burial Ground was transferred in 1905, but it is not certain whether this was because there was no longer a need for it, or because the Devizes Quaker Meeting had died out.

No plan of the burial ground exists and the sites of buried remains are unknown as is the Quaker custom. It is believed that burials ceased because the area was full, however the date when burials ceased is unknown, although this may coincide with the formal sale of the land at the turn of the 20<sup>th</sup> Century.

### **How is our asset significant?**

The Burial Ground is of great spiritual importance to the Devizes Society of Friends who has a special affinity for the space and continues to use it as a place of worship. Perhaps, because in knowing that it is a burial ground and a place of worship, people other than members of the Quaker faith feel a spiritual quality to this place. The unmarked burial plots reflect the Quaker testimonies to equality and simplicity and this adds to the very special atmosphere, which lends itself to contemplation.

Although some of the trees are overgrown and require thinning, the majesty of some notable specimens provide habitats for animals and birds, as well as a sense of serenity.

References

- 1 *VCH – A history of Wiltshire p298*
- 2 *Map by Edward Dore 1759 – appendix 3*
- 3 *Religious Society of Friends Central Office, London*
- 4 *Religious Society of Friends Central Office, London*
- 5 *Map by John Hayward 1812 – appendix 4*
- 6 *Map by Brambles of the lands of Alexander Meek 1842 – appendix 5*





## **Play & Recreation**

### **A description of our asset today**

Consultation has revealed the park as an important feature in people's lives creating a heritage that leaves no tangible historical mark on the landscape. This invisible heritage sits around certain facilities that are not, in themselves of great historical interest, which include:

- Children's play facilities
- Tennis courts
- Football pitch

There is an over 6 play area at the north west aspect of the park. It is very poor and contains very little play value or operational equipment. It is also situated in quite an isolated area, which means that groups of youths often occupy it to the exclusion of those of the appropriate age.

There is an under 6 play area situated close to the Queen's Road entrance which despite being over six years old, remains in good condition with good play value and is used extensively all year round.

There are two tennis courts, which are not in good repair, however the fencing has been recently replaced and they are well used providing good amenity value as 'knock about' courts for those people, particularly children, who just want to play for fun. The Council does not charge for their use due to their condition.

There is an area on the recreational side which is used as an informal football pitch. Goal posts are provided, but the pitch is not marked out.

### **How has it changed over time?**

There have been play facilities in the park since the land was bought by the Corporation in 1945. The Town Survey of 1946 states

*Three hard tennis courts and a golf putting green have been laid out. A separate playground for children with swings and juvenile amusements is provided.*

Over the years, the play areas have been upgraded or replaced.

One of the tennis courts was converted into the under 6s play area. This was completed and opened in a park open day in 1999.

The putting green no longer exists, having previously been located near the Queen's Road entrance.

The ill fated skatepark project was installed in Hillworth Park near to Hillworth House in October 1998. On 14 February 2002, Judge Darlow gave judgement in the Bath

County Court for the removal of the skatepark equipment<sup>1</sup>. The piece of hard standing remains unused.

Children's play has developed from the first play areas of conventional swings and slides, and these are reflected in the responses to consultation. Today children's play equipment is much more adventurous and challenging, perhaps reflecting the fact that children are no longer able to roam as freely as in previous generations.

### **How is it currently managed?**

The play equipment is managed in-house by Devizes Town Council's Park's Team. It is inspected twice weekly by Town Council staff with an annual Health & Safety Inspection by Zurich Municipal.

### **How do people use it today?**

The younger children's play area, tennis courts and open area are very popular and well used. However, the older children's area is very isolated and has little play equipment remaining. This means that it is not used greatly for play purposes, perhaps because of the lack of equipment, but also because the needs and aspirations of children have changed. The area is used by older youths as a meeting place, however, whilst there is clearly a need for a meeting place, this location is not ideal because of its isolation.

### **Where are the gaps in our knowledge?**

We do not know when the first over 6's play area was installed, although the Town Survey of 1946 identifies the presence of children's play equipment. It is not known, however, if this is in the same location that it currently occupies, or if it has moved over time. From local knowledge, it is known that the play area occupied this position from at least the early 1960s.

It is not known why the putting green was removed and when this took place.

### **How is our asset significant?**

We believe that a sense of heritage can take many forms. Most obviously there is the physical heritage in the form of structures and hard landscapes. As importantly, however, is the ways in which people have used and experienced a place. The play and recreation facilities, although of no great intrinsic heritage value in themselves have contributed to people's life experience, treasured memories and contributed to the layers of invisible heritage stretching across the breadth of ages, appealing to all corners of the community that gives the park its very special quality

### **References**

<sup>1</sup> *Judgement of His Honour Judge Darlow, Thursday 14 February 2002 – appendix 9*

## **The Aviary**

### **A description of our asset today**

The current aviary was built as a replacement for an existing structure in 1981 by Rendell & Sons builders. It was restored and enlarged in 2002 and now houses a range of birds

### **How has it changed over time?**

It is believed that the thatched summer house was converted into an aviary in the early 1960s. By 1981 it had fallen into disrepair and was reportedly no longer fit to house the 55 budgerigars that were kept there<sup>1</sup>.

In January 1981 F Rendell & Sons Ltd, responded to a newspaper article in the Wiltshire Gazette and Herald regarding the replacement of the aviary.

Rendells offered to replace the aviary as part of a suitable apprentice project, for a number of Joinery Apprentices who were undergoing training with help of £367 of public donations to help with the costs. The new aviary opened at a ceremony held at 12noon on Thursday 24 September 1981.

In 2002, the new structure was showing signs of wear and tear, and there were concerns that the birds did not have sufficient room to fly. The structure was repaired and extended and it was reopened in a ceremony in May 2002.

### **How is it currently managed?**

The aviary and the birds that are housed there are managed by the Town Council's Park's Team with specialist advice as necessary.

### **How do people use it today?**

Consultation informs us how much people enjoy the birds in the aviary – it appears to form part of a ritual of a visit to the park with smaller children comprising of a visit to the play area followed by looking at the birds.

One respondent felt that it was inappropriate to keep caged birds, however, advice from experts confirms that as long as standards on flying room and welfare are maintained, that the birds are happy. This is evidenced by the fact that they breed and we are able to sell excess birds, especially budgerigars.

### **Where are the gaps in our knowledge?**

The first aviary was installed in the converted thatched summer house. However, there are no records to confirm that this is the case or when this happened.

### **How is our asset significant?**

The aviary has had a fascinating life. It would seem to have been first established in the thatched summer house, during 1960s – a way, perhaps, of introducing the exotic and unfamiliar to post war Britain. This reflects the history of the park, with its exotic

planting schemes and designs. The new aviary in 1981, designed and constructed as an apprentice project shows is another demonstration of the park as a learning environment across the community, and the public subscription highlights that community participation that is so central to the heritage of the park.

*References*

*1 Town Council Minutes and letters - WRO*

## **Gateways to the Park**

### **A description of our asset today**

There are four main public entrances to the park that, in themselves, are not of great heritage value. However, not only do they allow access to the park, the entrances and routes to the park make the physical links with the art, architecture and heritage of the town, which lends them a value for consideration.

The entrance positions are:

- Hillworth Road – pedestrian leading past the west side of Hillworth House
- Hillworth Road – pedestrian leading past the west side of the older children's play area
- Cornwall Crescent – pedestrian leading to the south of the older children's play area
- Queen's Road – vehicular to car park and pedestrian

There is no signage to the park from any directions and the entrances are also unwelcoming.

The Park is most directly connected with the town via Estcourt Hill, a footpath of some gradient, which takes the walker past the grounds of the old Deer Park with a rare view of the castle. The path emerges at the historic gallows ditch – an ancient execution ground, which can be traced back through extracts of corporation records to at least 1596<sup>1</sup> when the gallows were mended.

Another slightly longer but much gentler journey from the town centre takes the route of the historic Hillworth Road, which ran along the northern edge of the medieval outer town ditch.

The car park situated at the Queens Road entrance to the park is in poor repair and not large enough to prevent regular spillage onto Queens Road which causes difficulties for residents.

The Queen's Road entrance is on the site of an original lane that ran from Hillworth Road (then Gallow's ditch) to Potterne Road. This is the lane, which gave access to the Quaker's burial ground. Today, a small path still exists opposite the entrance at Queen's Road, which connects to the Potterne Road.

It is also used as a storage area for receptacles for waste from the park and other Town Council areas.

The entrances from Cornwall Crescent and Hillworth Road to the west of the play area enter on the area, which is currently recreational use.

