

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 10 APRIL 2014
 title: LISTED BUILDING AT RISK – DOG KENNELS, GISBURNE PARK
 submitted by: DIRECTOR OF COMMUNITY SERVICES
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 (DESIGN AND CONSERVATION)

1 PURPOSE

1.1 To inform Members of the urgent need for repair works to the eighteenth century Grade II listed Dog Kennels within Gisburne Park Historic Park and Garden (Grade II).

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions – To protect and enhance the existing environmental quality of our area.
- Community Objectives – The Ribble Valley Sustainable Community Strategy 2007-2013 has three relevant strategic objectives – maintain, protect and enhance all natural and built features that contribute to the quality of the environment. Ensure that the design of buildings respects local character and enhances local distinctiveness. Sustainably manage and protect industrial and historical sites.
- Corporate Priorities - Objective 3.3 of the Corporate Plan commits us to maintaining and improving the environmental quality of the Ribble Valley. Objective 3.8 of the corporate plan commits us to conserving and enhancing the local distinctiveness and character of our towns, villages and countryside when considering development proposals.
- Other Considerations – None.

2 BACKGROUND

2.1 The 'Dog Kennels by River Ribble, approximately 90m north east of Gisburne Bridge, Gisburn Park' was listed by the Secretary of State on 30 January 1981. The list description identifies it as '*probably late 18th century. Limestone rubble with sandstone dressings and brick inner walls. A sham castle with two round towers, flanking a lower central section of square plan*'. At the date of listing the historic building was described as 'derelict' and some roof coverings were missing.

2.2 In February 1996 planning permission (3/95/0631) and listed building consent (3/95/0632) was granted for 'restoration and conversion to domestic use'. The Committee report of 6 February 1996 identified the building to be '*unique ... as an individual construction and as part of the overall formally designed parkscape*' (Lancashire County Council, Archaeology), '*interesting and picturesque building in an extreme state of decay*' (Ancient Monuments Society), '*extremely attractive building*

situated in a particularly beautiful setting (The Georgian Group) and *'a very interesting building'* (English Heritage).

The detailed proposals, including substantial extension were of concern to the Georgian Group, the Ancient Monuments Society and English Heritage. However, officers noted that *'the building is now in an advanced state of dereliction. Areas of stone work have collapsed and large amounts of vegetation are growing out of the structure. Portions of the roof and the castellations around the turrets have disappeared altogether'*. It was considered that *'the space is really not sufficient or a practical proposition for any restoration ... it is not felt that the extension will dominate the existing ... generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive ... it requires balancing the economic viability of possible uses against the effect of any changes'*.

- 2.3 Site inspection in October 2013 was prompted by the marketing of the site. The listed building is now in an extreme state of disrepair (see attached photographs).
- 2.4 The 'Gisburne Historic Landscape Management Plan' (Parklands Consortium Limited, October 2010), Gazetteer of Historic Landscape Features (1.3.9), identifies the kennels to be *'very significant: Fundamental to the design concept or to the historic interest of park'* and its condition to be *'Derelict: a ruin or badly damaged/incomplete'*. Alarming, it is concluded that the ***'Dog kennels ... require consolidation before they are lost'*** (page 119).
- 2.5 In December 2011 'Gisburne Park, north of Gisburn' was added to English Heritage's Register of Parks and Gardens of Special Historic Interest in England at Grade II. The description states:

*This C18 formal garden and deer park, overlain by a landscaped park is designated at Grade II for the following principal reasons: * Historic interest: the integrity of the early C18 formal garden and deer park phase is preserved and is highly visible * Historic interest: despite some loss of character in parts, it is a good example of a mid and later C18 landscaped park in the English natural style, and sufficient of its original landscaping survives to reflect its original design * Design influence: some elements of the landscaping appear to reflect the influence of a proposed early C18 design by Lord Robert Petre on subsequent generations of the Lister family * Group value: it has strong group value with a number of listed buildings including the Grade II* gate lodges and the Grade I Gisburne Hall * Tree nursery: the presence of the 'Great Nursery' on Coppy Hill is a striking and unusual feature.*

The description also states *"A set of dog kennels (listed Grade II), in the form of a mock castle with two round towers, is situated above the River Ribble to the north-west of the walled garden. Views of these on the approach from the north and particularly from Gisburn Bridge are now obscured by tree growth"*.

