

**Enforcement of Planning Control
Enforcement Item for Consideration:
No.1 & No. 2 Manor Farm House, Oby**
Report by Planning Officer (Compliance and Implementation)

Summary:	This report concerns unauthorised work to a Grade 2 listed building.
Recommendation:	That authority is given to serve a Listed Building Enforcement Notice if voluntary compliance is not achieved. Authority is also requested to seek compliance through prosecution if necessary.

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

1 Background

- 1.1 A visual survey of Historic Buildings undertaken in the Authority's executive area identified that unauthorised work had been undertaken to the Farmhouse building without the benefit of Listed Building Consent. The unauthorised work of concern is the installation of replacement UPVC window frames and doors.
- 1.2 In July 2010 a site visit showed the property to have been subdivided into two dwellings, one being owned by Mrs A and the other by her son. Both properties were inherited by the present owners on the death of Mrs A's father in 1998.
- 1.3 The LPA is advised that the windows and doors of the Farmhouse were replaced about 12 years ago due to their poor condition. Mrs A says that while she was aware of the building's listing she did not appreciate that permission was required to replace the windows and doors.
- 1.4 Mrs A has been advised that any retrospective application for the current windows and doors is unlikely to be successful and that they would need to be replaced with units of a design and construction agreed to by the Authority.
- 1.5 Negotiations regarding the replacement windows and doors were commenced in November 2010. Regrettably, however, shortly after this Mrs A's circumstances changed when she suffered a number of difficult personal situations and the negotiations were suspended for a temporary period.
- 1.6 In view of the need, however, to resolve the matter, in January 2012 a letter was sent to Mrs A in order to set up a meeting with view to formulating a plan to replace the windows and doors. In reply Mrs A stated that she was not yet

in a position to progress the matter; she also made accusations that the Authority was harassing her over the matter.

- 1.7 Unauthorised works to a listed building is a serious, indeed criminal, matter and it is not acceptable for the matter to be deferred indefinitely. It is now considered that an adequate period of time has past since the Authority's initial contact with the property owners and it is necessary to resolve the situation. Given the property owners' previous reluctance to engage with the LPA in addressing the situation, albeit that there have been particular extenuating circumstances, it is now considered that formal enforcement action should be instigated should voluntary compliance not be achieved.
- 1.8 Members of the Heritage Asset Review Group (HARG) may recall discussion at this building at previous meetings of the working group under the Enforcement Agenda Item.

2 Policies

2.1 Development Management Policies DPD (2011)

DP5 - Historic Environment

New development will be expected to protect, preserve or enhance the fabric and setting of historic, cultural and architectural assets that give the Broads its distinctive character.

Development that would affect a Heritage Asset, including a Listed Building, Conservation Area, Registered Park and Garden, Scheduled Monument or its setting, or a locally listed asset, will be considered in the context of national policy (currently PPS5), having regard to the significance of the asset. Harm to or loss of significance to a Designated Heritage Asset will only be permitted in exceptional circumstances.

Proposals for development on sites that are of known or suspected archaeological interest must be accompanied by an archaeological field evaluation that determines the significance of the archaeological remains and assesses the implications of the development on these remains. Development that would adversely affect important archaeological remains will only be permitted where:

- (a) The benefits of the development outweigh the harm to the remains and the value of retaining the remains in situ;
- (b) The degree of disturbance has been minimised; and
- (c) Satisfactory provision is made for the evaluation, excavation, recording and interpretation of the remains before the commencement of development.

Where development can take place and still preserve important features in situ, planning conditions will be sought to secure the implementation of

effective management plans that ensure the continued protection of those features.

3 Description of Site and Development

3.1 The description on the historic buildings register is as follows:

'Farmhouse dated 1622 but has been re-faced and greatly altered in the late 18th Century. Colourwashed brick with roof of black glazed pantiles. 2 storeys in 4 bays. 2 doorways. Door to right is within doorcase of pilasters supporting simple entablature. Rectangular overlight. Sash windows with glazing bars and gauged skewback arches. Over main door is a round-headed window. Timber eaves cornice and gabled roof. Central ridge stacks and internal gable end stacks'

3.2 The Farmhouse building was subdivided into 2 dwellings about 50 years ago. There is no record that would suggest that planning permission was ever gained for this subdivision or listed building consent for the internal alterations to facilitate the subdivision. The time that has elapsed since this work now excludes the subdivision from enforcement action, however the work as regards Listed Building consent has no such time limit although enforcement action against this particular alteration is not considered expedient.

3.3 The windows and doors were replaced by the current owner in two phases around 1999. This work has been undertaken without the benefit of Listed Building Consent.

3.4 The replacement windows and doors are of a design and construction that is out of character with this Grade 2 listed building.

4 Action Proposed

4.1 It is proposed in the first instance to contact the property owner again and to invite her to submit an application for listed building consent for further replacement windows and doors of an appropriate design.

4.2 Should voluntary compliance not be achieved, it is proposed that the owner of the buildings should be served with a Listed Building Enforcement Notice requiring the removal of the unauthorised windows and doors and their replacement with windows and doors of an agreed design and construction.

4.3 In consideration of the high costs involved in the replacement of the windows and the personal circumstances of the property owners, it is proposed that a plan be agreed for the required work to be phased over a number of years

5 Financial Implications

5.1 There may be legal costs associated with this course of action.

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

Author: S L Sewell
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Appendices: APPENDIX 1 - Site Map

APPENDIX 1

BA/2010/0071/UNLBP1 - Manor Farm House, Oby Unauthorised work to Grade 2 Listed Building