### **How has it changed over time?**

The original entrance to the park to the side of Hillworth House is a right of way granted in 1981 that substituted for a previous right of way that extended across the front gardens of Hillworth House.

Although the right of way extends to Devizes Town Council, the conveyance also allows for access for the residents of 1 to 6 Hillworth House.

By 1842 the lane that ran between the Potterne Road and Hillworth Road had ceased to exist. However, Hillworth House estate could still be accessed by a long driveway from the Potterne Road <sup>2</sup>.

### **How is it currently managed?**

The entrances to the park are managed by Devizes Town Council, however, they are not given great attention and do little to enhance the jewel that they lead into.

### **How do people use it today?**

One of the main uses of Hillworth Park, as indicated by consultation, is as a shortcut connecting one part of the town with another and, as such, the entrances are quite key. Consultation suggests that wider better accesses would be of benefit.

The entrance from Hillworth Road to the side of Hillworth House is the main pedestrian access from the town and presents an opportunity to better link the park with the town. However, this entrance provides some conflicts because of the proximity to the path to the house, and in particular the glass conservatory.

To reroute or seek to extinguish this right of way, even if felt desirable, may have certain legal ramifications that would need to be resolved<sup>3</sup>.

Although many people walk and we wish to encourage the community to use alternative transports such as cycling, it remains a fact that some people will need to use vehicles to use the park, and therefore, this factor will need to be addressed.

### **Where are the gaps in our knowledge?**

The maps are reliable historical resources that indicate how the accesses to the park have changed over time.

### **How is our asset significant?**

The significance of the routes to the park are that they make the relationship with the rest of the town, linking the heritage of the park with the heritage of Devizes. The layouts from the maps show how the

#### **References**

- 1 *Cunnington, Annals, i,32,76*
- 2 *Map by Brambles of the lands of Alexander Meek 1842 – appendix 5*
- 3 *Agreement between Kennet District Council & Devizes Town Council re vesting of the park Dec 1975 & subsequent conveyance Jan 1981*

# Appendices

Appendix 1 - Hillworth House Listing

Appendix 2 - Map by John Overton 1737/38

Appendix 3 - Map by Edward Dore 1759

Appendix 4 - Map by Hayward 1812

Appendix 5 - Brambles Map of the lands of Alexander Meek 1842

Appendix 6 - Sale Catalogue of 1923 (Courtesy of Wiltshire Heritage Museum)

Appendix 7 - Overlay Maps

Appendix 8 – Garden Pavilion condition Report Prepared by Colin Johns Architect

Appendix 9 – Judgement of His Honour Judge Darlow 2002





## Hillworth House Listing

I.  
1042

Hillworth House  
(South Side)

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Hillworth House

SU 0061 3a/191  
SU 0061 3b/191

II

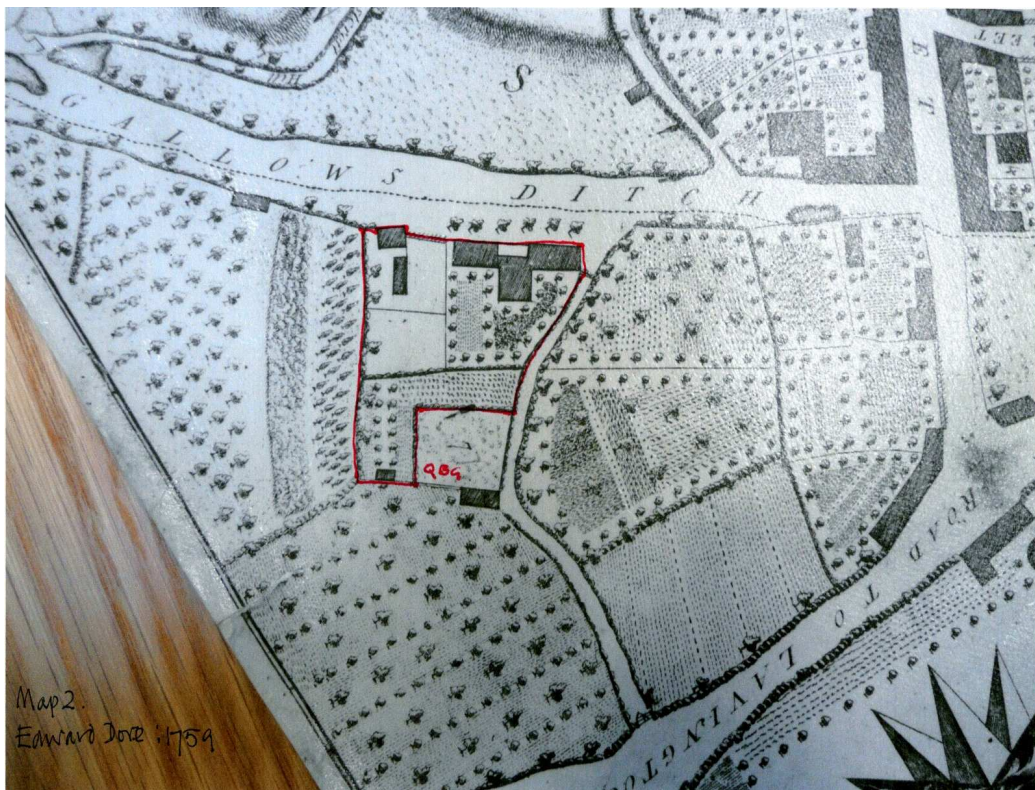
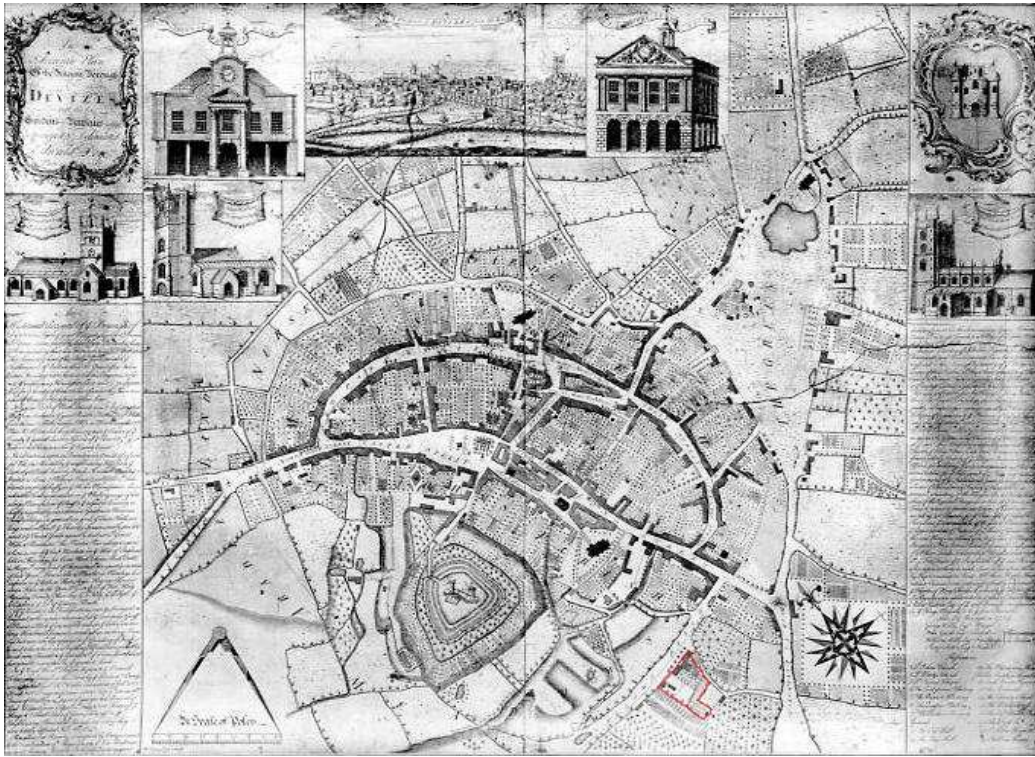
2.  
Circa 1840. Probably smaller early C19 house with later wings and alterations now converted into flats.

2-storey stucco on projecting plinth. Wide flat eaves. Slate roof. Has been a symmetrical design with flanking gabled wings. Entrance front – centre part – 3 windows on 1<sup>st</sup> floor – 2 windows on ground floor and central 6-panel door, arched fanlight with lantern and keystone to opening, moulded string at springing of arch, and surround of 2 Doric pilasters, cornice and blocking course. Bracketed eaves to gabled wings which have arched central window and 2 smaller 1<sup>st</sup> floor windows and 3 windows on ground floor, sashes, most of glazing bars intact. Later 2 storey rendered wing projecting to east. Hipped slate roof, shallow eaves band. 5 windows 1<sup>st</sup> floor, recessed sashes glazing bars intact, block sills. Ground floor: 3 windows and 2 doors in semi-circular arched recesses. Doors of 4 panels with semi-circular fanlights. Garden front of main block is of similar general design to entrance front, though windows are considerably altered. Tent roof verandah and fine conservatory with cast iron columns. Extensive gardens with some fine trees, now a public park.



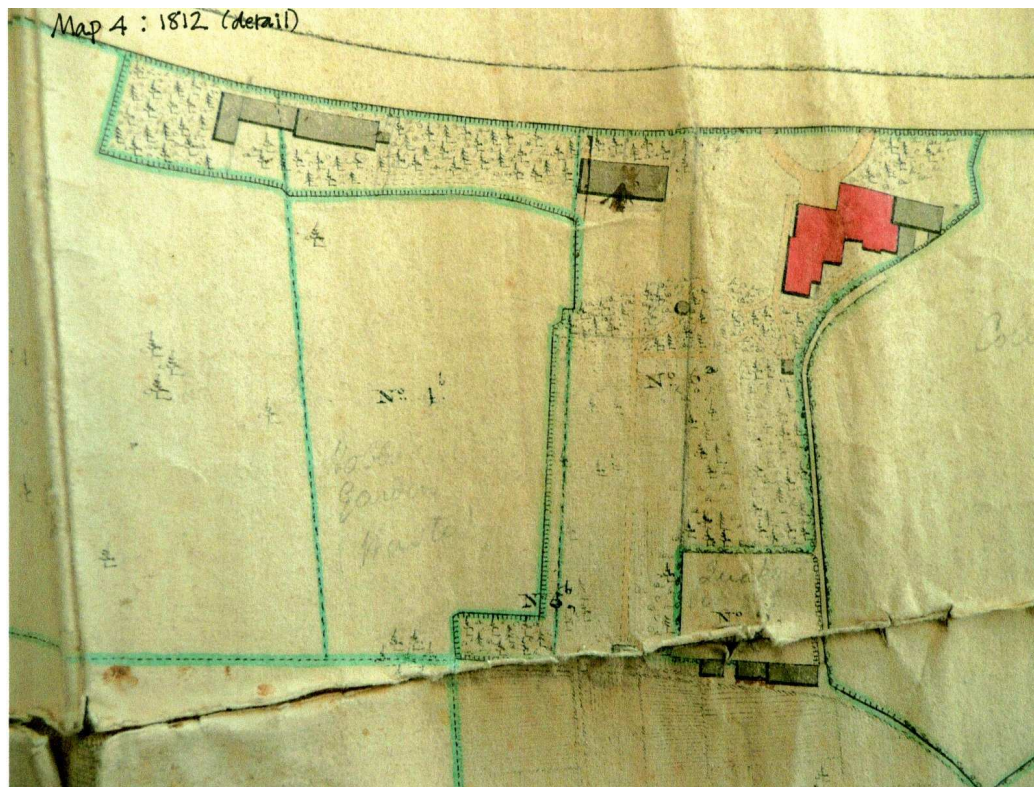
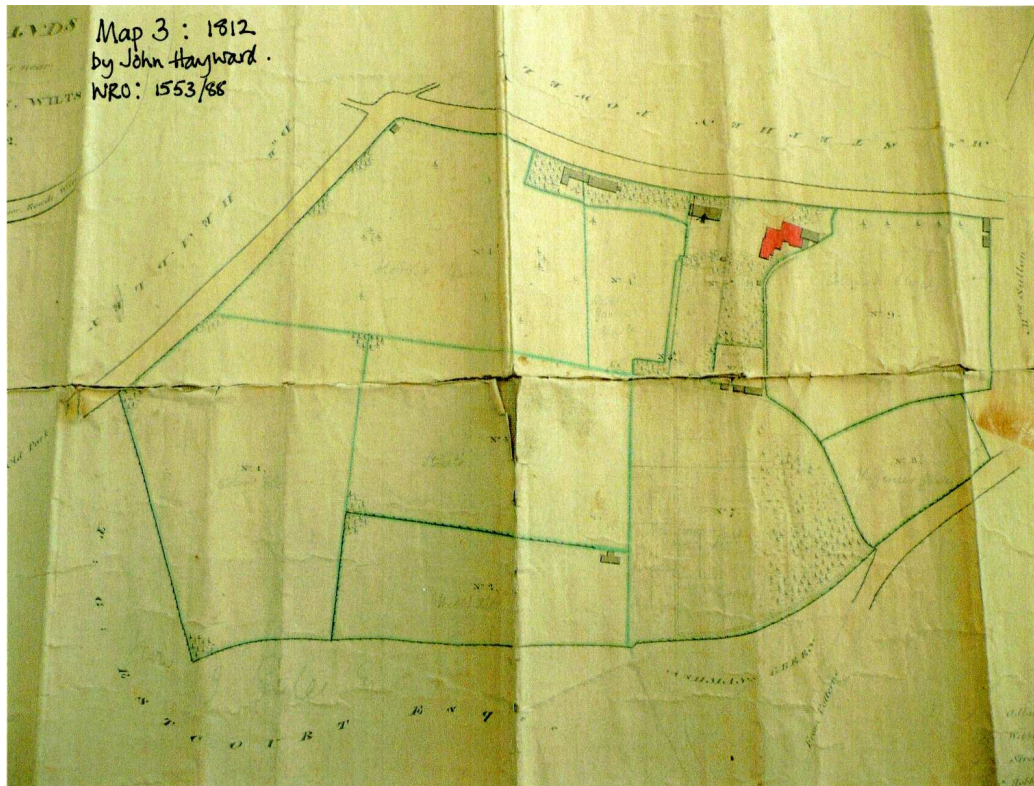


Edward Dore Map 1759



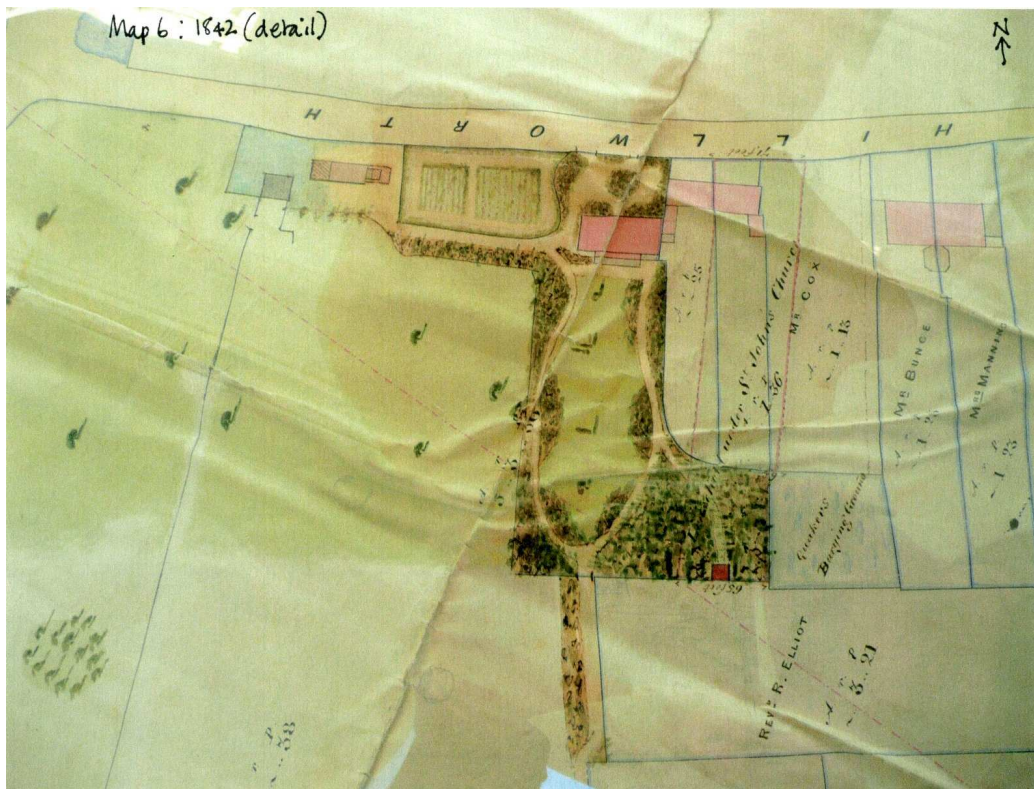
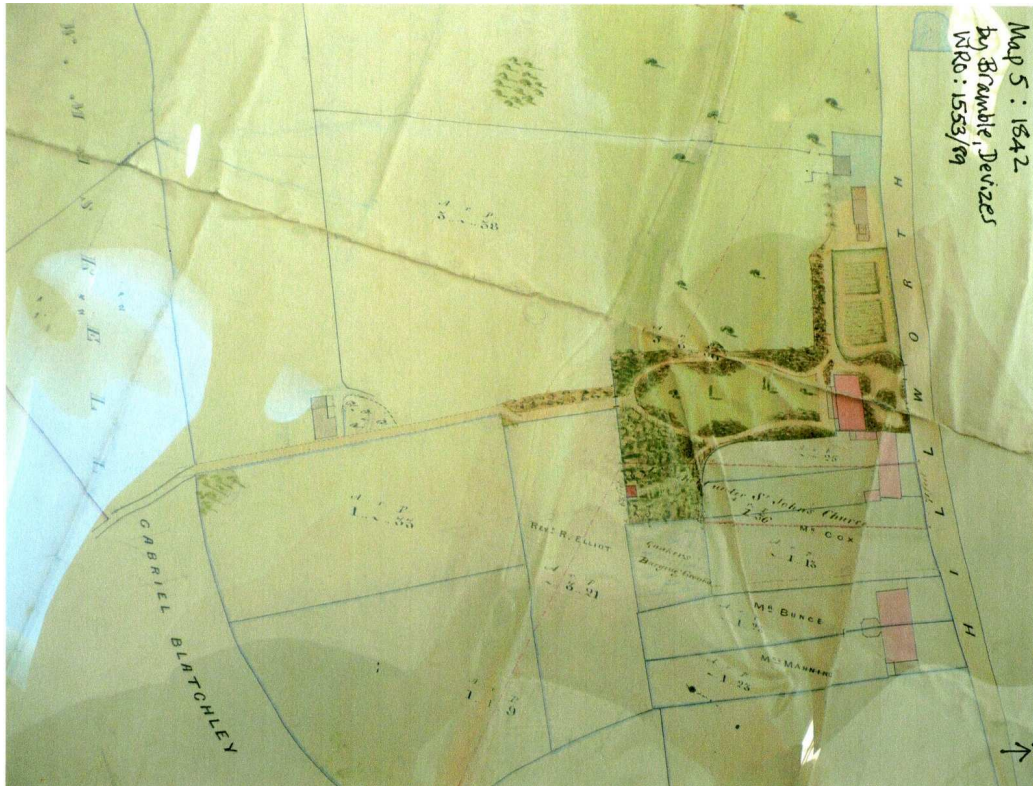