- 2.6 National Planning Policy Framework Paragraph 126 states:

*'Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, **including heritage assets most at risk through neglect, decay or other threats**. In doing so, they should*

recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance’.

2.7 The National Planning Policy Guidance (6 March 2014) states:

“Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation”.

2.8 The Listing Selection Guide: Garden and Park Structures (English Heritage, 2011) states:

“Kennels (always an element of high status complexes, and provided expressly for foxhounds as fox hunting became fashionable in the earlier eighteenth century) were sometimes ornamental; elaborate or complete examples, especially pre-dating 1840, will be listable”.

2.9 The Setting of Heritage Assets (English Heritage, October 2011) states:

“Many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own rights, which, themselves, have a wider setting: a park may form the immediate setting for a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary” (2.5).

2.10 Stopping the Rot: A Guide to Enforcement Action To Save Historic Buildings (English Heritage, 2011) states:

*Keeping historic buildings in good repair and, where possible, in use, is the key to their preservation. Sometimes, however, they become redundant, vacant and neglected. Without timely action they can be at risk of permanent loss, both to their own historic fabric and to the character of the localities of which they are irreplaceable components. **Owners of listed buildings are under no statutory obligation to maintain their property in a good state of repair, although it is in their interests to do so. Local authorities can, however, take action to secure repair when it becomes evident that a building is being allowed to deteriorate.** Urgent Works Notices, Repairs Notices and Section 215 Notices can be very effective tools to help secure the preservation of historic buildings.*

The powers escalate as the problem escalates.

- *Section 215 Notice – a relatively straightforward power to require the owner or occupier to carry out works to improve the external condition of a building or land if its neglect is adversely affecting the surrounding area.*

- *Urgent Works Notice – a power that allows a local authority to directly carry out works that are required urgently to make an unoccupied listed building weathertight and thus prevent further deterioration.*
- *Repairs Notice – a power that allows a local authority to specify to the owner works it considers reasonably necessary to secure the future of a listed building. If the repairs are not carried out, the power can lead to compulsory purchase of the building.*
- *Compulsory Purchase Order – when all other measures fail, the local authority's last resort is to compulsorily acquire a listed building in order either to repair it itself or more usually to sell it on to be restored by a buildings preservation trust or other new owner.*

English Heritage runs a grants scheme to help local authorities take statutory action either by underwriting Urgent Works Notices and Repairs Notices or assisting in the costs of acquisition.

The Introduction to Stopping the Rot by John Penrose, MP, Minister for Tourism and Heritage states:

Historic buildings matter. As well as connecting us to our shared past they add character to our villages, streets, towns and cities. On the whole they are well-cared for by their owners and continue to provide us with places to live, work, learn, visit and enjoy ourselves. They add uniqueness, character and a sense of place to our lives.

Occasionally, however, things go wrong and they become empty and neglected; blots on the urban landscape or the village street. When this happens they not only become wasting assets in their own right, but they degrade the quality of the surrounding environment too. We all know what they look like; we can all point to examples in our own neighbourhoods. And above all we know the great harm they can do to the economic and social vibrancy of their surrounding communities.

Just one stubbornly derelict boarded-up property can be an eyesore as well as a major source of economic blight and a disincentive to much-needed investment. In most cases, dialogue between the owner and the local authority can unlock a solution. Local authorities and English Heritage can work with owners to develop a viable use for a building or development to provide an economic future for a site that retains its historic character. Building preservation trusts can use their practical experience to restore neglected buildings back to productive use. And grants are available to help our most important buildings at risk. But sometimes positive support is simply not enough.

