

FLINTSHIRE COUNTY COUNCIL

REPORT TO: ENVIRONMENT OVERVIEW & SCRUTINY
COMMITTEE

DATE: WEDNESDAY, 3 DECEMBER 2014

REPORT BY: CHIEF OFFICER (PLANNING AND ENVIRONMENT)

SUBJECT: HERITAGE BUILDINGS

1.00 PURPOSE OF REPORT

1.01 To inform and raise Members' awareness of the issues, options, and approaches involved in the management and protection of heritage assets by the Built Conservation team within the Council. This includes the development of a Local Heritage Strategy, the principle of which Members are asked to endorse to allow further work to take place.

2.00 BACKGROUND

2.01 Heritage 'assets' comprise all of the different types of the historic environment such as buildings, monuments, sites, places, areas or landscapes which have a heritage interest. They include designated heritage assets, such as listed buildings and conservation areas, and assets identified by the local planning authority, such as buildings of local interest. The loss and deterioration of any historic asset is an important issue, summed up very well by Simon Thurley the Chief Executive of English Heritage, when he said ***“when a historic building is lost it's as though someone has rubbed out a bit of the past – something that made your street or village special will have gone forever”***.

2.02 Listed buildings form an important part of the overall historic environment, and are nationally important. They are classified by Cadw as:

Grade I - buildings of exceptional national significance;

Grade II* - particularly important buildings of more than special significance;

Grade II - of special interest warranting every effort to preserve them.

2.03 There are currently 1,032 listed buildings in Flintshire. These include structures such as limekilns, walls and fountains, and not just 'buildings' in the generally accepted sense of the word. The majority of these structures are in good condition, however some are in need

of repair. The repairs that are needed can range from critical works to prevent the loss of the building, through to fairly minor maintenance works which can help prevent any deterioration. It is important to note that the whole of a listed building is important – the exterior, interior, fixtures and fittings, and its setting – all of which can be recognised by Cadw as reasons to list the building.

- 2.04 Many buildings and structures at risk are not capable of economic use and with no economic incentive for owners to look after them, funding essential maintenance and repairs becomes a critical issue.
- 2.05 Cadw does provide funding towards surveys to identify listed buildings at risk in Wales and a register is prepared that shows which of these important buildings are at risk. Normally done on a 5 year cycle, listed buildings in Flintshire have previously been surveyed in 1999, 2005 and again in 2011. Essentially the survey applies a set of criteria to assess the physical condition and state of repair of a listed building, and when through neglect, decay and a lack of maintenance, buildings are found to be ‘at risk’, this is then categorised according to the severity of risk.
- 2.06 The table below shows the number of buildings considered to be at various categories of risk in Flintshire (2011 survey). The figures show that 133 buildings or structures (13% of all listed buildings within the County) are considered to be at some form of risk. The table also shows a further class of ‘vulnerable’ buildings, which whilst their condition in 2011 did not warrant a ‘risk’ classification, there was nevertheless a concern raised that without preventative maintenance or intervention their condition could deteriorate by the time of the next survey to justify a ‘risk’ classification.

Risk Level	Grade 1	Grade 2*	Grade 2	Total
At extreme risk			25	25
At grave risk			2	2
At risk	1	6	99	106
Total at risk	1	6	126	133
Vulnerable		8	128	136
Not at risk	26	65	672	763
TOTAL	27	79	926	1032

- 2.07 The 2011 survey also shows that the predominant types of buildings and structures classified at extreme risk are agricultural, domestic, outbuildings and boundary structures. These four types in fact account for 57% of all buildings at risk.
- 2.08 The protection of buildings at risk (and other historic assets) forms part of the Welsh Government’s Historic Environment Strategy Headline Action Plan (2013), the main focus of which is to:
- Establish an all-Wales condition review of heritage assets,

identifying those at risk;

- Promote the use of the Buildings at Risk Registers in targeting regeneration activity;
- Commission research on the existing arrangements for taking enforcement action over unauthorised works or neglect to historic buildings at risk - and consider options for strengthening action options;
- Launch 'Stop the Rot in Wales' - a campaign to arrest the ongoing decay of buildings at risk through protection and programmes to support 'first aid for buildings';
- Prepare new guidance for the conservation, care and conversion/modification of places of worship, including historic chapels;
- Work with partners in the Historic Environment Group to develop a climate change action plan for the historic environment of Wales;
- Prepare guidance on tackling heritage crime in Wales - including metal theft and vandalism;
- Commission an audit of industrial heritage assets at risk across Wales.