1812 Plan prepared by surveyor John Hayward of Rowde





## Brambles Map of the lands of Alexander Meek 1842




Sale Catalogue of 1923

*Prescribed by Messrs Jackson* (21)  
1923  
(21)

# Billworth House,

Devizes, Wiltshire.



*Solicitors:* Messrs. JACKSON & JACKSON, St. John Street, Devizes.  
*Auctioneers:* Messrs. WILSON & Co., 14, Mount Street, London, W.1.  
AND AT YEOVIL.  
TELEPHONE: GROSVENOR 1440 (2 lines)



## WILTSHIRE

On the outskirts of the Old Market Town, half-a-mile from the G.W.R. Station and two hours train journey from London.

The Delightful Freehold Property

known as

# Billworth House, DEVIZES

*Situated on the Green Sand Soil, with a Southern Aspect, about 400 feet above Sea Level, and comprising :*

### An Attractive Georgian Residence

in Capital Order, nicely appointed and containing : 5 Reception Rooms, 14 Bed and Dressing Rooms, Bath Room, Servants' Hall, and well-arranged Domestic Offices.

Ample Stable and Garage Accommodation. Small Farmery.  
Two Cottages. Main Water, Gas & Drainage. Central Heating.

### BEAUTIFUL PLEASURE GROUNDS

Well Timbered and having extensive Lawns for Tennis and Croquet, Pretty Queen Anne Tea House. Flower Gardens, partly-walled Kitchen and Fruit Garden, Woodland Walk and the

Park-like Pasture Land.

ALSO

### Two Pairs of Semi-detached Cottages

In Pans Lane and Wick Lane, and Some

### Valuable Accommodation Land

with long road frontages, in all about

**27 Acres.**

Vacant Possession of the Residence on Completion.

MESSRS.

## WILSON AND CO.

Are instructed to Sell the above by Auction, either as a Whole or in Lots,

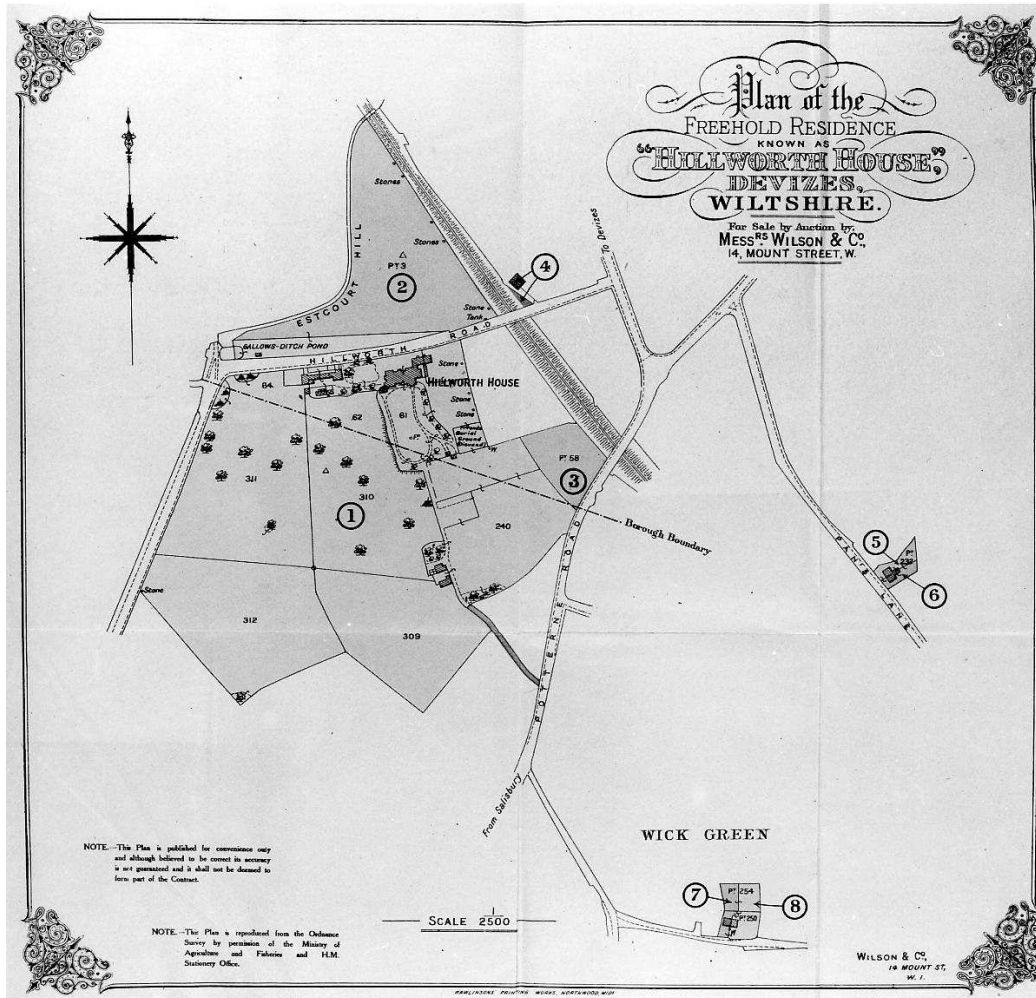
At the Bear Hotel, Devizes.

