

Report

Report subject: The Barn North of the Manor House Winterbourne Gunner

Report to: Northern Area Committee

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Urgent Works Notice - The Barn North of the Manor House Winterbourne Gunner

1. Purpose of the report:

The report outlines the condition of a barn described as 'The barn north of Manor House and attached stores, Winterbourne Gunner' and explains the powers available to the Council in ensuring the preservation of this Grade II listed building.

2. Introduction:

The large barn was added to the Statutory List of Buildings of Special Architectural or Historic Interest as a Grade II listed building on the 29 May 1987. The building dates from the early to mid Seventeenth Century. It is timber framed and weatherboarded on brick sills with a thatched roof. The building forms part of a group of farm buildings, including a small listed granary (listed grade II), a delisted and collapsed larger granary (delisted in 2003 at the request of the owner), the grade II farmhouse known as Manor House and some unlisted barns. The Granary is noted in the list entry for its value to the group. The building was flagged up as a 'building at risk' in the recently completed survey of listed buildings in the district.

The owner has informed us that this barn was last used as a milking shed in the 1930s and has been unused (except for low level storage) since that date. It is also understood that the last time the barn was thatched was in the mid 1980s, when the thatcher informed the owner that it would not be possible to re-thatch the barn again in the future without some structural works being undertaken. During the 1980s and 1990s the owner commissioned various reports into repairs, investigated grant opportunities (ADAS and English Heritage) and contacted the planning

department about enabling development possibilities, however, none of this resulted in undertaking any repairs to the barn. No repairs have since been undertaken and so, unsurprisingly, the barn is now in a very poor state – *most of the thatched roof covering has gone and consequently water is pouring in.*

The Council has known of the deteriorating condition of the barn for some years. During discussions, the previous Conservation Officer recommended that the owner request the delisting of the barn. This avenue was pursued by the owner and the larger granary was subsequently delisted in 2003 on the basis that little historic fabric remained. *However the Inspector concluded that the larger barn (barn north of Manor House), despite its deteriorating condition was still essentially complete and still merited its listing designation.* This barn was not delisted and therefore remains on the statutory lists. *Still unwilling to repair the building,* the owner applied for listed building consent in 2004 to demolish the barn but this was refused. Objections to the demolition were received from English Heritage and the Society for the Protection of Ancient Buildings.

Since this time, no repair or basic maintenance work has been undertaken and so the barn has continued to deteriorate and is now in a very vulnerable state. Nor has the owner commissioned any recent surveys into what it would cost to repair the structure. *Given the reluctance of the owner to repair the barn, the failure of the listed building consent application for demolition and the building's high priority on the recently completed survey of listed buildings 'at risk',* the Council has directly commissioned a report from a structural engineer.

The engineer was asked to comment on whether the barn could be repaired; whether there was an imminent threat to the barn and if so, to provide a

specification for some urgent 'temporary' repairs to ensure the retention of the building. A copy of his report has been sent to the owner with a request that he implement the temporary repairs included in the specification. It has been explained to him that if he does not, the Council will consider serving an urgent works notice. In terms of the cost of the urgent works, the owner would be eligible for a modest grant from the Council towards the cost of repairs and the Society for the Protection of Ancient Buildings has also indicated it would be prepared to consider a modest grant. DEFRA also offers grants towards the repair of historic buildings under their various schemes and the owner may be eligible for financial support through this avenue. If the owner is unwilling to undertake the repairs, then the Council may wish to serve an Urgent Works Notice in order to secure the survival of this listed building.

3. The Proposal:

Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables local authorities to serve Urgent Works Notices for the preservation of listed buildings. These powers are confined to emergency repairs, for example to keep the building wind and weatherproof and safe from collapse.

The structural engineer who inspected the barn on behalf of the Council is of the view that sufficient historic fabric survives to justify the full repair of this barn. His report notes, however, that some temporary works need to be undertaken as soon as possible as the building could collapse at any time, and he has therefore provided a specification for temporary support, which would be consistent with the objectives of Section 54 (see Appendix 1 for Engineer's specification). The work specified is for the internal bracing of the barn, externally scaffolding to the eastern and northern elevations, removing the thatch to the aisle and repairs to the aisle and covering the roof with plastic sheeting (from a cherry picker). These works are considered to be the minimum to ensure that the building is safe from collapse for up to at least a year. This should ensure the survival of the building in the interim and allow for further discussions about long-term possibilities with the owner.