2.09 The Welsh Government is currently preparing a Heritage Bill for Wales which is due in spring 2015. This will seek to improve protection, increase transparency and accountability, and provide sustainable management of the historic environment. Draft proposals include collaborative working to find new uses for Listed Buildings at risk; targeting available funds towards historic assets most at risk; extending the use of urgent works notices to include occupied buildings if not in residential use.

2.10 Buildings become 'at risk' for a variety of reasons that can include a lack of understanding of the responsibilities that come with owning a listed building or other heritage asset, unintended consequences of actions, a lack of maintenance, wilful damage, or theft.

2.11 Conservation is about the management of the historic environment and the Council has an important role to play in protecting the historic environment. It is therefore essential to have a proactive approach to the protection and preservation of buildings at risk. This can, for example, include considering appropriate alternative or new uses for buildings.

3.00 CONSIDERATIONS

3.01 The Built Conservation team on behalf of the Council, take the issue of listed buildings at risk very seriously. Despite a lack of Council and Cadw funding to support the removal of buildings from the 'at risk' categorisation, the team endeavour to take a positive and sometimes creative approach to solving these difficult issues.

- 3.02 Where owners contact the Council about works to Listed Buildings or with an interest in purchasing one, the conservation section take a pro-active approach and also advise on maintenance and appropriate repairs e.g. Maes y Coed, Afonwen and Celyn Farmhouse, Carmel.
- 3.03 Also, when details are submitted for works to a listed building at pre-application stage, considerable time and effort is spent by the Conservation Section in advising and influencing architects and owners in order to achieve an appropriate scheme and a better outcome. (There is no charge for this.) e.g. The Piggeries at Nerquis Hall (at Grave Risk).
- 3.04 As a result of this approach and the actions of the conservation section, a number of listed buildings at risk now have Listed Building Consent for works which will remove them from the at risk register e.g. Pen y Bont, Mold (at Risk); Stable Block at Castle Hill Farm, Ewloe (at Grave Risk), Ebenezer Chapel, Milwr (at Grave Risk), Barn at Plas yn Llan, Cilcain (at Risk).
- 3.05 A number of other listed buildings at risk are currently the subject of discussions e.g. Siambur Wen, Trelawnyd (at Grave Risk), The Former Women's Land Army Hostel, Sealand (at Grave Risk), the Ice House at Mostyn Hall (at Grave Risk), Stable Block at Home Farm, Talacre Abbey (at Grave Risk). Appendix 1 contains a list of all of the buildings recorded at the highest levels of risk in the 2011 survey. This shows which have had some form of positive intervention (such as those noted above) in the time since the last survey, which may mean they are removed from the list at the next survey.
- 3.06 The Conservation section has a good working relationship with Cadw and work closely on schemes with them.
- 3.07 The Buildings at Risk survey also identifies those buildings considered 'vulnerable', as it is important to stop these vulnerable buildings deteriorating and entering a higher risk category. Often, improving maintenance and owners' understanding of a building can help prevent its deterioration. Cadw provides guidance in the form of 'Maintenance Matters' which is an on-line guide to maintaining historic buildings and allows for the creation of customised maintenance plans for buildings. It is proposed that the Council contacts owners of buildings that fall into this category to signpost them to this information. This also has a cost implication for the Council but the longer buildings are left needing repair or maintenance, the higher the cost of repair will be so preventing deterioration is vital.
- 3.08 The above are examples of what can be achieved by the Conservation Section without additional funding, however there are many listed buildings at risk which cannot be rescued by an informal approach and which require a formal approach, which has a resource and a cost implication.