In these exceptional circumstances local planning authority officers have no option than to draw upon a range of statutory enforcement measures. These powers are underused and this enhanced and updated edition of Stopping the Rot aims to help local authorities make better use of them. Timely enforcement can prevent buildings deteriorating and the costs escalating beyond the point where they are economic to repair. These powers, used in an incremental and proportional way, can play an invaluable role in bringing neglected historic buildings back to useful life.

This nation's historic buildings are a shared legacy; once lost they are lost forever. So saving England's neglected heritage is a challenge for us all. It will only be overcome so long as government, private owners and the voluntary sector work together to breathe new life into these irreplaceable but sometimes neglected places.

2.11 'Urgent Works to Listed Buildings and Conservation Areas' (EH website) states:

An urgent works notice is a direct way of securing repairs urgently necessary for the preservation of a building. This is distinct from a repairs notice which is concerned with long-term conservation and is a pre-cursor to possible compulsory acquisition.

An urgent works notice may be served where works are urgently necessary for the preservation of a listed building. It is advisable for the local authority to notify the owner that it is considering serving an urgent works notice. The owner may then decide to undertake the necessary works. If the owner declines to do so or is otherwise unresponsive then the law allows the local authority (and English Heritage in Greater London) to execute any works which appear to them to be urgently necessary for the preservation of any listed building within their area. The Secretary of State may also authorise English Heritage to carry out such works elsewhere in England.

The owner must be given a minimum of seven days written notice of the local authority's intention to carry out the works and the notice must describe the proposed works.

An urgent works notice should generally be restricted to urgent repairs to keep a building wind and weather-proof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be consistent with achieving this objective.

The cost of carrying out the works may be recovered by the local authority or English Heritage (as appropriate) from the owner. Such cost may include the continuing expense of providing temporary support or shelter of the building.

The owner may challenge the cost claimed by writing to the Secretary of State. The grounds of challenge may be that:

1. *Some or all of the works were unnecessary for the preservation of the building.*
2. *Temporary support and shelter measures have continued for an unreasonable length of time.*
3. *The amount reclaimed is unreasonable.*
4. *Recovery of the amount claimed would cause the owner hardship.*

The Secretary of State will determine to what extent the representations are justified when determining the amount recoverable.

Listed building consent is not required for works carried out by the local authority pursuant to a valid notice. Listed building consent may be required by the owner if they are to carry out the works themselves. The usual rules will apply.

3 ISSUES

3.1 On 30 October 2013 the Principal Planning Officer (Design and Conservation) wrote to the owner of the Dog kennels and advised:

“In order to prevent further deterioration to the designated heritage assets and the need for more extensive and expensive works in the future, I would therefore be grateful for your early consideration to a programme of urgently required repair work to stabilise building condition. Such work may need to be informed by a structural survey and may require listed building consent; I can advise further in respect to these matters”.

A number of reminder letters have been sent and on 4 March 2014 the building owner advised of the commissioning of a conservation architect ‘to advise on the best course of action’.

- 3.2 Site inspection and the prescient comment in the Gisburne Historic Landscape Management Plan would suggest that prolonged delay in stabilising building condition could result in the loss of this listed building and its important contribution to the designated historic park and garden and the setting of a number of listed buildings (including Gisburne Park, Grade I). Officers will therefore monitor the situation carefully, give early consideration to the next stage in ensuring the proper preservation of the building (the authorisation of Committee will be sought in respect to Urgent Works Notice service should this be required) and invite English Heritage comment on the matter.
- 3.3 The priority is to stabilise building condition and prevent further decay. Following this, officers will provide all necessary support and advice to the building owner in achieving the optimum viable use of the building.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality and Diversity - No implications identified.

5 CONCLUSION

5.1 Members are asked to consider the contents of the report and the state of repair of the Dog kennels at Gisburne Park.

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BACKGROUND PAPERS

Are referenced in the report.

For further information please ask for Adrian Dowd, extension 4513.