

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

PORTFOLIO HOLDER: Cllr Humphrey Clemens

DATE: 26 September 2017

ITEM: 7.

SUBJECT: DAWLISH - 13 Weech Road - Buildings at Risk

RECOMMENDATION

The Planning Committee is recommended to resolve that Urgent Works Notices be served for 13 Weech Road and the Gig House at 13 Weech Road, Dawlish.

1. PURPOSE

To inform and support the Conservation Officer in carrying out enforcement works to halt deterioration in the condition of The Old Vicarage and the Gig House at 13 Weech Road, Dawlish.

2. BACKGROUND

- 2.1 The building was listed Grade II in 1951 but is not in a Conservation Area. The original house is thought to date from the late 17th-early 18th century and a later wing was added in 1846. There is a detached cob gig house in the grounds thought to date from the 17/18th century that is included in the listing.
- 2.2 The Council was first informed of the deteriorating condition of the building in 2001. In 2002 the property was purchased for the sum of £60,000 by Robert Fraser, Twentieth Development Company Ltd and Goldpark Ltd of London, whose business is development and to sell real estate. On 2 October 2009 the ownership of the gig house and the remainder of the site, excluding the footprint of the Old Vicarage, was transferred to Sterling Property Developments Ltd and the price stated to have been paid was £225,000. The Old Vicarage was transferred on 2 October 2009 to Safebrite Properties Ltd and the price stated to have been paid was £150,000.
- 2.3 In 2008 an appeal was dismissed for demolition of the building and the inspector summarised that a suitable scheme was not before him to replace the building. In 2016 a further scheme was submitted for demolition and Historic England objected as it would result in **substantial harm**. It was cited that the supporting documentation submitted with the application did **not** meet the criteria set out in Paragraph 133 of the National Planning Policy Framework (NPPF), to demonstrate that all other options had been

TEIGNBRIDGE DISTRICT COUNCIL

investigated with regard to the building and therefore, that demolition is justified. It was considered that a considerable amount of time had lapsed since the inspector's decision in 2008 and it did not meet the expectations of paragraph 133 as it had not been advertised on the open market.

Paragraph 133 of the NPPF

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible*
- *the harm or loss is outweighed by the benefit of bringing the site back into use*

2.4 Condition of the Building

In 2007 Norman Rourke prepared a report on behalf of the owners outlining timber decay but did not outline defects in structural stability.

In 2016 the Council's Structural Engineer prepared a report on the building's current condition and to recommend minimum intervention works. It was considered the Victorian range walls were in good condition, the original house in poor condition and in near collapse, and the Gig House in very good condition.

In 2016 the Structural Engineer of Historic England was asked to report on the condition of the buildings and to recommend minimum intervention works to arrest further deterioration. The engineer agreed broadly with the condition outlined in the Teignbridge report of 2016. He considered cob wash out in the Gig House could be greater. The Victorian wing wall structure appeared sound and was likely to require a new roof. He considered that the original building required the rebuilding of cob in three areas, extensive propping of floor structure and the roof seemed in better condition. He did not conclude the building should be demolished.

2.5 Urgent Works Notices, 215 Notices, Repairs Notices, Compulsory Purchase

The owners of listed buildings are under no legal obligation to maintain their buildings in a good state of repair. When they do not, local authorities can take action to maintain and safeguard the buildings. When negotiation fails, local authorities have various statutory enforcement powers at the growing cost of repairing a building that are at their disposal.

TEIGNBRIDGE DISTRICT COUNCIL

The authority has a general duty under the Planning (Listed Buildings & Conservation Areas) Act 1990 to help secure a viable future for historic buildings. This duty can be enforced by the use of discretionary powers to require the implementation of Urgent works (Section 54); issue a Repairs Notice (Section 48) where necessary; or ultimately acquire the building via compulsory purchase (Section 47). It is advisable to commence action at the lower raft of legislation with a view to further notices if necessary. To date the owners have not advertised the property on the open market to see if there is a viable option for its conservation. They have not made any attempts since purchase to arrest the deteriorating condition and it has been allowed to deteriorate further since first purchased. Although Historic England operates a grant scheme to underwrite repairs to buildings at risk, grade II buildings that are not in a conservation area are not eligible.

