

## **Report to the Cabinet**

**Report reference:** C-003-2016/17

**Date of meeting:** 9 June 2016



**Epping Forest  
District Council**

**Portfolio:** Safer, Greener and Transport

**Subject:** Thrift Cottage, Sewardstone Road, Waltham Abbey - Potential action for neglected Grade II listed building

**Responsible Officer:** Maria Kitts (01992 564358).

**Democratic Services:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) To consider the potential courses of action which can be taken to prevent further neglect of the listed building and return it to a good state of repair; and**
- (2) To agree to support the proposal to pursue appropriate action to preserve the listed building including the service of appropriate notices and enforcement.**

### **Executive Summary:**

Due to growing concern over the poor condition of the grade II listed Thrift Cottage and the potential threat of demolition, Members of the Cabinet requested a report outlining the potential courses of action the Council could take to prevent further neglect, return it to a good state of repair, and secure its future maintenance.

Thrift Cottage is a grade II listed building predominantly dating from the early 19<sup>th</sup> century, incorporating 18<sup>th</sup> century fabric and with late 19<sup>th</sup> and 20<sup>th</sup> century alterations. It is timber-framed, clad in pebble-dash render under a part plain tile, part pan tile roof. The property neighbours Thrift Hall, also an early 19<sup>th</sup> century grade II listed building. Both properties were listed in 1974.

The cottage was renovated in the early 21<sup>st</sup> century, but has been vacant since 1997. Since then it has suffered from a lack of maintenance, leading to water ingress and damage to the historic structure and internal finishes, the failure of the cement based render, vandalism, and the demolition of a single storey rear extension. It is now in very poor condition.

The local planning authority is equipped with certain statutory powers which can be used to secure the future of listed buildings. These are outlined below.

### **Reasons for Proposed Decision:**

As a grade II listed building, Thrift Cottage is considered to be of national importance as well as being of local historic and architectural interest. It has remained unoccupied since 1997 and is in a poor state of repair. Options of both retention and conversion and demolition have been pursued by the owner, but the building has remained neglected. A decision on what action the Council should now take is required owing to the rapid deterioration of the building.

## Other Options for Action:

It is likely that an application to demolish the building will be submitted in the near future. If no decision is made on what action to take then the potential loss of the building will be assessed during the application process.

## Report:

### Significance of Thrift Cottage

1. In 2010 English Heritage assessed the significance of Thrift Cottage as part of their report in response to an application to de-list the building. The outcome was not to de-list the building due to its architectural and historic interest.

2. The report states the following: *Thrift Cottage was considered to have special architectural and historical interest when it was designated in 1974...the building is mainly of early C19 date, but incorporates earlier fabric...Thus this vernacular cottage dates to between 1700 and 1840. Most buildings constructed during this period are designated (DCMS, March 2010). The Selection Guide for Vernacular Houses (English Heritage, March 2007) describes them as a conspicuous and much-loved component of the English landscape, regarded as essential ingredients of local distinctiveness...It continues to possess early C19 flush sash windows on the first floor and one on the ground floor of the façade, features which attest to its age and add interest. Although there have been later C19 alterations to the cottage, its simple two room plan-form is legible. The cottage was constructed as a humble building subservient to, and contemporary with, the Hall immediately adjacent to the north. This strong architectural, functional, and historic group value with the Hall adds considerably to the interest of the cottage and compensates for the alterations to its fabric and form...Thrift Cottage was judged to satisfy the criteria in 1974 and continues to do so today...It should remain on the statutory List.*

3. It should be noted that, as is mentioned in the English Heritage report, the poor condition of the building was not considered when the assessment of the building's architectural and historic interest was carried out.

4. Although paragraph 130 of the National Planning Policy Framework (NPPF) states that "where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision", the poor condition of the building should be considered when deciding on the most suitable course of action as a substantial amount of damaged historic fabric will have to be replaced which could potentially adversely affect its significance.