Formal Processes and Local Authority powers

- 3.09 While owners of Listed Buildings are not under a legal obligation to maintain a building in good repair, there is an expectation that they understand the importance of the building and will endeavour to maintain it. The Local Authority does have powers to act to prevent deterioration and the procedures for this (if an informal approach does not result in a positive way forward) are outlined below.
- 3.10 **Urgent Works Notice** - Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the 1990 Act') enables the Council to undertake any works which are urgently necessary for the preservation of a Listed Building in its area. However if the building is occupied, this can only be done to the parts of the building not in use. Urgent Works Notices should be restricted to emergency repairs to keep a building wind and weather proof and safe from collapse, or action to prevent vandalism or theft. Work should be kept to the minimum necessary and not involve the owner at great expense. They will usually comprise some, or all of the following:
- making the building weathertight;
 - enabling the building to dry out;
 - making the building safe from structural collapse;
 - action to prevent illegal entry, vandalism and theft.
- 3.11 The owner must be given a minimum of 7 days written notice of the intention to carry out the works, and the notice must describe the proposed works. Section 55 of the 1990 Act allows the Council to claim the costs back from the owner.
- 3.12 **Repairs Notice** - Section 48 of the 1990 Act allows the Council to serve a Repairs Notice on the owner which specifies the works needed for the proper preservation of the building. If after a period of not less than 2 months it is apparent that reasonable steps have not been taken for its proper preservation, the Council can begin Compulsory Purchase proceedings under Section 47 of the 1990 Act. There is no definitive list of the works that can be included within a Repairs Notice, and it should be noted that work undertaken by the owner should not be of a poor standard or incomplete.
- 3.13 **Exemptions** - Certain buildings and organisations are exempt from the above notices. These are:
- Crown land (although notices can be served in relation to any non-Crown interest e.g. leaseholders);
 - Ecclesiastical buildings in ecclesiastical use where exemption is retained under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994;
 - Listed Buildings which are also Scheduled Ancient Monuments (provisions to secure urgent works to these are dealt with under

different legislation).

- 3.14 Other powers and measures which can be used to secure works to historic buildings include: A notice under section 215 of the Planning Act 1990 which requires the proper maintenance of land and buildings, where they adversely affect the amenity of the neighbourhood; other non-planning measures such as the Building Act where there are dangerous buildings and structures; and statutory nuisances under the Environmental Protection Act 1990.

Issues affecting the use of these powers

- 3.15 Notwithstanding the powers available to the Local Planning Authority, there are a number of issues that affect the ability of the LPA to exercise these powers effectively. These include:

- The statutory designation of heritage assets does not provide for the identification and protection of heritage assets of more local significance i.e. Buildings of Local Interest;
- An inability to 'incentivise' owners to take on the responsibility to maintain their buildings – up to 5 years ago, the authority had identified a small annual budget (around £50k) which was used as a Building Repair Grant to offer relatively small amounts to owners. Despite the maximum grant being no greater than £2k or £3k, it was sufficient to encourage many owners to seek the grant and provide their own funding to carry out essential repairs. This grant was lost to previous budget cuts and despite annual budget pressure bids being made, the Built Conservation service has not been successful in re-establishing the grant scheme;
- The powers available to the LPA are only really effectively used when the authority has the means to act in the event for example, that a notice is served on a listed building owner, but they are either unable or unwilling to comply with it. In such instances the authority needs the means to step in to carry out the essential works in the interests of preserving the building, however the service currently lacks any budget to draw on to fund such repairs and it is not prudent in the current financial circumstances to contemplate a budget overspend;
- 'conservation deficit' i.e. the funding gap between the cost of repairs and the end value of the building;
- Little experience in the use of Compulsory Purchase powers or Enforced Sale in relation to listed buildings at risk as these are complex legal processes which can also leave the Council with a potentially significant liability for the buildings acquired;
- Due to available resources, an inability to be anything more than reactive to the development control issues that relate to listed buildings. The preference would be to have sufficient resources to be more proactive in the monitoring of listed buildings, working with owners wherever possible, but having a dedicated enforcement resource to take positive action when necessary.

Built Conservation Service Aims and Outcomes

3.16 Despite these issues, the Council's Built Conservation service comprises a dedicated team with in-built resilience to changes resulting from current budget pressures and EVR processes. Despite the lack of a capital budget to support their work, the service continues to work towards a number of service aims or outcomes which include:

- Raising the profile of the historic environment and its importance to our culture, heritage and economic development;
- Reducing the number of Buildings at Risk;
- Removal of Buildings at Risk from the extreme risk category;
- Identification and management of historic assets owned by Flintshire County Council;
- Publicising successes in securing the rescue of Buildings at Risk, in particular high profile buildings;
- Contacting owners of buildings to highlight the issues involved in preserving these historic assets, and the assistance the service can give to owners;
- Maintain a close working relationship with Cadw and collaboration with other North Wales LPAs;
- Pursue all means to attract funding to assist with the management of the historic built environment;
- Development of a Local Heritage Strategy.