On FRIDAY, 22nd JUNE, 1923,

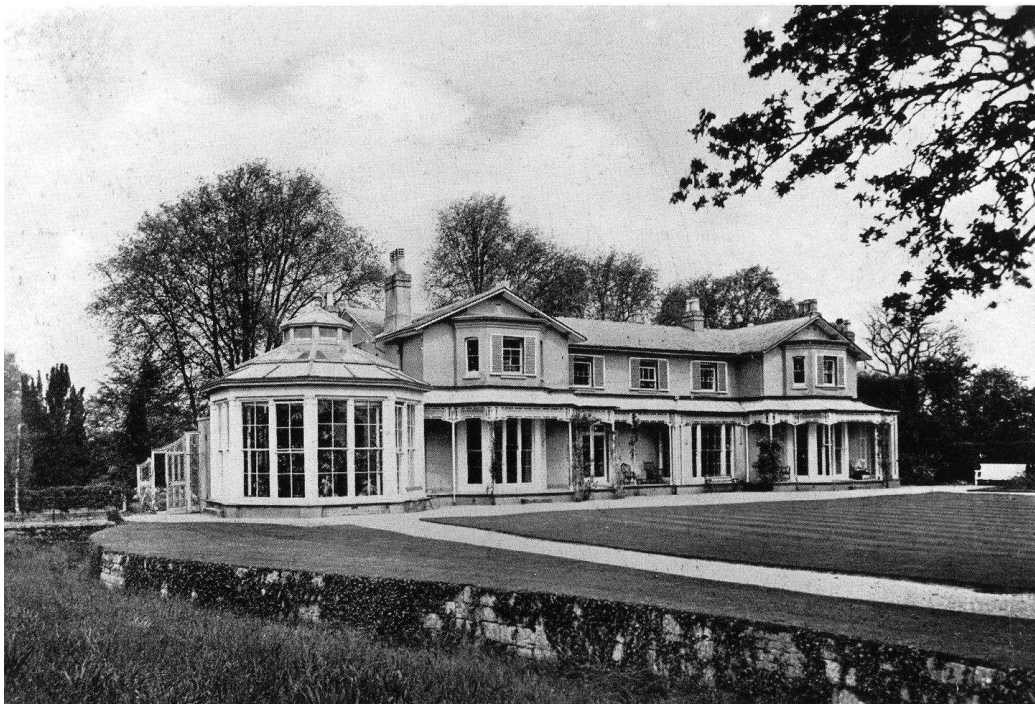
At 2.30 p.m. precisely (unless previously sold by Private Treaty).

Further Particulars may be obtained of the Solicitors, Messrs. JACKSON & JACKSON, St. Johns Street, Devizes; or of the Auctioneers, Messrs. WILSON & CO.,

14, Mount Street, Grosvenor Square, London, W.1.

