

Record of Officer Decision

Decision title:	The acceptance of a grant offer to assist in the serving of an Urgent Works Notice on Knoll Cottage Bircher
Date of decision:	21 June 2022
Decision maker:	Interim Service Director Highways, Environment and Waste
Authority for delegated decision:	An operational decision under the scheme of delegation, section 71 <i>“To act on behalf of the council in respect of all land use planning matters administered by the Local Planning Authority under the Town and Country Planning Acts, secondary legislation and any related statutory instruments...”</i> in respect of section 54 The Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to serving of Urgent Works Notices to listed buildings considered to be at risk.
Ward:	Bircher
Consultation:	Head of Service for Environment, Climate Emergency & Waste, Service Manager for Built & Natural Environment, Commercial Services Team. Finance Team. Legal Team.
Decision made:	To accept the grant offer from Historic England in respect of underwriting the cost of serving an Urgent Works Notice at Knoll Cottage. The grant award is for £16,480 which is 80% of the cost of the works at £21,050 (excl VAT). The remaining 20% is £4210 (excl VAT) to be paid by Herefordshire Council.
Reasons for decision:	<p>It is a statutory duty under section 54 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which enables Local Authorities <i>to “execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area.”</i> The serving of an Urgent Works Notice requires the owner to undertake a body of work, in this case the construction of a metal sheet roof above the property, within a specified period of time, usually 7 days. Should the owner not undertake the works within the specified time frame then the Local Authority are obliged to undertake the urgent works specified. The grant application to Historic England assists local authorities by funding 80% of the cost of the Urgent Works should the owner not undertake the required works, thereby enabling local authorities to serve Urgent Works Notices by removing 80% of the financial risk.</p> <p>The Urgent Works Notice is required as a result of the condition of the unoccupied listed building which has a severely failing roof covering and is letting in water which is further damaging the timber framed building.</p> <p>The site lies within the Bircher Conservation Area and is adjacent to residential properties and the condition of the building is of concern to local residents. Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, places a general duty as in respect of Conservation Areas to the desirability of preserving or enhancing the character or appearance of that area in exercise of planning functions as identified in the planning Acts.</p>

<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>The grant offer from Historic England greatly reduces the financial risk to the local authority by underwriting 80% of the cost. The 20% remaining is for the local authority to finance. However section 55 of The Planning (Listed Buildings and Conservation Areas) Act 1990, enables the local authority to recoup the expense of works executed under section 54.</p> <p>Should the owner choose to undertake the cost of the urgent works himself within the prescribed period then the works would not need to be executed by the Local Planning Authority and as such the local authority time spent on applying for the grant from Historic England would have been unnecessary. However in that scenario there would be no requirement for the local authority to seek to recoup the costs of the Urgent Works Notice and as such no time will be spent on recouping the costs.</p> <p>The owner may within 28 days of the serving of notice make representations to the Secretary Of State that ;</p> <ul style="list-style-type: none"> a) That some or all of the works were unnecessary for the preservation of the building; or b) The temporary shelter has continued for an unreasonable length of time; or c) The amount specified in the notice is unreasonable; or d) The recovery of that amount would cause hardship. <p>It is considered that the metal roof is the minimum necessary to secure the building and are necessary to prevent any further water entering the house. The temporary metal roof is a one-off payment and as such, the cost would be the same irrespective of the time it is in place. Once the roof is repaired the shelter roof can be removed. Three quotes were sought for the works and the grant award would be on the lowest quote. The serving of an Urgent Works Notice is supported by Historic England by the grant award.</p> <p>It is noted that the property is being marketed and if sold would release equity from the site.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Alternatives considered were:</p> <p>Option one: Not to serve an Urgent Works Notice. Given the condition of the listed building and the concern locally this option was discounted in respect to the duty under section 54 and section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. Rejected.</p> <p>Option 2: To consider the serving of an Urgent Works Notice without applying for a grant from Historic England to underwrite 80% of the cost of the notice. This was discounted as should the owner not implement the works specified 100% of the costs of the works would fall on the Local Authority. In addition the award of a grant for the Urgent Works Notice can be viewed as support for the scheme by Historic England. Rejected.</p> <p>Option 3: To establish the minimum works necessary and apply for a grant from Historic England to underwrite 80% of the cost of an Urgent Works Notice. If awarded the grant to accept the grant offer. This option was considered to have a significantly lesser financial risk to the local authority and in addition, the works proposed within the Urgent Works Notice have been considered by Historic England. Accepted</p>

Details of any declarations of interest made:	None
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I am an officer delegated to make the decision

Signed: 

Date: 21 June 2022

Print name: Mark Averill

Job Title: Interim Service Director
Transport and Highways