

Record of officer decision

Decision title:	Decision to serve an Urgent Works Notice Regarding a Cottage in Bircher Ward
Date of decision:	9 May 2018
Decision maker:	Head of Development Management & Regulatory Services
Authority for delegated decision:	ECC Scheme of Delegation
Ward:	Bircher
Consultation:	<p>The case was initially raised by the local ward member with the planning enforcement team.</p> <p>The owner was emailed and messages passed to him through his agent on a number of occasions between November 2017 and January 2018. The aim of this contact was to engage in negotiation with the owner, but no response was forthcoming.</p> <p>A letter was sent to the property on 19 February 2018 informing the owner of the intent of officers to visit the property on 21 March 2018.</p> <p>A further letter informing the owner of a visit to inspect the property by council officers was pinned to the door of the property on 28 February 2018.</p> <p>A further letter was hand delivered to the owner on 20 March 2018 stating that the council had obtained a warrant to enter the property on 22 March 2018.</p> <p>A further letter was sent to the owner on 26 March informing the owner that the council would be having the property assessed by a structural engineer.</p> <p>Telephone calls were made to the owner on 11 April and 20 April 2018.</p>
Decision made:	The decision is to serve an urgent works notice on the owner of the property under the Planning (Listed Building and Conservation Areas) Act 1990. The notice is to implement a scheme of works drawn up a structural engineer on behalf of Herefordshire Council. The works are to make the building safe and weather tight at minimal cost to effectively achieve these aims. A timescale of 7 days to respond to the notice is to be given. If the owner does not respond the council will tender for the repair works and, if appropriate, implement some or all of the works to the necessary standard putting the full costs of this back onto the owner as a charge on the property.
Reasons for decision:	Public safety and prevention of further harm to the listed building. A schedule of works for urgent repair has been prepared by a suitably qualified structural engineer and the council believes that this is a

	reasonable solution to the problem. The council believes costs incurred with this action are reasonable, proportionate and justifiable.
Highlight any associated risks/finance/legal/equality considerations:	The full cost will be known once tendered, but is expected to be in the region of £5,000 to £20,000, depending on the extent and type of repairs considered appropriate. In addition it is estimated that there will be an hourly management fee for an engineer to oversee this work on behalf of the council, should works be implemented. These costs will be put against the property so that the full cost will be reimbursed as and when the property next changes ownership or the sale of the property is forced.
Details of any alternative options considered and rejected:	<p>Options</p> <ol style="list-style-type: none"> 1 Do nothing, 2 Demolish the building on public safety grounds, 3 Negotiate a solution with the owner, 4 Issue an urgent works notice, 5 Issue a repairs notice or 6 Seek a compulsory purchase of the property <p>Discussion of options</p> <ol style="list-style-type: none"> 1 To do nothing would be failing in the council's duties to public safety. 2. Demolishing the building would be an unacceptable loss of a statutorily designated heritage asset. 3. The owner has refused to engage in negotiation, despite repeated efforts from the council. 4. An urgent works notice would force repair works to the degree to make the building structurally safe and weather-tight at moderate cost, which the council may reclaim. 5 & 6 A repairs notice would likely lead to a compulsory purchase to cover the more substantial costs of full repair at considerable cost to the council. <p>Given the above options, the council believes that option 4, (to issue an urgent works notice) is the most proportionate and cost effective action to take to resolve the problems of public safety and harm to a listed building.</p>
Details of any declarations of interest made:	N/A

Signed.....

Date: 9 May 2018