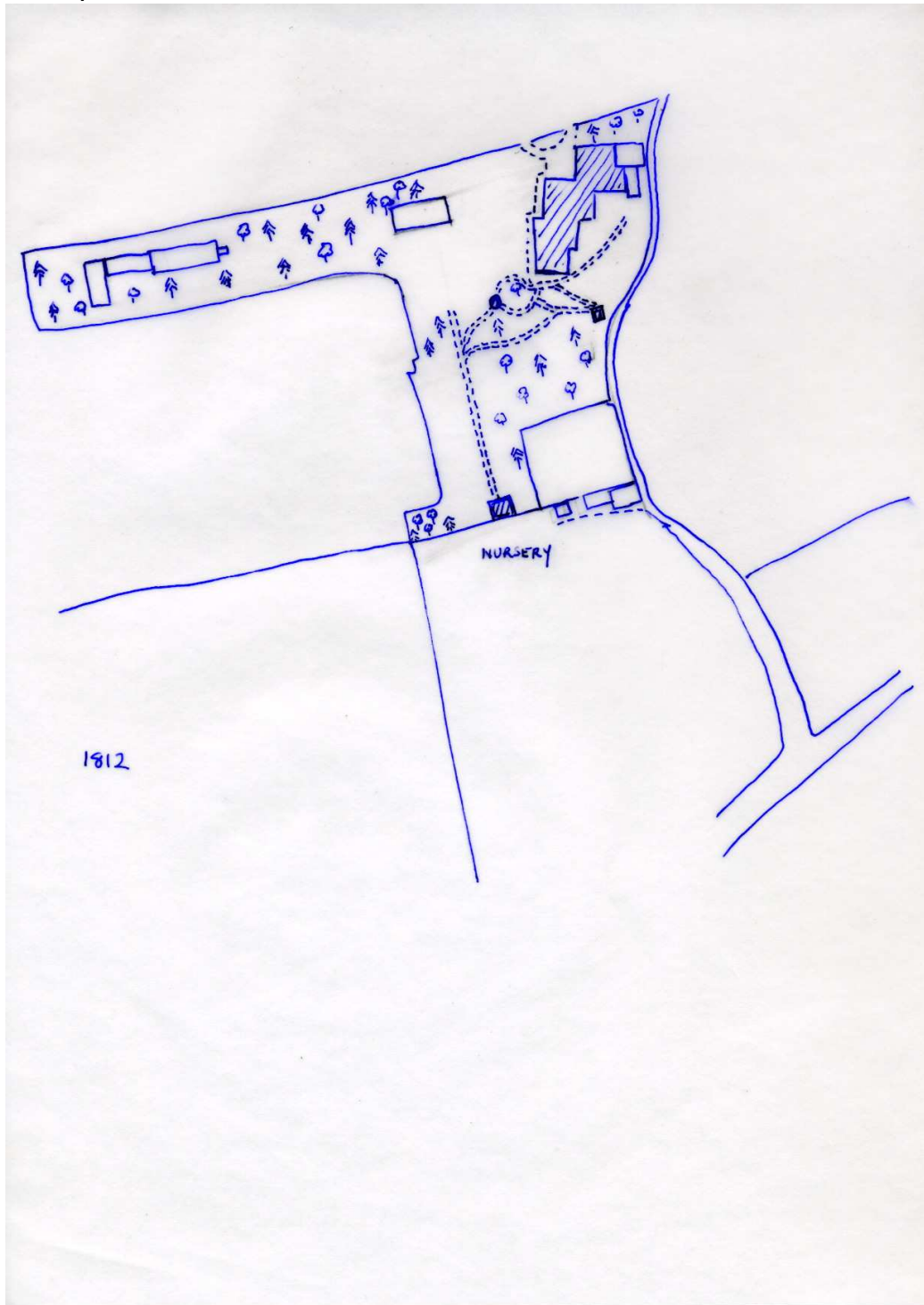






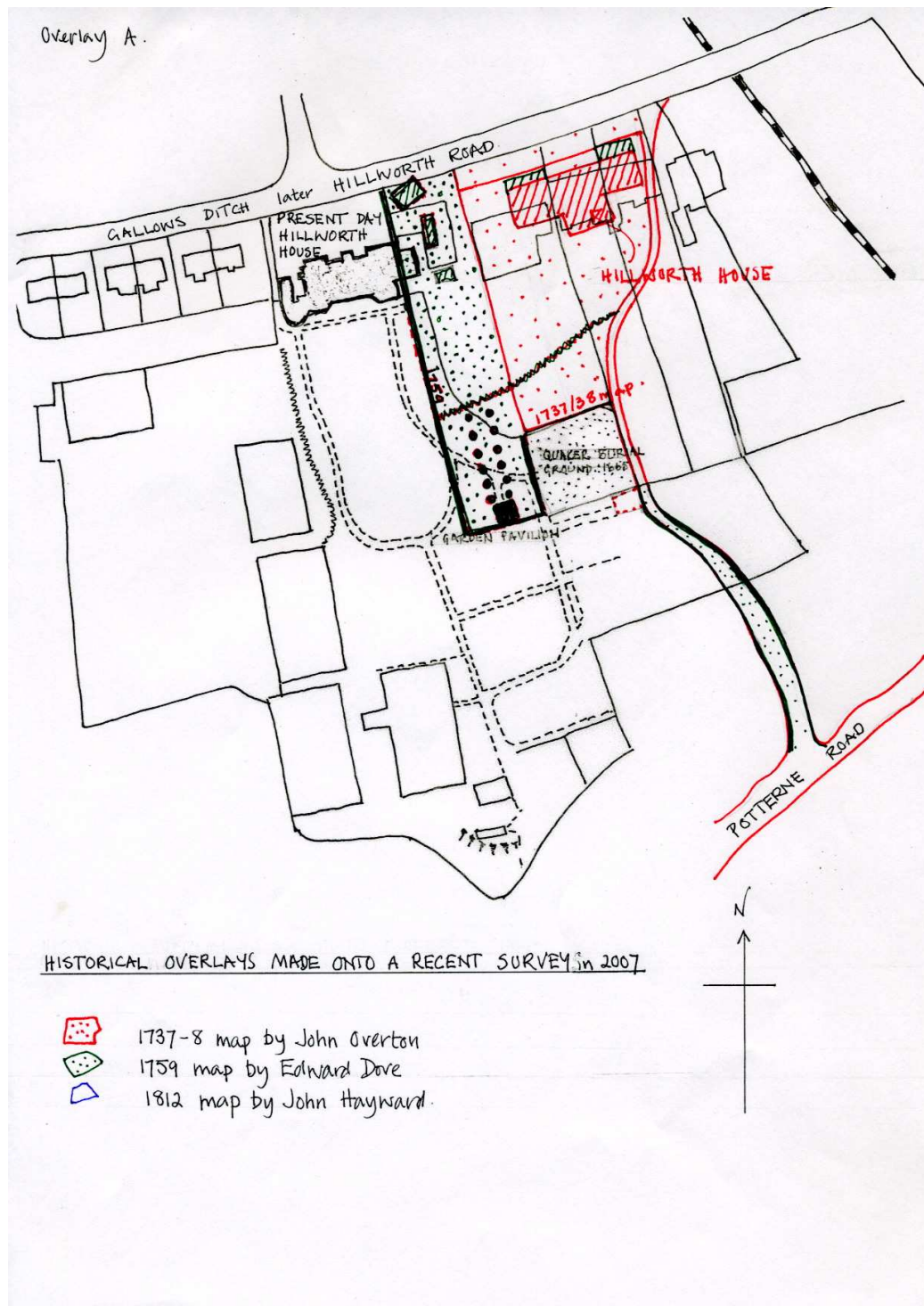


Overlay

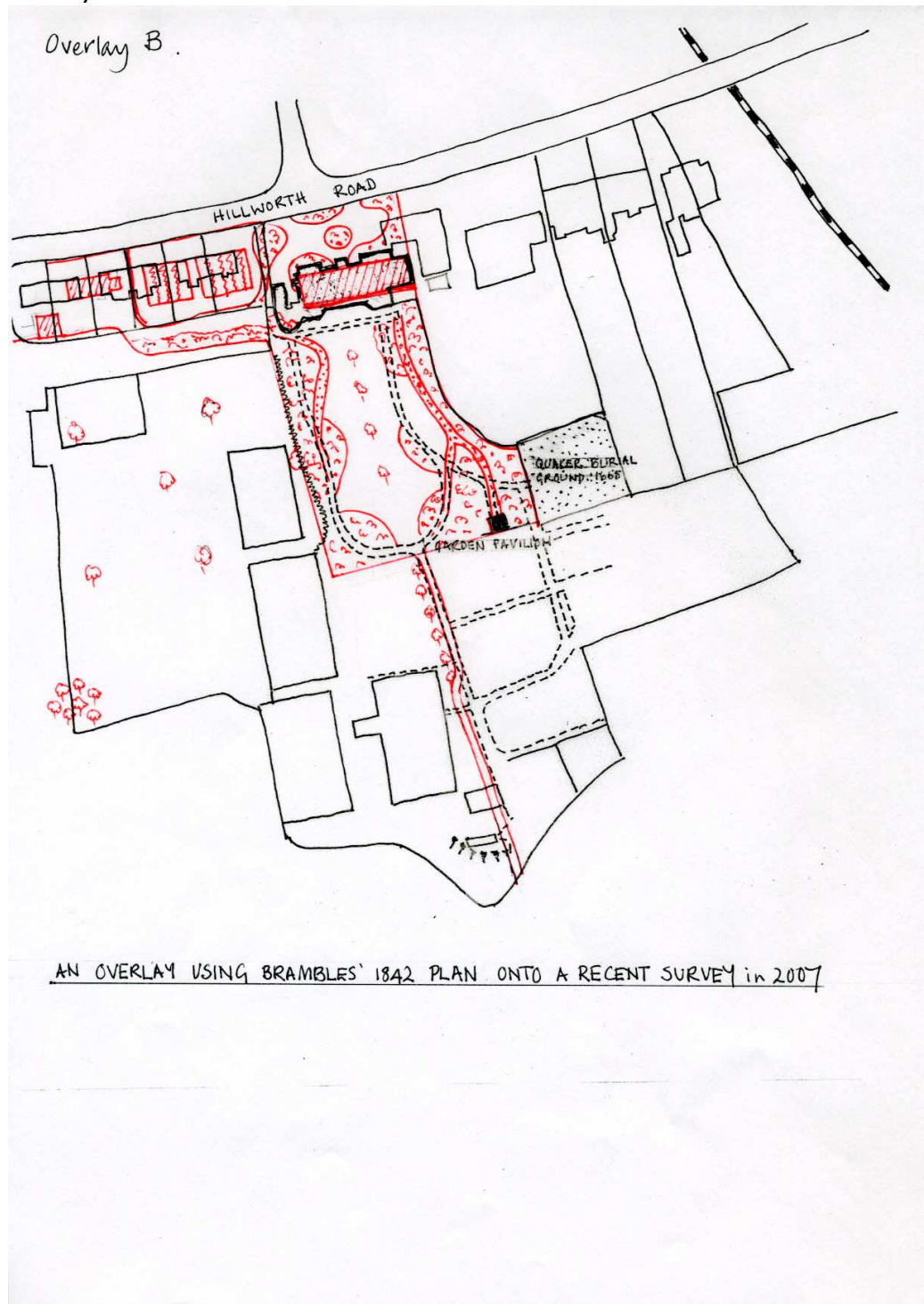




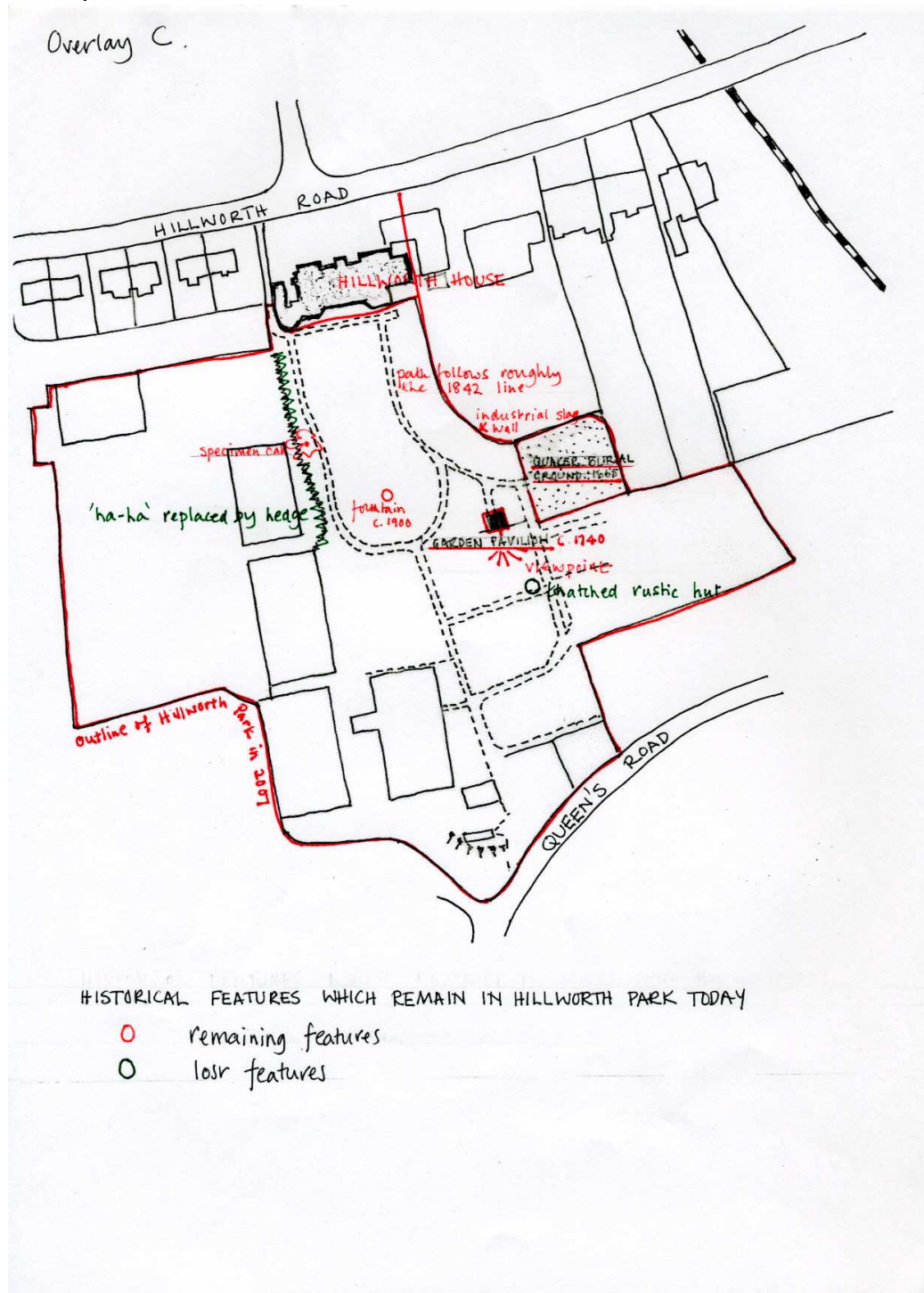
## Overlay A



## Overlay B



## Overlay C





Condition Report Prepared by Colin Johns

DEVIZES  
GARDEN PAVILION AT  
HILLWORTH PARK



Assessment of condition and  
recommendations for repair

April 2006

DEVIZES GARDEN PAVILION AT HILLWORTH PARKArchitectural and historic interest

The Garden Pavilion to the south-east of Hillworth House and within the Park is listed grade II\* and described as follows:

