

Planning Committee

The Granary, Manor Farm, Upper Heyford

13 September 2012

Joint Report of Head of Strategic Planning and the Economy and the Head of Law and Governance

PURPOSE OF REPORT

To update Members on the Urgent Works carried out at the Granary

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To note the report.
- (2) To accept the Secretary of State's decision on the costs of the Urgent Works.

Background

1. The Granary is a Grade II listed eighteenth-century agricultural building located at Manor Farm, Upper Heyford. The site is owned by New College Oxford and let to a tenant farmer.
2. In around 2003, the Granary was damaged by a vehicle collision. The owners applied to demolish the building (03/01338/LB) but were refused. After intervention from the Council's conservation officers, the owners propped the structure as a temporary repair.
3. The owners were reluctant to carry out repairs to the Granary to make it wind and weather-proof. Negotiations with Council officers carried on for a few years without success.
4. In February 2007, South Area Planning Committee authorised the service of an Urgent Works Notice under Section 54 of the Listed

Building Act 1990. This would compel the owner to carry out repairs to preserve the building in a wind and weather-proof condition. Failing which, the Council could carry out the works in default and recover the costs from the owner. The Notice was served in July 2007.

5. The owners did not carry out the repairs to the Granary. The Council therefore instructed specialist contractors to carry out the repair works in default. Work commenced in October 2007 and were completed in December 2008. The total cost of the repairs were £52,558 plus VAT.
6. Council officers then sought to recover the cost of the Urgent Works from the owners. They had a right of appeal to the Secretary of State for Culture, Media and Sport if they felt the works were unnecessary for the preservation of the building or if the amount being sought was unreasonable. The owners appealed.
7. Despite taking almost 3 years, we have now received a decision from the Department for Culture, Media and Sport. The Secretary of State concluded that the works carried out exceeded that necessary to maintain the Granary in a wind and weather-proof condition and to keep it safe from collapse. The decision concluded that further temporary repairs were all that were necessary, rather than the permanent repairs carried out by the Council. The owners have been ordered to pay a proportion of the repair costs in the sum of £29,860 plus VAT.
8. The Secretary of State's decision could be challenged by way of judicial review. However, your officers would advise against such a course of action.

Conclusion

9. The Council has a statutory duty of care for the historic environment of the district. English Heritage encourages local authorities to use their powers under the Listed Building Act to preserve and protect historic buildings. Officers still believe it was the right decision to carry out the Urgent Works to preserve this important historic building for future generations. The professional advice received by your officers was that permanent repairs would be better than further temporary repairs. It is disappointing that the Secretary of State did not agree with the Council's position and support our actions. However, Officers would advise Members to accept the Secretary of State's decision.

Implications

Financial: The cost of the Urgent Works were met from a supplementary estimate, approved by the Council's

Executive in May 2005. Any further legal challenge could be met from existing budgets.

Comments checked by Sarah Best, Service Accountant, 01295 221736

Legal:

The Secretary of State's decision could be challenged by way of judicial review. However, your officers would advise Members to accept the Secretary of State's decision.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Risk Management:

Challenging the Secretary of State's decision by way of judicial review is likely to be unsuccessful and would lead to further wasted costs.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Wards Affected

The Astons and Heyfords

Document Information

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