

Meeting:	Strategic Planning Committee
Date:	17 March 2008
Subject:	Cannon Farm Barn
Key Decision:	No
Responsible Officer:	Graham Jones, Director of Planning, Development and Enterprise
Portfolio Holder:	Councillor Marilyn Ashton
Exempt:	No
Enclosures:	Appendix 1: Schedule of Urgent Works Appendix 2: Drawing No 1/CFB/380

Section 1 – Summary and Recommendations

This report sets out the need to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The notice is required to safeguard the future of Cannon Farm Barn, a grade II listed barn, which is on English Heritage's Buildings At Risk Register.

Recommendations:

The Committee is requested to:

- a) authorise the Director of Legal and Governance Services to take all necessary steps for the preparation, issue and service of an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the preservation of Cannon Farm Barn.
- b) authorise the Director of Planning, Development and Enterprise to take necessary steps for execution of the works by the Council in the event of non-compliance with the Urgent Works Notice.
- c) authorise the Director of Planning, Development and Enterprise, if necessary, to issue and serve a notice to recover the Council's costs/expenses incurred in carrying out the works.

Reason:

To safeguard the listed building and prevent it from further deterioration and potential collapse.

Section 2 – Report

Background

Cannon Farm Barn is on English Heritage's Buildings at Risk List and is falling into increasingly poor repair. The grade II listed building is collapsing and there are real concerns over its structural integrity. There is also water penetration in a number of places causing rot and loss of historic built fabric. The barn has been on the at risk list for a number of years.

The barn is graded poor by English Heritage which means 'a building or structure with deteriorating masonry and/or a leaking roof and/or defective rainwater goods, usually accompanied by rot outbreaks within and general deterioration of most elements of the building fabric, including external joinery; or where there has been a fire or other disaster which has affected part of the building' (*Buildings At Risk London 2007, English Heritage*).

A Listed Building Consent application was granted for the demolition of a storage area and ancillary offices; as well as the relocation, refurbishment & repair of the barn in 1996. Further consent was given for internal and external repairs and alterations to stabilise the structure in 2000 but works were never undertaken in either case. A recent application for the same works of stabilisation (as those in 2000) was submitted in 2006 but these works have also yet to be carried out.

Council officers have been in correspondence with the owners of the site, trying to encourage them to repair their building for several years. Despite numerous visits and letters, the building is continuing to decay and is now in a parlous state. Urgent action is required therefore to safeguard the listed building and prevent it from further damaging water ingress and potential collapse.

Current situation

The Council employed the services of Oxley Conservation in November 2007 to provide a schedule of urgent works (Appendix 1), which highlights works needed to be urgently undertaken, purely to stabilise the structure and to make the structure wind and watertight. Full repair will be required in due course. The purpose of seeking an Urgent Works Notice is to stop the building getting any worse, while a long term solution is found.

A copy of the consultant's report was forwarded to the owners of the barn in December 2007 to give them the opportunity to take steps voluntarily to execute the proposed works. They have not shown any signs of starting works to date.

The service of an Urgent Works Notice will allow the Council to execute the works in the event of a failure by the owners to do so within the time specified in the notice. The Council believes the works are urgently necessary for the proper preservation of the building. The Notice will specify a date by which the Council would do the works, allowing enough time for the owners to undertake the works themselves. If the owners fail to carry out the repairs by the date specified in the Notice, the Council can undertake them and charge the costs to the owners.

Options

The first and immediate option open to the Council is to serve the Urgent Works Notice. Although this action will not bring about full repairs to the building, it will, however, allow the building to be propped to safeguard it from collapse. Straw bales and other readily flammable materials would be removed to reduce the fire risk. Weatherboarding would be replaced where missing to protect against water penetration, and plastic sheeting would be used to make the building wind and watertight. The proposed works are urgent, immediate action. They are intended to safeguard the building in the short term while a long term solution is being sought. The works should help reduce the cost of full repair in the long term as the building would be much slower to deteriorate once the works have been undertaken.

The second option would be to fully repair the building but this would require service of a Repairs Notice, which brings with it the potential to appeal against the notice and eventual need for the Council to compulsorily purchase the site. It is officers' opinion that this option is both slow and expensive and is best reserved for consideration in the future. The priority for the moment should be to safeguard the buildings as quickly as possible and prevent further deterioration.

The third option is to take no action, leaving the building to collapse. This would however result in the loss of a finite resource and important piece of Pinner's agricultural past.

Financial Implications

If the owner does not undertake the works, and the Council implements them, then Section 55 of the 1990 Act enables the Council to reclaim the expenses of the works. The owner has 28 days to challenge the reclamation of the expenses on the grounds that some or all of the works were unnecessary, temporary works have continued for too long, the amounts were unreasonable or recovery would cause hardship. The Council has taken on advice from Oxley Conservation, who specialise in historic buildings and have expertise in Urgent Works Notices. In their view the proposed works are urgently necessary for the proper preservation of the buildings. A number of quotes from a wide range of companies will be sought to ensure that the works are not overly expensive.

The costs of the works will need to be met from existing budgets, potentially the heritage Budget, should the owners not undertake the works themselves.

Legal Implications

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. This power is restricted to emergency repairs only - for example works to keep a building wind and weatherproof and safe from collapse.

There is no right of appeal against an Urgent Works Notice. However, a right of appeal exists where a local authority is seeking to recover expenses incurred in carrying out works specified in an Urgent Works Notice.

Performance Issues

By serving an Urgent Works Notice, the building would be stabilised and as such have a better chance of eventually being removed from the Buildings at Risk Register, which would reflect well on Harrow Council and help meet our Corporate Priorities by improving the way we work for our residents.

Section 3 - Statutory Officer Clearance

Name: Barry Evans	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 7 th February 2008		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 18 th February 2008		

Section 4 – Performance Officer Clearance

Name: Tom Whiting	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Strategy and Improvement)
Date: 7 March 2008		

Section 5 - Contact Details and Background Papers

Contact: Lorna Pearce, Conservation Officer, x6100

Appendix 1: Schedule of Urgent Works
Appendix 2: Drawing No 1/CFB/380

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES