

EAST HERTS COUNCIL

EXECUTIVE – 5 MARCH 2013

REPORT BY EXECUTIVE MEMBER
FOR STRATEGIC PLANNING AND TRANSPORT

LISTED BUILDINGS AT RISK

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To advise Members of an update to the register of Buildings at Risk in the district and to explore how Members may wish the matter to be addressed.

RECOMMENDATIONS FOR EXECUTIVE That:

(A)	the updated Register of buildings ‘At Risk’ be made publicly available, following notification to the owners of buildings so identified;
(B)	a list of Grade I and Grade II* candidate buildings be forwarded to English Heritage for that organisation’s consideration for inclusion on their national list of buildings ‘At Risk’; and
(C)	Officers, in consultation with the portfolio holder and within resources available, continue to approach the owners of buildings ‘At Risk’ to explore the potential for solutions to the condition of each building and consider formal action where other approaches do not appear to be achieving a satisfactory solution.

1.0 Background

- 1.1 One of the outcomes of the Council's Best Value Review into Environmental Stewardship in 2004/05 resulted in the decision to compile a 'Buildings at Risk' Register.
- 1.2 The survey work was undertaken in two phases; first in 2006 and only being completed by survey work carried out by Officers in late 2012.
- 1.3 The survey was undertaken by using a checklist of criteria produced by English Heritage (EH) that identified Listed Buildings that were either considered to be 'At Risk', 'Vulnerable' or 'Not at Risk'. The EH checklist defines both the condition and occupancy of buildings surveyed. The condition of buildings 'At Risk' is of greatest concern.. 'Vulnerable' buildings have also been identified.

2.0 Report

- 2.1 Government advice in the National Planning Policy Framework is that Councils should 'set out... a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats'.
- 2.2 Within the Councils area there are approximately 3,100 Listed Building entries on the formal list. A number of these entries relate to multiple addresses so the total number will be greater if measured by postal address. In addition there are other buildings of quality within the curtilages of Listed Buildings that are protected if they pre-date 1948. This will increase the overall numbers further. This combined total represents a heritage asset of the greatest importance to the District.
- 2.3 The survey identifies that there are currently about 110 buildings 'At Risk'. The number in 2006 was greater. However, in the interim period 2006 -2012 some 50 buildings previously 'At Risk' have been repaired and restored. A considerable number of these were former agricultural buildings, now converted to residential or commercial uses. Whilst this reduction represents a

considerable achievement the numbers remaining 'At Risk' is still considered to be high.

- 2.4 The great majority of buildings 'At Risk' are listed grade II but a small number are listed Grade I or Grade II*. Listed Buildings of such grades are potentially eligible to be entered on English Heritage's national Buildings at Risk register which, if accepted, could be candidates for grant assistance from that source.
- 2.5 The diversity of buildings 'At Risk' varies considerably and includes bridges, milestones, walls, tombs, church buildings, remains of windmill towers and other structures with limited economic use as well as more traditional buildings whose long term future could be more easily secured. It is worth noting that about a third of buildings currently 'At Risk' are farm buildings. Those buildings vary in size from modest granaries to large aisled barns and many now have limited relevance to current farming needs and are frequently underused, often by incidental casual storage and other low key uses. Most 'At Risk' buildings are owned by local family concerns but some are the responsibility of much larger organisations, including public utility companies.
- 2.6 The survey has indicated a small number of buildings previously identified as being 'At Risk' that no longer exist. These include buildings that have been the victims of fire or storm and smaller items such as gates or pumps that seem to have been removed.
- 2.7 At **Essential Reference Papers 'B' and 'C'**, two schedules are included. **Essential Reference Paper 'B'** is the schedule of buildings considered to be 'at-risk' and identified through the 2012 work. **Essential Reference Paper 'C'** is an updated assessment of the buildings identified as 'at-risk' in the work undertaken in 2006.
- 3.0 Options to secure improvement
- 3.1 Whilst it will generally be in an owner's interest to properly maintain a Listed Building, it is worth noting an owner is not bound by statutory requirement to do so. Upkeep is often

reliant on the owner's sense of responsibility and stewardship.

