

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

MONDAY 30 MARCH 2014

THE UNICORN PUBLIC HOUSE GREAT ROLLRIGHT

**JOINT REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING AND
THE HEAD OF LEGAL AND PROPERTY SERVICES**

(Contact: Phil Shaw, Tel: (01993 861687) or Jonathan Noel (01993 861591)

(The Sub-Committee's decision on this matter will be a resolution).

1. PURPOSE

To seek authority to execute works which are urgently necessary to ensure the preservation of the Unicorn Public House, Great Rollright (the building) a Grade II Listed Building.

2. RECOMMENDATIONS

- (a) That the Head of Planning and Strategic Housing be authorised to take action under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to execute the works identified in the Structural Reports prepared by F W Haywood and Associates as being urgently necessary to ensure the preservation of the building.
- (b) That, should the owner of the building fail to carry out the works within the timescale set out in the notice under section 54 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Head of Planning and Strategic Housing be authorised to commission the execution of the works directly and to seek to recover the Council's costs from the owner.

3. BACKGROUND

- 3.1. Members will recall that there has been a long history to this matter that has involved refused applications, appeals, service of various notices and protracted negotiations, all aimed at bringing the pub back into use as a village community facility.
- 3.2. A survey of the building was first commissioned in 2013 and a Structural Report was received in September of that year.
- 3.3. At its meeting held on 1 September 2014 the Sub-Committee authorised the Head of Planning and Strategic Housing to commission a further survey of the property to determine the extent of works necessary to prevent further deterioration of the building.
- 3.4. A further Structural Report has now been received which indicates that the property has continued to deteriorate to the extent that it is now in need of immediate works to preserve the building. The report concludes that, unless an Emergency Works Programme is instigated to prop up the areas of concern identified during the survey, ensure that the building is watertight and tie in the bulging sections to prevent further movement, what is already an extensive repair project will become significantly greater. It is clear to officers that these works are urgently necessary to ensure the

preservation of the building. Once these works have been carried out the report recommends that a longer term repair strategy should then be implemented.

- 3.5. Copies of the Structural Reports are available for perusal in the Members' Room.
- 3.6. The agent acting for the owner has been contacted again and invited to put the works in hand but no response has been received. Whilst there is no legal obligation on an owner of a listed building to maintain it in a good state of repair, when owners do not, there are a range of powers available to local authorities to seek to persuade them to do so or to take direct action in default.
- 3.7. Given that the owner and his agent have failed to respond, it is necessary to formally consider direct action by the Council to carry out works to the building which are urgently necessary for its preservation.
- 3.8. Under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council may serve an Urgent Works Notice which allows the authority to carry out works that are urgently necessary for the preservation of a listed building. The extent of these works should be restricted to keeping the building wind and weatherproof and safe from collapse or action to prevent theft or vandalism. The works may include the provision of temporary support or shelter for the building.
- 3.9. The owner must be given at least 7 days written notice that unless the works are carried out by a specified date the Council may enter the land and carry the works out. The notice must describe in some detail the works to be carried out and provide an estimate of the costs.
- 3.10. The Council can reclaim the cost of the works by serving the owner with a further notice. The owner can make representations to the Secretary of State challenging the cost of the works in which case it falls to the Secretary of State to determine to what extent any representations are justified and the amount the Council can require the owner to pay. Should the owner refuse to make payment, the Council can then issue proceedings for the debt to be paid. If the debt remains unpaid the Council can apply for a charging order on the building.
- 3.11. At the time of writing this report, Officers are seeking to clarify the cost of the works identified in the Structural Reports but it is estimated that the total cost will not exceed £10,000. Quotations have been sought and are expected to be available at the time of the meeting.

4. ALTERNATIVES/OPTIONS

The proposed option would stop further deterioration but would not secure the future of the building in terms of its use or its physical condition. If Members do determine to take this action then a further report will be submitted regarding options available to secure the long term future of the building. However the condition of the building is such that urgent works are required before that report can be prepared

The Sub-Committee could decide to take no further action. However, this would leave a heritage asset in an on-going state of decline. There would also involve a significant reputational risk for the Council.

Officers have also given consideration to continuing negotiation. However, given the history of the site and the fact that the owner does not appear to be motivated by a desire to resolve matters this is not recommended.

5. FINANCIAL IMPLICATIONS

It is estimated that the total cost of the works will not exceed £10,000 and envisaged that a more accurate figure will be available at the time of the meeting. In the event that detailed costs cannot be provided, Members are requested to approve the recommendation subject to the total cost of the works not exceeding £10,000 which sum can be funded from existing budgets.

LEGAL IMPLICATIONS

Whilst the power to take action under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is discretionary, the Sub-Committee has a duty to consider whether the power should be exercised. Members are entitled not to take any action if after carefully considering all the relevant facts they believe that financial and/or other matters outweigh the need to preserve this listed building.

6. RISKS

The Council's costs could take some time to recover and are open to challenge hence recovery is not guaranteed.

7. REASONS

The recommendations accord with the Council's vision to maintain and enhance West Oxfordshire as one of the best places to live, work and visit in Great Britain and arise from the Local Planning Authority's responsibility to seek to preserve and enhance the historic environment of the District.

Giles Hughes - Head of Planning and Strategic Housing
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Date: 20 March 2014

Background Papers:

Structural report by F.W.Haywood and Associates September 2013

Supplementary Structural Report by F W Haywood and Associates February 2015