

## **NATURE OF BREACH**

Condition of Listed Barn at West Minley Farm.

## **BACKGROUND**

West Minley Farm Barn is a listed building consisting of a timber framed barn situated immediately adjacent to the highway Minley Road.

The site formerly formed a part of the Minley Manor estate. The barn is a late C17th or early C18th timber framed building covered by a Welsh slated roof. It was added to the statutory list in 2012 and a subsequent application to delist it was dismissed in 2018.

## **RELEVANT HISTORY**

18/01087/LBC – First aid repairs to listed barn – application withdrawn.

19/01653/LBCLW – Temporary support to building, remove tarpaulin and roof slates and store roof slates, provide additional brackets and temporary bracing to timber frame, replace existing tarpaulin, replace timber cladding with metal corrugated cladding. Split decision. Appeal Dismissed.

## **CONSIDERATIONS**

Officers were alerted that the physical condition of the building has deteriorated to such a degree that the structure now appears dangerous. An initial site visit has taken place and it has been established that there are significant problems with the structure of the building, the roof structure appears to be failing and as a result significant numbers of the roofing slates have slipped, fallen, or have collapsed internally to the building.

As the building is a statutorily listed building, the Council, as Local Planning Authority needs to assess the condition of the building and consider action to resolve matters.

## **EXPEDIENCY**

Historic buildings are at their most vulnerable when they are neglected, left empty and deteriorate. The Historic England publication “Stopping the Rot” clearly sets out that visual evidence of disuse can itself begin the downward spiral because it advertises the building as an easy target for vandals and thieves.

The condition of the building in this case and its lack of enclosure from the public highway provides opportunity to access the building as an easy target.

The exterior of the building indicates remedial works are needed due to lack of maintenance, this has resulted in loss of wall fabric, loss of slates, it also appears from visual inspection that significant structural movement may have happened. A

comprehensive set of photographs has been taken focussing on the areas of failure. These photographs provide essential evidence in relation to the previously recorded condition of the building.

It is therefore considered expedient to take formal action in this case as a continuing spiral of lack of intervention, repair or maintenance can be actively demonstrated.

In exercising powers to intervene, the Council has a number of options.

The power to execute urgent works to preserve unoccupied listed buildings may be exercised by any local authority under section 54(1) of the Listed Buildings Act 1990. The local authority may require the owner to pay the costs incurred in carrying out the works, but the owner has a right of appeal to the Secretary of State.

The use of Urgent Works Notices should be restricted to emergency repairs to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism or theft. The steps to be taken should be the minimum consistent with achieving this objective and should not involve an owner in great expense. The works specified should be those urgently necessary at the time and should not include precautionary or preventive work that may become necessary in the future (*Robbins v Secretary of State for the Environment* 1989).

Section 48 of the Listed Buildings Act 1990 enables local authorities to serve a Repairs Notice on the owner of a listed building specifying the works considered necessary for the proper preservation of the building. Where after a minimum of 2 months reasonable steps are not being taken, the authority can begin compulsory purchase proceedings. A repairs notice does not commit the authority to proceed to compulsory purchase proceedings and can be withdrawn at any time. Proper preservation implies positive action to put and to keep a listed building in good repair in a way which fully respects its special architectural or historic interest, and to prevent it being exposed to harm. This normally involves undertaking regular repairs and routine maintenance. A Repairs Notice should be considered when a building is neglected and the need for permanent repair accumulates to the point where there is potential for serious harm.

The Historic England publication also suggests the use of a notice under Section 215 of the Town and Country Planning Act 1990 may be appropriate where the amenity of the area is adversely affected by the condition of land. This is a broad power which can be used in respect of any land designated or not, including buildings whether they are in use or not. In the case of a notice under Section 215 case law identifies such a notice may be appropriate where there is any want of maintenance or repair in the land.

The use of such notices is not mutually exclusive so a combined approach can be taken.

In this case, it appears that due to lack of maintenance, the condition of the building is deteriorating in this respect it is considered an urgent works notice and/or a notice under Section 215 of the Town and Country Planning Act may be appropriate and proportionate responses to the condition of the building. Should the owner then fail to undertake repairs or routine maintenance, a Repair Notice should be considered.

## RECOMMENDATIONS

- A. It is recommended that the owner is advised that the Council is considering the issue of an Urgent Works Notice to ensure the building is secured and is wind and watertight. It is recommended that the owner be given fourteen days to undertake works voluntarily to make the building wind and watertight.
- B. If the work is not undertaken voluntarily, it is recommended that a Structural Engineer and contractors are engaged to undertake the works.

It is then recommended that the owner is given written notice of the intention to carry out the works:

The works which are urgently necessary appear to include:

1. Temporary work to the roof structure including supporting structure. Stabilisation of the roof covering and making watertight through installation of a replacement tarpaulin or other membrane.
2. Temporary work to make the remaining structure watertight through application of a tarpaulin or other membrane across elevations of the building.
3. Temporary work of propping to ensure the building does not collapse.
4. Work to temporarily enclose the site to the public highway.
5. Temporary security measures to prevent vandalism or unwanted entry into the building.

That a notice is subsequently served on the owner requiring payment of the expenses incurred in the works.

- C. It is recommended if no further steps are taken to maintain or repair the building within a further three-month period following the issue of an Urgent Works Notice, that a notice under Section 215, or a Repairs Notice are issued to the owner to secure long term maintenance and repair of the building.