Case Study examples of buildings at Risk

3.17 The following case studies have been selected to represent the different types of listed building or structures that are at risk and the issues affecting their condition and maintenance, and the steps that have been taken to date to address these issues. These case studies will be further illustrated with the aid of power point photographs at the meeting on the 3rd December.

- **Pen y Cefn, Cilcain** – This is a minor gentry house dating back to the 17th Century. It was previously owned by an elderly farmer who refused the offer of grant assistance for emergency works and no works or maintenance was carried out. The then owner died several years ago and the house passed to a family member who put it on the market. It has so far failed to sell and the new owner has not undertaken any maintenance works so the house has continued to deteriorate. It is now at the point where if urgent works are not undertaken there will be serious structural damage. Cadw has in principle approved some grant money to undertake urgent works which could be made available to the Council. (Grade II, At Risk Category. The adjacent barn is also Grade II and in the At Risk Category).
- **Siambur Wen, Trelawnyd** – This is also a minor gentry house

dating back to the late 16th or early 17th Century. In the 1980's the house, although in need of work, was still habitable, but the owner died some years ago and the house has been in the hands of trustees since then. No work was done to stabilise the structure and as a result the roof collapsed and the house has become a ruin. An inappropriate proposal for enabling works was put forward by an agent working for the trustees as he was of the view that this was the only option. The site is not capable of accommodating such enabling development and the Council requested that the house be marketed to see if there is any interest, despite the agent insisting that there wouldn't be. The house has recently been put on the market and there has been considerable interest, however immediate stabilisation works are required. The Conservation Section are advising and assisting prospective purchasers (Grade II, At Grave Risk).

- **Plas Uchaf, Mostyn** – Plas Uchaf is a Grade II* listed building which is important both architecturally and historically. It dates back to at least 1603 and there is evidence of an earlier structure than that. The house was classed as 'at risk' in the 2011 survey because the roof and some other elements were in poor condition, and it was vacant. At the start of this year it came to the attention of the Conservation team that unauthorized works were being undertaken to the building. An immediate site visit revealed that the house had been the subject of major internal and external works that were totally inappropriate and which had completely destroyed much of the character and historic features on the building, as well as demolishing buildings to the rear of the house. A stop notice was issued and enforcement action is ongoing.
- **Dovecot, Leeswood** – Efforts have been made in the past by the Council to get a building preservation trust interested in the building without success. Previous to this the Conservation Officer discussed with Cadw accessing grant money towards restoration for e.g. holiday accommodation. The owners were sent Cadw's grant application forms to encourage them and the Conservation Officer offered to assist them completing the form but no progress was made. The building has continued to deteriorate. (Grade II, At Grave Risk).
- **Tombs in the Churchyard at Llanasa Church** – These are ivy clad but inappropriate methods of removing the ivy could damage them further. Where some ivy has already been removed the surface of the stone has been damaged. There has also been some structural movement of the stonework. (Tomb of William of Gwespyr – Grade II, Tomb of Hugo ap Robert – Grade II. Both in the At Risk category).
- **Bathhouse at Coed Du, Cilcain** – The Conservation Section has tried to contact the owners without success over the condition of

the structure and over works carried out to the drainage without approval. However no response has been received and the condition of the bath house continues to deteriorate even further and is at risk of being lost. (Grade II – At Grave Risk). Works are also needed on the main house but no response has been received in response to correspondence in relation to this either.

- **Old School, Northop** – There is a long history of difficult discussions with the owner. Listed Building Consent was granted for conversion to three dwellings but this has now lapsed, no works to prevent further deterioration have been carried out and the building condition is worsening. (Grade II, At Risk Category).

4.00 RECOMMENDATIONS

- 4.01 That Members note the content of this report and endorse the Built Conservation service outcomes listed in paragraph 3.16 of the report.
- 4.02 That Members support the development of a Local Heritage Strategy for Flintshire.

5.00 FINANCIAL IMPLICATIONS

- 5.01 There is presently no capital budget to support the work of the built conservation team. Even a modest annual budget for repair works would allow a much more proactive approach to be taken to the protection and preservation of listed buildings. Access to funding would also increase the chances of securing match funding from other sources.

6.00 ANTI POVERTY IMPACT

- 6.01 None.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None.

8.00 EQUALITIES IMPACT

- 8.01 None.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None.

10.00 CONSULTATION REQUIRED

- 10.01 The Council will need to consult on a Local Heritage Strategy when produced.

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 Appendix 1 Schedule of Grave and Extreme Risk Listed Buildings

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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