- 3.2 In the absence of repairing or selling the building the choices available to an owner are (a) apply for grant assistance or (b) principally in the case of farm buildings, convert to a more economic use or (c) consider the potential of 'enabling development'. Alternatively there is a further option available to Councils namely (d) the use of statutory powers to undertake works or require them to be done. These options are explored more fully below.
- 3.3 Grant assistance: The Council has offered a small scale grant assistance scheme for many years. For Listed Buildings or other buildings of historical importance, it offers a grant up to a maximum of £1,000 toward works of maintenance. A total funding budget of £35,000 per annum for these works has been provided by the Council for many years. In most years, the budget has been fully committed and occasionally a few requests toward the end of the financial year have to be deferred to the following year.
- 3.4 Subsequent to the survey work in 2006, the Council also established more significant funding for individual projects which remove a building from the 'At Risk' list. This was initially targeted toward grade I buildings. In December 2007 the remit was widened to include all listed buildings at risk. A capital funding stream of £20,000 has been maintained annually for this purpose with funding of up to £10,000 for each project. Members will note that there is the potential for only two projects to be supported in each financial year. No budget provision however is currently made for this in the 2013/14 financial year.
- 3.5 There are other potential sources of financial assistance. EH provide funding in respect of Grade I and II* buildings entered on their national Buildings at Risk register. Officers have had preliminary discussions with EH who would welcome receipt of a list of candidate buildings for their consideration.
- 3.6 Officers have briefly explored potential grant assistance from other sources. There are a range of organisations with

varying potential to provide grant or loan funding. In many cases, the ability of an owner or scheme to be eligible for funding depends on the alignment of the scheme to the aspirations of the funding organisation. Some, for example, have a desire to preserve particular forms of architecture or buildings which date from a particular period.

3.7 Conversion: There have been a number of conversions to residential or commercial uses. Most have been undertaken in a satisfactory manner. Some farmers noted their preferred choice for commercial conversion had been determined by their need to retain the freehold of buildings. Some such commercial conversions accommodated uses, for example car repairs, whilst others catered for professional office uses. It is worth noting that several such higher profile commercial conversions are currently being completed which, particularly in these times of economic difficulty, will add to the economic diversity and well being of the District.

3.8 Enabling development: This is development which would normally be inappropriate but may be justified to generate funds for repairs to Listed Buildings. There have been a number of examples where this has taken place across the district. It is likely that more such proposals will come forward in the future. In order to maintain confidence in the planning system, such proposals must conform to policy advice set out in the National Planning Policy Framework, to respected guidance issued by EH and to the Councils own planning policy requirements.

3.9 The other option is for the Council to exercise statutory powers. The most relevant are:

An Urgent Repairs Notice served under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this situation temporary works of support or shelter are required to be carried out. If the owner does not do so then the Council can step in and recover costs.

A Repairs Notice served under Section 48 of the same Act possibly followed by compulsory acquisition under Section 47 of the Planning (Listed Buildings and Conservation

Areas) Act 1990. Repairs Notices may be seen as a preliminary step in advance of compulsory purchase approved by the Secretary of State. However it is worth noting a Council can withdraw from this process at any time. The Council can subsequently market buildings to particular interested parties who have committed to undertake the necessary repairs.

A section 215 Notice served under the Town and Country Planning Act 1990. Such a Notice can be used to improve the quality of land or buildings that adversely affects the amenity of an area and requires the owner to take steps to remedy the condition of land or buildings in use or vacant. As above, the Council can undertake the necessary works if the owner does not do so.

A Dangerous Structures Order served under the Building Act 1984 provides a Council with powers in respect of buildings that are in a dangerous or ruinous state.

Undertaking works to unoccupied buildings under the Local Government (Miscellaneous Provisions) Act 1982 where owners are absent, to prevent unauthorised entry or prevent a danger to public health.

4.0 Summary and suggested action

- 4.1 The detailed survey work undertaken has identified that there are about 110 Buildings considered to be 'At Risk'. In addition it is anticipated there will be a similar number that are 'Vulnerable' but survey work needs completing to establish this. It is very encouraging that in the period 2006 - 2012 the numbers have been reduced considerably. However many structures and buildings remain 'At Risk'.
- 4.2 It is recommended that the updated survey work is now published. There are implications to this action, of course, and it is recommended that contact is made with the owners of the buildings that appear on the list in advance of its publication, where possible.
- 4.3 Taking further action to deal with the condition of the buildings that appear on the list is resource intensive work.

At present, officers contact owners of 'At Risk' buildings offering advice, the possibility of grant aid funding and seeking their co-operation to undertake works of improvement. It is suggested that this approach is maintained. To facilitate the potential of additional grant assistance EH can be provided with a list of grade I and grade II* buildings as candidates to be included on their national list.

5.0 Implications/Consultations

5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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