In the Conservation Best Value Service Continuous Improvement Plan, which was approved by Cabinet, proactive conservation work was given a high priority. This included measures to reduce the number of listed buildings at risk, through means such as Urgent Works Notices and Repairs Notices.

4. Urgent Works Notices:

The procedure involves the Council serving a notice that it intends to do the Urgent Works within a fixed period, giving the owner seven days' notice that the works are to be carried out. This provides an

opportunity for the owner to negotiate with the Council to carry out the works himself. Failure to complete the works within a specified timescale can result in a Notice from the Council with formal indication of its intention to do the work.

The steps specified in the Notice should be the minimum necessary to secure the safety and preservation of the building and should not involve the owner in great expense. If the Council carries out the work, then it can recover the cost from the owner through the County Court. The defences that the owner might put forward are that the works undertaken were excessive (ie not the minimum necessary to secure the building) that the works were not urgent, or that the costs will result in financial hardship. A report from the Institute of Historic Building Conservation has found that, in almost all cases, councils have been able to reclaim funds from the owner. In addition, English Heritage and the Society for the Protection of Ancient Buildings, have a grant scheme for underwriting the cost of urgent works notices should the Council be unable to reclaim the costs from the owner (ie effectively a grant to the Council).

4. 5. Costs:

The cost of the temporary work as specified by the Structural Engineer is estimated to be approximately £18,000 (including VAT). This includes for internal bracing to the barn, external scaffolding to the eastern and northern elevations, removal of the thatch to the aisle and taking down the aisle and covering the roof in plastic sheeting (from a cherry picker). The costs provided thus far by the Structural Engineer have been provided to give the Council and the owner an indication of the likely cost of the temporary works. If the Council decided to serve an Urgent Works Notice then tenders would be sought from at least two other contractors. As mentioned above, the cost of the work could be recovered from the owner, if necessary, through the County Court.

5. 6. Options for consideration:

- a) Serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give notice to the owner that urgent works, as specified in the Structural Engineer's report, are to be carried out by the Council.
- b) Do nothing, in which case the building will eventually collapse, resulting in the loss of a listed building and a denuded group of buildings.

6. 7. Recommendations:

It is recommended that Option a) be followed. We have written to the owner to ask him to undertake

the works set out in the specification for temporary works. If he fails to do this within 3 weeks of the date of that letter, then the Council will obtain competitive tenders for undertaking the same work and then serve an Urgent Works Notice under Section 54. This gives the owner a further 7 days (from the date of the Notice) to undertake the works – if he does not, then the Council will instruct the contractor to implement the works and recover the costs from the owner.

8. Background Papers:

Specification from the Structural Engineer attached as Appendix 1.

9. Implications:

- **Financial:** Approximate cost of works of £18,000 to be recovered from the owner. *In the event the money could not be recovered from the owner, then the cost would be borne by the Council – although it is likely that English Heritage would reimburse 80% of the irrecoverable costs in the form of a grant.*
 - **Legal:** In the report.
 - **Human Rights:** There would be minimal interference with owner's property rights which are justified under the situation.
 - **Personnel:** N/A.
 - **Community Safety:** N/A.
 - **Environmental implications:** N/A.
 - **Council's Core Values:** Being environmentally conscientious.
- Wards Affected:** N/A.

Annex A

URGENT WORKS NOTICE: BARN NORTH OF MANOR HOUSE, WINTERBOURNE GUNNER

Report Summary:

This annexe attempts to clarify some of the issues that arose out of discussions at the Northern Area Committee meeting on the 3 May 2005.

Policy Background

Policy CN1 states:

“Demolition of a listed building will not normally be permitted. Such a proposal will be considered favourably only in very exceptional circumstances where a building’s condition makes it impracticable to repair, renovate or adapt it to any reasonably beneficial use for which planning permission would be given.”

As stated in my initial report, a planning application for the demolition of the barn **was submitted and refused in 2004**. The reason for refusal is that alternative avenues (repair and reuse) have not yet been exhausted. Refusal is in accordance with guidance contained in PPG 15 – the government’s guidance on the Historic Environment – which says:

“The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building”.