### Planning History

5. Planning permission and listed building consent was granted in 2005 for the conversion of the cottage from residential to office use. This included the erection of a two storey rear extension. The permission was never implemented and new applications were made in 2014 for the same scheme. Planning permission was granted however, due to a lack of supporting information with regards to how the development would impact on the historic building and how any harm would be mitigated, listed building consent was refused. This reason for refusal could be very easily overcome. The conversion of the building to office space would provide an appropriate and sympathetic use which would give it viability and ensure its future maintenance.

6. In 2008 an application for the demolition of the building was submitted and refused. This was due to an insufficient structural survey, no information on the historic or architectural

interest of the building, no discussion of possible alternative uses for the building, and no indication that any attempt had been made to market the property.

7. Following this, an application was made to English Heritage to de-list the building in 2010. Given its architectural interest, group value with Thrift Hall, objections from key historic building organisations (including the Ancient Monuments Society and the Society for the Protection of Ancient Buildings), and a structural report from a renowned historic building structural engineer supporting its retention and reuse, the decision was made not to de-list.

8. In 2015 an application for planning permission was made once again for the demolition of the building. This application was withdrawn as the required application for listed building consent was not submitted and there was no evidence that the property had been adequately marketed in an attempt to find a new use. However, pre-application discussions had been held with the Historic Buildings Consultant at Essex County Council who believed demolition could be an appropriate way forward. The application for demolition was supported with a full Heritage Statement and Heritage Impact Assessment which explored the condition of the building, its significance, and options for retention which went some way to providing the 'clear and convincing' justification for loss as required by paragraph 132 of the NPPF.

9. The 2015 Heritage Statement and Heritage Impact Assessment argues that, after assessing the historic and architectural values of the building and examining both the building itself and surviving historical documentation, there is very little merit in the building. It is argued that the building is a "very weak and hugely damaged representative of an Essex style of construction which is far better preserved in hundreds if not thousands of other buildings in the country". It acknowledges the local historical interest of its link to Thrift Hall, but states that there is no architectural cohesion between the two properties, and that the architectural quality of the building is lacking.

10. Despite this, the document recognises that it is possible, as with any structure, to retain and re-build the cottage. The issue lies not in the feasibility of retaining the building, but the high costs involved in doing so and whether the deficit left by retaining, repairing and converting the building would make any proposals economically unviable.

#### Grant Funding

11. There is no legal obligation for listed building owners to keep their property in a good state of repair. Local authorities can engage in negotiations with the owner of a listed building to encourage repair and reuse before employing their statutory powers. In this case, the principle of converting and extending the building to provide a viable future use by creating practical office space has been agreed but never implemented. The cost of repair and reuse is likely to be a major issue. Grant funding to partially cover the "conservation deficit" of the works could be explored by the owner with support from the Council.

12. Historic England provides grants for some works, however, demand is high and applications for funding are assessed against their priorities. Other sources of funding are published by the Architectural Heritage Fund and the Heritage Alliance. The owner of the building could be encouraged to explore the potential sources of funding.

13. The Conservation Team are allocated a budget of £4000 per annum for the Historic Building Grants Scheme. These grants are reserved for non-residential listed buildings and cover only essential repair or maintenance work up to a maximum grant of £1000. These criteria mean that little financial assistance can be offered to the owner by the Council at this time.

14. Working with the owner to secure grant funding and to find a viable use for the building

may be the most favourable initial action. If nothing comes to fruition then enforcement action through our statutory powers could be pursued.

### Statutory Powers

15. If negotiations with the owner fail, local authorities are equipped with several statutory enforcement powers to secure the future of listed buildings. There are substantial financial implications associated with many of these actions, however, the extent of these is unknown at this stage as a structural engineer and quantity surveyor would have to be appointed to assess the present condition of the building, the works required, and the costs of the remedial work. Further costs could be incurred if the serving of a Notice is appealed by the owner or if the works are carried out by the Council (as per the Urgent Works Notice discussed below).

16. Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables local authorities to serve Urgent Works Notices. The Council would execute any works which appear to be urgently necessary for the preservation of an unoccupied listed building and to then (under section 55) recover the costs from the owner. In order to serve an Urgent Works Notice the works to be carried out must be urgently necessary, the owner must be given seven days' written notice of the intention to carry out works, and the owner has the right to appeal the Notice if the works are considered unnecessary or the amount is unreasonable.

17. Section 48 of the same Act gives powers to the local authority to serve a Repairs Notice on the owner of a listed building detailing those works considered to be necessary for the preservation of the building. If, after a minimum two month period, it appears that no works are being progressed then the Council can begin compulsory purchase proceedings (as per section 47). However, a Repairs Notice does not commit the Council to proceed to compulsory purchase action as the Repairs Notice can be withdrawn at any time.

18. Section 215 of the Town and Country Planning Act 1990 allows a Section 215 Notice to be served on an owner if the amenity of part of their area, or of an adjoining area, is adversely affected by the condition of land in their area. This can include buildings, and could cover external maintenance of a building.

19. Section 215 Notices can be used in conjunction with Urgent Works Notices and Repairs Notices and can address issues outside the scope of these Notices including poor external maintenance, damaged boundary treatments, accumulated rubbish, and overgrown gardens. In order to serve a Section 215 Notice, it would have to be demonstrated that the land, including the building, is adversely affecting the amenity of the area. For buildings it means that any works would be confined to improving the appearance of the external visible parts and so may not address any fundamental internal structural problems.

### Initial Steps

20. Guidance from Historic England suggests that as a first step, owners should be sent an initial letter requesting them to carry out the required remedial works and informing them of the local authority's powers should they fail to do so. It has been found that in some cases the threat of further action is enough to encourage an owner to remedy the situation.

21. If the owner does not respond to this initial approach then the Historic England guidance recommends that the local authority writes to the owner setting out the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, or the Town and Country Planning Act 1990, and requesting a site meeting (referring to statutory rights of entry if required). Following the site meeting a second letter containing a draft schedule of repairs considered to be necessary should be sent, including a date for the service of a formal

Notice if the works are not carried out.

### **Resource Implications:**

There are no known instances of Urgent Works Notices, Repairs Notices, or Section 215 Notices in relation to listed buildings being served within the District. Advice would have to be sought from the Legal Team and the Planning Enforcement Team, as well as external advice from a structural engineer and quantity surveyor, in order to fully understand the implications of the potential actions.

Historic England offer advice to local authorities on how to deal with neglected listed buildings and can, in some circumstances, provide financial assistance to local authorities to underwrite Urgent Works Notices or Repairs Notices.

There are clear financial implications if the works are carried out by the Council (Urgent Works Notice) or if the serving of a Repairs Notice resulted in compulsory purchase proceedings. However, without specialist knowledge of the condition of the building and the works required, these costs remain unknown.

### **Legal and Governance Implications:**

Input required from the Conservation Team (Development Management), the Planning Enforcement Team, and the Legal Team.

### **Safer, Cleaner and Greener Implications:**

Decision relates to the management of the historic environment.

### **Consultation Undertaken:**

None

### **Background Papers:**

1. Thrift Cottage listing description
2. English Heritage Advice Report (2010)
3. DPA Heritage Statement and Heritage Impact Assessment (2015)

### **Risk Management:**

If no action is taken, either to pursue enforcement action or to secure a scheme for a high quality replacement building, then the building will deteriorate further with the risk it collapsing.

Any enforcement action will have financial implications. Depending on the action taken, there is a risk of compensation claims against the Council; therefore, any action needs to be based on sound professional opinion (structural engineer etc.) and an understanding of all factors in order to minimise the financial risk.

# Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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This report is an options appraisal relating to actions the Council could take to preserve a listed building. If a decision is reached on what action is to be pursued only the owner of the building and their agents will be affected. If deemed appropriate, positive action for the improvement of the building will benefit neighbours and visitors to the town. The subject of the report is not considered to affect or result in the unlawful discrimination of any groups.