Early C18. One storey. A square brick pavilion on stone plinth, with a moulded stone cornice and ogee shape hipped old tile roof, with band of shaped tiles and ball finial. Entrance door on north side half glazed, nine panes with two bottom panels in surround of stone architrave, curved frieze and cornice. Each other side has a central window with stone architrave and cill. The interior is octagonal on plan with three corner cupboards and fireplace in fourth corner. Panelled dado and cupboard fronts. Plaster panel over fireplace. Moulded plaster entablature with enriched frieze, floral and shell ornament, bracketed cornice and plain domed ceiling. A very pretty building which overlooks the Quaker Burial ground on the east side, a grassed space with some fine tree planting, partly enclosed by a low brick wall.

Inspection report

The Pavilion sits slightly raised above a full height cellar which is accessed from the rear (south). It seems likely that the ground has been made up around the Pavilion, presumably to enhance its setting. The structure is now largely hidden by shrubs and large trees.

Construction of the main build is 9" red brick in Flemish bond with lime mortar "penny" joints. There are no evident defects in the structure and the quality of the brickwork is exceptionally high. Bricks are 2¼" laid 4 courses to 10½". The stone surrounds to the windows and front door are in reasonable condition for their age with only minor erosion. There is a small amount of damage to the cornice above the front door and there are open joints including open joints to the stone plinth at ground floor level. This plinth forms a band course to the rear elevation. There are also open joints to the stone cornice. The single flue chimney stack to the rear is of lesser quality brick construction and appears to have been rebuilt.

The roof covering is a mix of plain and patterned hand-made clay tile following the ogee shape. From eaves to apex there are 7 courses of plain tiles with 9 courses of fishtail tiles and an unknown total of courses where the curve of the roof runs to the apex. There are a number of cracked and missing tiles to the north elevation and it seems that these tiles were damaged by overhanging branches (since removed). It is not possible to assess the condition of all of the roof covering because some of the roof is not visible but there is a tile missing on the south slope and there could be slight damage elsewhere. Internally there is no sign of the roof leaking. The ogee roof would have been constructed with a timber framework but it is not possible to assess its condition because the ceiling follows the curve of the roof and conceals all of the rafters and other structural elements. The structure must be adequate carry the stone ball finial and there is no evident sign of distress, indicating that the roof may be assumed to be sound at this stage. At the base of the roof is a moulded stone cornice which appears to be in reasonable condition. This is covered at the top with lead sheet. Hips and flashings to the chimney are also in lead.



The floor to the building is of timber joists and boarding probably replaced towards the end of the 20<sup>th</sup> century. This can be clearly seen from the cellar. Above the boarding is a sheet floor covering. Internally much of the timberwork and plaster decoration remains intact although there has been some damage by vandals. Part of the inside door frame has been broken off but remains within the building and above the door a section of the plaster cornice (below the pediment) is missing. There are other parts of the panelling or internal features that have been damaged although this is relatively minor. Several cupboard doors are missing.

The three 6-pane double-hung sashes survive although the bottom rail to the top sash to the east elevation is breaking away from the upper part of the frame. Much of the glass has been broken or is missing and all three windows are protected with Perspex sheets secured externally.

## Repairs required

- Roof

The clay tile roof covering needs to be overhauled with all missing tiles replaced. Lead hips and flashings including the lead covering to the stone cornice need to be examined and redressed where necessary. A check should be made while the work is in progress to ensure that none of the lead is defective.

- Brickwork and stonework

The existing pointing is of exceptionally high quality and should be retained. Only minor repairs should be undertaken to repoint open joints. Open joints to the stonework, (in particular the plinth), to be repointed using masons putty.

- Windows

There is evidence that some of the lower sashes were constructed to be opened but there are no surviving sash cords and windows have been painted shut. A decision needs to be made whether or not the windows are to be reglazed with glass or using Perspex sheets. If windows are to be reglazed there will need to be adequate protection against vandalism.

- Front door

At the present time the glass to the top section of the door has been replaced with solid panels, although, with one exception, the glazing bars remain intact. The door needs to be overhauled, reglazed and left in proper working order.

- Internally

All moulded timbers presently loose within the building should be carefully examined to determine their original location. The internal cupboards and timber decoration need to be reinstated with missing sections copied exactly from the original. The missing section of plaster cornice above the front door to be replaced and also copied exactly from the original.

- Externally

Access from the Park to the front door is via shallow steps made up of stone slabs edged with stone tile. Stone slabs extend on the east and west sides of the building but appear to be laid just on the grass and can easily be moved. A safe and appropriate access needs to be provided, either by using natural stone to provide new steps or by lifting the existing steps and regrading the pathway to follow the line of the grass bank.

- Cellar

The cellar is being used for storage purposes which means that much of it is presently hidden from view. To minimise fire risk all items should be removed from the cellar and the cellar door overhauled and made fully secure.

April 2006

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RUSSELL MONTAGUE RICHARDSON

CLAIMANT

AND

DEVIZES TOWN COUNCIL

DEFENDANT

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JUDGEMENT OF HIS HONOUR JUDGE DARLOW  
THURSDAY 14 FEBRUARY 2002

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This is a case in which Mr Richardson claims for an Injunction and damages arising out of alleged nuisance caused by the siting of the skate park in Hillworth Park, Devizes. Mr Richardson is the owner and occupier of park of Hillworth House which backs on to Hillworth Park. By Order of District Judge Rutherford dated 30<sup>th</sup> May 2001, this is a split Trial. I am trying only 2 issues. Firstly, is there an actionable nuisance? Secondly, whether it is appropriate to grant injunctive relief? Therefore, I need to make no decision concerning the negligence and Human Rights Act claims.

Mr Richardson purchased Hillworth House in November 1994. Just how adjacent to Hillworth Park the house is can be seen in the photographs. It backs on to Hillworth Park. He has no back garden of his own. It suited him that way, as it did Mrs.

Fiducia who lives in a different part of Hillworth House. Mr Richardson is a man who lived in London for 37 years and wanted to come down west. He said that Devizes appeared to give value for money. He was shown properties in his price range. He liked Hillworth House. It was attractive and peaceful. This was important to him. There was no requirement for gardening. The property was purchased for £135,000. There was no evidence that the presence of the park enhanced or detracted

From the price paid. Hillworth House was a small country house, built in 1842 for the then Town Clerk, Alfred Meek. It is a Grade 2 listed building. The photographs show that the back of the house overlook the park. The sitting room is at the back. There is a small veranda. There is also an Orangery on the right. It is a Victorian Orangery which is said to be a real architectural feature. On the first floor, at the rear, is the main bedroom. It also looks out on the park.

In 1997, having given consideration to a skate park since 1981, a gestation period which would put a elephant to shame, the Council voted 7/4 in favour of siting a skate park in Hillworth Park. The siting was, as pleaded in the Defence on page 10 at paragraph 7, not actually where the Town Council originally wanted to put it. They wanted to site it at the Leisure Centre but this was not permitted by the District Council. There was a process of consultation, with letters for and against. On the evidence I have heard, in respect of the consultation procedure, no one seems to have sought from an expert source an opinion concerning the noise. The limit of expert advice seems to be advice from the manufacturer and official of the skateboard clubs for the preferred obstacles or equipment. Construction of the skate park was finished in the autumn of 1998. The skate park consisted of a tarmacadam surface and equipment made of curved steel sheeting on metal frames. Photographs on page 38 of the Trial Bundle show 4 or more obstructions for those who want to use. As a result of the construction of the stake park, Mr. Richardson said that his life and enjoyment of his property was radically altered by 2 particular sources of problems. The first was from the noise generated by the skate boarding itself. Secondly, from what is described as the “honey pot” problem. This comprised of random acts of vandalism, congregation of youths, treating the claimant’s property as a dustbin and using part of Mr. Richardson’s property for skateboarding. Essentially, this second element involved the presence of the skate park rather than use of the skate park itself.