The poor condition of a barn is not a sufficiently good reason to agree the demolition of the barn. If it were – we would be inadvertently encouraging the neglect of hundreds of listed buildings by their owners and the building’s ultimate demolition.

Deliberate neglect

This building has been listed for many years and was inherited by the existing owner who knew it was listed. There is no question that this building has been listed since acquisition. The condition of the barn is therefore a result of the lack of action by the existing owner. If repair works had been undertaken on a regular basis – the barn would not be in its current condition and the cost of the repairs would not be so high.

PPG 15 says: “In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair”.

Relocating the barn elsewhere

The dismantling of a barn and its re-erection elsewhere would also constitute demolition (the barn would be subsequently de-listed) and is also contrary to policy. This would therefore be an avenue of last resort. (The Council refused an application for the demolition of another barn in a poor condition about a year ago. In that particular case, the owner of the barn had someone who wanted to buy the dismantled barn and erect it near their house in another county).

No such interest has been expressed in this barn and the collapsed condition of the large granary is testament that there is limited interest in dilapidated barns. In any case, dismantling a barn with a full recording programme (that would inform its re-erection in a new location) is an entirely different matter from allowing a barn to fall down at some indeterminate point in the future.

The issue of repair

The barn is capable of repair with the retention of significant amounts of historic fabric. This was a question clearly put to the engineer – who is very experienced in the repair of timber frame structures. If the repair of the barn were not viable – we would not be seeking Committee’s authorisation to serve an Urgent Works Notice.

What does an Urgent Works Notice achieve?

It is not a long-term solution. It is a temporary measure that prevents the collapse of the building and allows time for further discussions. The works are designed to be the minimum necessary – and they may look unattractive (ie tarpaulin) but they are there to serve an immediate purpose.

The long term repair of the barn

We appreciate the reluctance of the owner to repair the barn given the lack of use. However, we should not be obliged to consider the full scale of the costs of repair given that the reason the costs are so high is that the barn has received no attention for many years.

The owner has stated that he wants some additional storage and would like a new building in the position of the barn. Given he has expressed a need for storage – surely it is precipitous to condemn this building if, in the near future, we are faced with a planning application for a new barn?

Furthermore, there are other avenues that need to be more actively explored such as enabling development ie development elsewhere on the owners land that would generate funds for the repair of this barn. We recommend the owner pursues this using the services of a planning consultant. In addition, there are significant grants available from DEFRA for the repair of historic barns. A new scheme was announced on the 1 April 2005. Mr Bruce-White needs to investigate this avenue.

Summary

Failure to support the serving of an urgent works notice may set a worrying precedent about the Council’s reluctance to take action against owners who neglect listed buildings until they ultimately collapse. This action could have wide-ranging implications for all listed buildings in the district – in particular farm buildings, many of which are in a poor condition because of changing farming practice.

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Schedule of Emergency Repair Barn at Manor House Winterbourne

This schedule is intended to cover support and protect works to the main barn area, and the demolition of the aisle in order to keep the basic structure secure and weather tight for twelve months to allow permanent repairs to be commenced.

The following items are intended to summarize the work required to be carried out. Costs should be inserted against each item to fully reflect all the work reasonably necessary in carrying out what is required by the Schedule, whether specifically mentioned or not, to comply with the current British Standards, the Building Regulations and good practice.

- 1.0 Allow for constructing internal fully braced scaffold support system as per attached sketch and jack up to take weight.
- 2.0 Allow for constructing external scaffold raking shores to eastern and northern elevations as indicated on attached sketch and tie through to internal scaffold under eaves plate and tie beam level respectively.

Note: Scaffold costs to be based on the purchase of all scaffold and boards etc to be left in the ownership of the client.

- 3.0 Allow for carefully removing the thatch to the aisle and taking down the remainder of the aisle structure apart from the southern gable wall, including taking down the plinth wall and setting aside all sound materials within the main barn area.
- 4.0 Allow for fitting reinforced flexible sheeting to the remaining roof structure and down below the arcade brace line over the remaining thatch and tie down to the scaffold with ropes over the complete roof to keep it in place for at least one year.

Note: No work is to be carried out off the existing structure and it shall be assumed that a "cherry picker" or similar will be used.