

**Enforcement of Planning Control
Enforcement Item for Noting:
No.1 & No.2 Manor Farm House, Oby**
Report by Historic Environment Manager and Head of Planning

Summary: This report concerns unauthorised works to a Grade II Listed Building and offers an update on the on-going regularisation of the works.

Recommendation: That members note and endorse the contents of this report.

Location: Manor Farm House, Manor Farm Road, Ashby with Oby

1 Background

- 1.1 Manor Farm House at Ashby with Oby is a Grade II Listed Building. The list description includes *“2 doorways. Door to right is within doorcase of pilasters supporting simple entablature. Rectangular overlight. Sash windows with glazing bars and gauged skewback arches”*.
- 1.2 In 2010 unauthorised work comprising the replacement of the windows and doors of the property with uPVC units was identified in a survey of historic buildings. This was then followed by a prolonged period of negotiation regarding the replacement of the unauthorised and inappropriate replacements between the Authority and the owner, which were protracted due to the difficult personal circumstances of the owner.
- 1.3 A report on the 17 August 2012 was brought to the Planning Committee seeking authority to serve a Listed Building Enforcement Notice (LBEN) if voluntary compliance could not be achieved. The LBEN would seek the phased replacement of the windows and doors over a ten year period. This was agreed by Members.
- 1.4 Following this resolution, voluntary compliance was sought from the owner. An agreement was entered into for a phased replacement for the windows and doors. On 1 May 2014 Listed Building Consent (LBC) was granted for the work (BA/2014/0076/LBC) and a period of ten years was given for completion of the works.

- 1.5 Unfortunately little progress was made during the remainder of 2014 due to the owner's financial situation and continued poor health.
- 1.6 In January 2015 the Authority was advised that a manufacturer for the windows had been identified and an order had been placed.
- 1.7 In March 2015 a site visit was undertaken and it was noted that three uPVC doors had been replaced with appropriate timber replacements. The owner advised that two replacement window frames had also been manufactured and they were currently waiting for a suitable weather window for them to be fitted. The Authority was advised that the work was expected to be completed in early April.
- 1.8 A report was taken to Planning Committee on 2 April 2015 advising of the above.
- 1.9 At the end of April 2015 the site was re-visited and it was confirmed that the two additional timber windows had been installed. In total three doors and two windows have been replaced.

2 Update since 2 April 2015

- 2.1 It is acknowledged that there is a ten year period for compliance. 5 of the 28 apertures that require replacing have been completed to date (comprising approximately 18% of the required works) and this is welcomed. In April 2016 however the agent advised that no further work had yet been undertaken.
- 2.2 In June 2016 a report to Planning Committee set out the then current position, that In order to achieve compliance it means an average of three apertures a year for the remaining eight years will need replacement windows or doors fitted.
- 2.3 Members resolved to continue to monitor the situation and for officers to enter into discussions with the applicant in order to maintain momentum, and to bring reports back to Committee six monthly intervals to update on progress.
- 2.4 Whilst technically the Applicant could wait until year 10 before completing the work it would in reality be beneficial to work with and encourage the Applicant to maintain momentum so as not to face too onerous a task at the point at which compliance needs to be achieved.
- 2.5 Officers contacted the Agent at the end of 2016 to enquire as to progress on the schedule going forward.
- 2.6 Officers were at that time made aware that there continue to be issues surrounding the health of the Applicant. Accordingly it was unlikely that progress had been made in the last six months, also that negotiations will need to be carried out sensitively.

- 2.7 In January 2017 Officers visited the site and met the Applicant, who confirmed that whilst ill health had prevented any further work being carried out since June 2016, it was still their intention to complete the agreed programme of work within the ten year period.
- 2.8 It remains the case that 5 of the 28 apertures have been completed and the remaining 23 will require replacement in accordance with the programme by May 2024 a period of seven years four months. Whilst the Applicant could wait until year 10 before completing the work the longer it is left the more onerous the task becomes.
- 2.9 Whilst Members and officers are aware of the continuing health issues of the Applicant, continued dialogue to encourage the Applicant to undertake the work in a staged approach is considered to be of mutual benefit.

3 Conclusion

- 3.1 The current lack of progress on this long standing case is disappointing, however, Members' endorsement is sought on continuing discussions with the Applicant in order to maintain momentum with the agreed programme of work.
- 3.2 Officers will write to the Applicant setting out the progress against the agreed programme of work and encourage the continuation of the progress made during 2015 -16. Officers are aware that there continue to be issues surrounding the health of the applicant and that negotiations will need to be carried out sensitively.
- 3.3 Officers will continue to monitor the site and bring a report to Planning Committee at six monthly intervals.

Background papers: Broads Authority DC Enforcement File BA/2010/0071/UNLBP1

Author: Ben Hogg
Date of report: 17 January 2017.

Appendices: APPENDIX 1 - Site Map

APPENDIX 1

BA/2010/0071/UNLBP1 – Farmhouse Manor Farm, Manor Farm Road, Ashby With Oby, Norfolk, NR29 3BN.