With the first head, that of the noise caused by the skate park, he said that, following construction, the skate park was little used in the Autumn of 1998. It was more used in 1999 but the problems really began in the summer of 2000 and have lasted since then. He said the noise level disturbs him in his enjoyment of the Orangery, sitting room and bedroom. The second head, that of the honey pot, involves attracting a certain element. In June 2000, 11 windows were smashed. The repair of this was interfered with. There was damage to a door. Skateboarders, albeit possibly only once, skateboarded on his veranda. There was graffiti, using his property as a dustbin, drinking and smoking late in the evening and into the night time. Mr. Richardson cannot name the individuals, except one. He said that this was not the case before the skate park. He said that the graffiti, by what it says, is linked with the skate park. There was one person who used the skate park to confront other youths and cause fights. He was convicted after he vent his spleen on Mr. Richardson's property. Mr. Richardson has, in relation to the numbers of incidents and the times of incidents, kept a running diary (pages 52-57 of the TB). It covers the period June 2000 to August 2001. Mr. Richardson has tried to put a scale marking of 1 – 10. Subjectively, 2-3 is normal for the park. 6-7 is considered to be the noise of a tube train leaving a station. 10 is Concord taking off.

The Defendant says there is no actionable nuisance. If there is, the Defendant is protected by statutory immunity. The law of nuisance is set out in Clerk & Lindsell at paragraph 19.1. Nuisance can take a number of forms. It can be an encroachment or physical damage, but, here it is of the type where there is said to be undue interference with one's comfort and convenience by virtue of the unreasonable noise and the causing of people to congregate in the area.

There is, of course, when examining enjoyment of land, no absolute standard to be applied.

Everyone has to put up with some interference from neighbours. As is seen from Clerk & Lindsell, one has to strike a balance. There are the rights of Devizes Town Council and the rights of Mr. Richardson. Whilst there is not precise formula, there is a good guide in the Judgement of Oliver J in *Stone V Butler*... (the judge read passages from the Judgement and also from other sections of Clerk & Lindsell).

It does not lie to the Defendant to say that, because a facility provided by them is a desirable one, that there can be no action in negligence. That said, I simply say that

I agree with the Editors of Clerk & Lindsell that they are right in paragraph 19.72, where they say that public interest, whilst not a defence, must be a factor in establishing if there is reasonable user.

I turn to consider the ambit and extent of the defence of statutory immunity which is where a statute authorises an Act, and accordingly, it is not actionable ... (the Judge then dealt with the authorities submitted in respect of this).

The statute we need to look at in this case is Section 19 of the Local Government (Miscellaneous Provisions) Act 1976, which reads as follows... (the Judge read a large section from the Act).

The Claimant says, on the face of the statute, that anyone can see that the statute is permissive only to all Councils. As it is only permissive, it must be exercised with respect to private rights.

Mr. Fancourt said, if compared with the *Asylum* case, then,

if that case failed, then this case is even further away from a case where there is statutory immunity. The Defendant said that the test is less than clear cut. Even though it may be permissive only, one has to look at what was under consideration in the case of *Allen*, where they were permitted to build, but had no duty to do so, on

Designated land. Mr. Vincent set out his submission in his Skeleton. I think Mr. Fancourt is right in saying it is pretty well defined. Even if he is not right, if one looks at the 3 tests that are suggested, then this case would fall a long way short of establishing statutory immunity. In my submission, I find that the defence of statutory immunity is not available to the Defendant.

At the conclusion of the last Hearing, I asked for closing submissions to address the following questions:-

1. Does the operation of the skate park cause a nuisance?
2. If so, what is the form or forms of that nuisance?
3. If there is a nuisance or nuisances, can the Defendants claim immunity by reason of statutory authority?
4. If they cannot claim immunity, is it an appropriate case for injunctive relief?
5. If they can claim immunity, have the defendants demonstrated that they have taken all reasonable care in the siting, operation and supervision of the facility and, if they can, is the nuisance an inevitable consequence?

In my finding on the question of whether or not there is a statutory immunity, I have dealt with questions 3 and 5.

Firstly, I deal with the level of noise. I am satisfied on the subjective evidence of the witnesses and the objective evidence of the experts that the skate park is the cause of loud and prolonged noise. By prolonged, I mean in terms of the number of hours



I heard the lay evidence of Mr. Richardson who said this.... (the Judge read long sections from Mr. Richardson's statement). Mr. Richardson said that the skate park causes a real disturbance. The noise it makes is quite unpleasant. It affects his use of the study, bedroom and veranda. Mr. Richardson called a number of witnesses on his behalf. I heard from Mr. John Murphy, Mr. Anthony Nicol, Mr. Joseph Richardson, Mr. Barbara Fiducia and Brenda Wakeham... (the Judge quoted from the statements).

In addition to this subjective evidence, I have heard the objective evidence of the parties' experts, Mr. Alan Saunders and Mr. Andy Turnbull and their reports. Mr. Saunders took measurements over 6 days, with equipment immediately outside the Orangery and the bedroom window. Mr. Turnbull conducted measurements on the 5<sup>th</sup> August 2001 with a microphone nearer to the skate park. There is not actually much difference between the 2 experts. The point where they differ is which standards and guidance apply and the then interpretation of them. Mr. Saunders seeks to apply 3 standards, in the absence of any specific standards for skate parks of such leisure activities. These are British Standard BS4142 (1997), World Health Organisation (Guidelines on Community Noise 1999) and, finally, Clay Target Shooting, Guidance on the Management and Control of Noise (Institute of Environmental Health Engineers 1997)... (the Judge then dealt briefly with the various Standards).

According to the above Standards, the noise generated by the skateboarding activity is such that it would cause serious annoyance to the occupants of Hillworth House, whereby complaints are inevitable. With the WHO Standard, the noise is twice as loud whereby annoyance would be highly likely.

I find as a fact, based on the subjective and objective evidence, that the level and nature of the noise, by reason of skateboarding, is a serious source of annoyance to Mr. Richardson. I do not, at this stage, say that it is an actionable nuisance.

Secondly, on the honey pot question, I cannot say on the evidence that the skate park is responsible for the acts complained of. Firstly, the park by its very nature will always act as a magnet. It is impossible to secure. No Town Council can expect to make such a park teenager or trespasser proof. Secondly, on the evidence I have seen, it cannot be right that the park was entirely free of problems before the skate park. There are a number of letters in the Trial Bundle concerning previous problems. Mr. Vincent is right in his Skeleton when he refers to witnesses recording the past with rose tinted spectacles. I cannot find that such increases are not equally attributable to increases in society of drinking amongst youths. Likewise, with the graffiti, I cannot say if this is attributable to the skate park or the increased prevalence of spray paint. This is a matter of debate. I myself have suffered from such problems and I live in a rural area. It may be a contributory factor, but I cannot say that it was the cause.

I now turn to the question of whether or not the noise from the skate park constitutes an actionable nuisance. I must say I have found this the most difficult part of the case to decide. There is a balancing exercise. The question, as Mr. Fancourt put it, is whether the interference is undue. I accept the argument of Mr. Vincent that the Town Council could be said to be in the position whereby they are “dammed if they do, and dammed if they don’t”. I think that Mr. Vincent’s comment in his closing submissions sets up a justifiable cause for concern and warning for the future, where people are quick to profess concern for the youths but not so keen if this affects their own interests. There is a balance to be struck between the teenagers who use the skate park and the Claimant. Mr. Vincent said that Mr. Richardson bought a house

near a park. The park is there for the enjoyment of all local people. Mr. Richardson, said Mr. Vincent, should have had no reasonable expectation that he should continue to enjoy the park as his back garden. But, in my Judgement, the noise is quantitatively and qualitatively different from any other use. I say this in terms of the length and intensity of the noise. I cannot help but notice that no sensible research ever seems to have been carried out concerning the siting of the skate park. It is not my job however to say that the decision was wrong. I am not just guided by Mr. Richardson's own subjective view but very much guided by the objective evidence of the experts. In my Judgement, the balance in this case lies in favour of the Claimant and this is therefore an appropriate case for injunctive relief.

Although I have also found against the defendant on the statutory immunity argument, although I do not need to deal with this, I do say that I do not consider the Defendants could demonstrate that they had taken all reasonable care in the siting, operation and supervision of the facility to avail themselves of the defence of statutory immunity even if they could rely on it.

I therefore grant injunctive relief for the removal of the skate park. To do otherwise, such as an award of monetary damages, would not compensate Mr. Richardson for the interference with his right to enjoy his property,