

PLANNING ENFORCEMENT SUB-COMMITTEE

Date and Time: Monday 30 January 2023 at 10.00 am

Place: Council Chamber

Present:

Southern (Chairman), Oliver, Blewett and Makepeace-Browne

In attendance:

Officers:

Mark Jaggard, Executive Director, Place
Stephanie Baker, Development Management & Building Control Manager
Maxine Lewis, Planning Enforcement Team Leader
Sylvia O'Connor, Enforcement Officer
Sharon Whittaker, Planning Enforcement Officer
Tola Otudeko, Shared Legal Services
Sarah McCann, Shared Legal Services
Jenny Murton, Committee & Member Services Officer

8 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 17 October 2022 were confirmed and signed as a correct record.

9 APOLOGIES FOR ABSENCE

There were no apologies.

10 DECLARATIONS OF INTEREST

None.

11 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the Planning Enforcement Team Leader would be leaving the council in March and the Development Management & Building Control Manager confirmed steps are being taken to try to provide cover for this role in the coming weeks.

The Chairman commended the Planning Enforcement Team Leader for all her work for Hart over the years.

The Chairman also announced that he would be swapping the order of Items 5 (Update on Planning Enforcement) and 6 (Condition of Listed Barn at West Minley Farm).

12 CONDITION OF LISTED BARN AT WEST MINLEY FARM

The Planning Enforcement Team Leader presented the case and showed photographs of the barn from 2016 and 2021. She explained that the barn's condition had now seriously deteriorated further and stated that the barn is open to the elements and is not wind and watertight.

It was noted that if the Council served an Urgent Works Notice, and the owner declines to do the works, or otherwise was unresponsive, then the local authority has powers to execute any works which appears to them to be urgently necessary for the preservation of the listed building. Given the financial implications this decision would need to be taken at Cabinet, and not at the Planning Enforcement Sub Committee.

For this reason, officers asked the Planning Enforcement Sub Committee to only consider Recommendation A.

The Development Management & Building Control Manager confirmed the barn is a Grade II listed building and summarised the list entry reasons from the Historic England register, namely:

- Architectural interest as a substantial late C17 or early C18 timber frame and roof structure, with unusual evidence of how it was carefully dismantled and reassembled in the mid-C19, and
- Historic interest as reconstructed as part of a new farmstead on former heathland within the Minley Estate which in 1846 was acquired and subsequently developed by the Currie family

Members questioned and discussed:

- The process that would need to be followed if the Council undertook this repair work, the financial repercussions, timescales, and Cabinet's responsibility in this process.
- The ownership of the barn, the owner's responsibilities and that it is not up for sale.
- Whether officers knew the cost of required works
- Mechanisms for the Council to recover its costs and timescales
- How long would be reasonable to ask owners to undertake works
- The value to the community
- Historic England's role in this case, and how it had previously refused to de-list the barn.
- Whether any prosecutions could be sought if the condition of the barn deteriorated further.
- Whether issuing an Urgent Works Notice was appropriate.
- How the Council came to know of the current state of the barn – it was confirmed that it had been brought to their attention from a member of the public.
- The 2021 site visit that was undertaken by the Development Control Team.

- Whether the barn and front paddock had the same owners as the other properties on the site - it was confirmed they had.
- Why the owners were not seemingly doing any maintenance work to the barn – it was confirmed there is no requirement in the Listed Building Act for owners to maintain properties to specific standards.
- What the value would be to the local community in retaining and restoring the barn to a good standard.

The Development Management & Building Control Manager also confirmed that the owner had previously offered to arrange repair work to the barn, but it had been considered to harm the building's character and this was held at appeal.

The Chairman stated that he had been on the Committee in 2018 when Historic England made their latest update to the listing of the barn.

The Development Management & Building Control Manager highlighted that Historic England had grants to underwrite an Urgent Works Notice and these may be applicable for this case. Officers would look into this avenue.

The Development Management & Building Control Manager summarised the reasons why Historic England had listed the building.

Members debated:

- The architectural value and interest of the building
- Who would be financially responsible for the barn's repair work.
- A revision to Recommendation A to include the addition of listing the methods considered for the required repair work and timescales.
- It was also requested that the Urgent Works Notice *if* issued, be delivered personally to the owner, and not sent via the post or email.

DECISION

An amended Recommendation A was proposed by the Chairman and seconded by Councillor Oliver. The Planning (Enforcement) Sub-Committee unanimously agreed Recommendation A, as amended below:

The owner will be advised in writing that the Council is considering the issue of an Urgent Works Notice to ensure the building is secured and is wind and watertight. The owner would be given 14 days to respond with details of whether they intended to undertake the works voluntarily and if so, to confirm the methods to make the building wind and watertight and the timescale involved.

The Planning (Enforcement) Sub-Committee unanimously agreed to defer Recommendations B and C, pending the response from the owner to Recommendation A. This was proposed by Councillor Oliver and seconded by the Chairman.

The Development Management & Building Control Manager confirmed that if Recommendation A was not met, a report would need to be considered by Cabinet to consider the expediency of issuing an Urgent Works Notice.

13 UPDATE ON PLANNING ENFORCEMENT

The Planning Enforcement Team Leader highlighted that the report, 'Update on Planning Enforcement' had been brought to the Sub-Committee for information after a request at the previous Sub-Committee meeting in October 2022.

The Sub-Committee praised the report and said it was very pleased with its content, particularly the reference to historical cases. Members requested this report to be an annual addition.

The Planning Enforcement Team Leader highlighted that service level requests for the Enforcement Team had returned to pre Covid-pandemic levels. Members thanked the team for their continued work and efforts.

The Planning Enforcement Team Leader highlighted that 'notable' cases had been picked on the basis of the types of cases that Members were likely to be interested in hearing updates on.

The Planning Enforcement Team Leader highlighted that six Enforcement Notices had been issued over the last year by the Council, which was a considerably higher number than many neighbouring local authorities. Members questioned the reason for this, and it was not known. It was also noted that the Council had also issued two injunctions.

Members of the Committee thanked the Enforcement team for their continued hard work.

DECISION

The Sub-Committee noted the report and overview of the Planning Enforcement function.

The meeting closed at 10.41 am