2.6 Urgent Works Notice - Section 54 of the Planning (Listed Buildings and Conservation Areas Act)

An urgent works notice is the lower level of notice to be served with a view to serving further notices should the building continue to be neglected. An Urgent Works Notice allows a local authority to directly carry out works that are required urgently to make an unoccupied listed building weather tight and thus prevent further deterioration. The local authority can seek to reclaim the cost of the works from the landowner. The owner may challenge the cost claimed by writing to the Secretary of State. The grounds of challenge may be that:

- Some or all of the works were unnecessary for the preservation of the building.
- Temporary support and shelter measures have continued for an unreasonable length of time.
- The amount reclaimed is unreasonable.
- Recovery of the amount claimed would cause the owner hardship.
- Listed building consent is not required to implement the notice.

2.7 Section 215 Notice

A relatively straightforward power to require the owner or occupier to carry out works to improve the external condition of a building or land if its neglect is adversely affecting the surrounding area.

2.8 Repairs Notice

A power that allows a local authority to specify to the owner works it considers reasonably necessary to secure the conservation of the listed building. The Local Authority serves the repairs notice specifying the works necessary for the proper preservation of the building. If it appears that steps are not being

TEIGNBRIDGE DISTRICT COUNCIL

taken for its preservation in a period of not less than two months the Council can commence compulsory purchase of the building. The Council would not be committed to compulsory purchase and can withdraw the Repairs Notice at any time.

2.9 Section 17 of the Housing Act 1985

Acquisition of land for housing purposes allows local authorities to acquire houses or buildings that could be made suitable as houses by agreement or by Compulsory Purchase Order.

2.10 Compulsory Purchase Order

When all other measures fail, the local authority's last resort is to compulsorily acquire a listed building in order either to repair it itself or more usually to sell it on to be restored by a buildings preservation trust or other new owner.

- 2.11 A schedule of work has been prepared by Economy & Assets to support the report on the condition undertaken in 2016 by the Council's Structural Engineer. The works are intended to make the building wind and water tight and to arrest further deterioration as a temporary measure with a view to serving either a 215 Notice or Repairs Notice should the owner fail to carry out repairs.

The work to be undertaken would be as follows:

A - Make the Victorian building weathertight by erecting a temporary scaffolding for a work period of 4 weeks, provide a temporary roof and board up windows. Remove temporary scaffolding.

B - Provide a tented scaffolding structure to cover the original building for a period of 26 weeks. Should the tented scaffold be required for longer than 26 weeks the rental price would be in the region of £4,850 per month.

C - Shore and prop the Gig House to stabilise the structure and make watertight.

The estimated cost for these activities depends on which of options is followed:

Option 1

With rental of the scaffold, including provisional sums and contingencies the cost is £74,699.44 + VAT for a period of 26 weeks.

Option 2

To purchase the tented structure over the cob building (as the period of hire will be unknown) would cost £56,500.00 + VAT, so the total sum for the works would be £91,249.44 but the scaffold would have a re-sale value.

TEIGNBRIDGE DISTRICT COUNCIL

Section 55 of the 1990 Act enables a notice to be served on the owner reclaiming the expense of the works. In the case of continuing expenses for temporary support or shelter, the notices may be repeated.

If the owners do not carry out the works to both buildings the Council has the power to carry out the works and reclaim the cost of the works from the landowner. If the costs are not repaid the Council can seek a charge on the properties.

3. CONSULTED

Historic England.

4. CONCLUSIONS

It is clear that these buildings are not currently being maintained or repaired by the owner. Discussions have taken place with the owner over many years to secure an acceptable use for the site, but the planning proposals that have been submitted have not been acceptable. Applications for Listed Building Consent to demolish the buildings have been refused and dismissed on appeal. The landowners have no current planning proposals with the Authority. To halt the further deterioration of these grade II listed buildings it therefore seems necessary for the Council to take action. The appropriate starting point is the service of an Urgent Works Notice requiring the landowner to undertake the minimum works necessary to make the unoccupied listed buildings weather tight and thus prevent further deterioration. In view of the current condition of the building it is considered that these measures should be put in place as soon as possible. It is therefore recommended that an Urgent Works Notice be served. This action would be in accordance with the Council Strategy T10 Project – Great Places to Live and Work – in particular the Action “Protect our most important landscapes and heritage and support proposals which enhance them”.

WARD MEMBERS: Councillors Clemens and Prowse, Dawlish South West



THE GIG HOUSE 13 WEECH ROAD DAWLISH DEVON EX7 9BW

Scale: 1:1,250



