

**Planning Committee:** 31 March 2015

**Item Number:** 16

**Application No:** N/A

**Town/Parish Council:** Barford  
**Case Officer:** Alan Mayes  
alan.mayes@warwickdc.gov.uk

**Registration Date:** N/A  
**Expiry Date:** N/A

### **Wall at Barford House, Wellesbourne Road, Barford**

#### REQUEST TO ISSUE A s.54 NOTICE

---

#### **RECOMMENDATION**

Planning Committee are recommended to approve the issue of a Notice under Section 54 of the Planning (Listed Building and Conservation Area) Act 1990 on the owner of the wall and authorise the Head of Development Services to take all necessary steps to implement the works required to repair the wall and recover the cost from the owner of the land .

#### **THE SITE AND ITS LOCATION**

The wall forms the boundary between open grassland and Wellesbourne Road. The wall is situated within the Barford Conservation Area and forms the boundary of the Locally Listed Park and Garden known as Barford House. It also lies adjacent to and within the setting of Barford House, which is a Grade II\* listed building. The wall and land historically formed part of the park and garden to Barford House.

The wall is constructed from orange bricks (probably made locally) constructed in the Nineteenth Century with minor changes adjacent to the entrance to Barford House where a lodge cottage was removed, probably in the early Twentieth Century. A small section of wall was rebuilt in the late Twentieth Century following damage. The wall is generally capped with stone capping - some of which are missing.

#### **PLANNING HISTORY**

The site bounded by the wall has been the subject of planning applications in 2012 and 2013 for the erection of dwelling houses which would result in the removal of a section of the wall the subject of this application for vehicular access. Both recent applications have been refused and an appeal on the 2102 application was subsequently dismissed. There is currently an appeal to be heard in September 2014 for the 2014 application.

There are other historic applications for dwellings on the site which have been refused

## **BACKGROUND**

The wall adjacent to Barford House, Wellesbourne Road, Barford was the subject of a Planning Inquiry in October 2015 resulting from an application to build houses on land to the east of the wall and secondly to demolish the wall. Both Appeals were dismissed.

The wall is within the curtilage of Barford House which is a Grade II\* Listed Building and therefore the wall is protected by that statutory listing.

Prior to the Public Inquiry a Notice under section 48 of the Planning (Listed Buildings and Conservation Area) Act 1990 was served on the owner of the land requiring repairs to be carried out. This was served under powers delegated to the Head of Development Services.

At the time of the Inquiry, the Appellant's agent admitted that the need for works to the wall was urgent and it was therefore considered expedient to serve a Section 54 Notice. This, unlike the section 48 Notice, allows the Council to carry out works urgently required from the preservation of the listed building and reclaim the cost of the works from the owner. There was insufficient time during the Public Inquiry to report to Planning Committee on the issue of the Notice and the carrying out of the works by the Council and so this course of action was approved by the Chief Executive under his emergency powers.

Since then, a copy of the Notice has been served on the agent for the owner along with a request for a meeting to discuss the situation. A meeting has not been forthcoming and Officers' attempts to reach a mutually acceptable agreement with the owner have been unsuccessful. As such, the required work has not been carried out to date.

## **PROPOSAL**

In order to proceed, it is now considered appropriate to ask the Planning Committee to authorise the Head of Development Services to issue a further Section 54 Notice which will allow the Council to carry out the works after a period of 7 days has elapsed from the date that the Notice is served to the owner.

A budget estimate was obtained for rebuilding the wall of £70,000, although this figure may increase due to the need for replacement bricks and other conservation implications. In the event that the Council carried out these works a notice can be served by the Council on the owner requiring him to pay for the cost of the works. However, this notice can be appealed on the following grounds:

- a) That all or some of the works were unnecessary for the preservation of the building, or
- b) In the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time, or
- c) That the amount specified in the notice is unreasonable
- d) That the recovery of that amount would cause hardship

Any appeal would be determined by the Secretary of State and so there is a risk, particularly on ground (d), that the Council would never recover all of its costs incurred in carrying out the works.