

REPORT TO: EXECUTIVE

Date: **4.2.19**

**TOPIC: URGENT WORKS NOTICE FOR BUNKSLAND FARM,
EAST ANSTEY**

REPORT BY: CONSERVATION OFFICER

1 INTRODUCTION

- 1.1 .Bunksland Farm is a grade II* listed building dating from the late medieval period. It contains historic fabric and features of considerable significance. The farmhouse is in a very poor condition and has suffered some internal collapse. The ownership of the farm is not confirmed, therefore works required to prevent further deterioration of the building will not be undertaken, unless by a third party. North Devon Council has the power to serve an Urgent Works Notice on the building, carry out the works in default, and ultimately reclaim the expenditure when ownership is established.

2 RECOMMENDATIONS

- 2.1 It is recommended that Executive note that the Head of Place is to use his delegated authority to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on Bunksland Farm, East Anstey.
- 2.2 It is recommended that Executive agree expenditure of up to £50,000 to be funded from the Executive Contingency Reserve to carry out works subject to confirmation of a grant made to North Devon Council by Historic England to underwrite up to 80% of the unrecoverable costs of carrying out the works specified in the Notice.
- 2.3 It is recommended that steps be taken to recover the costs of the Urgent Works Notice once ownership of the building is confirmed – a charge to be placed on the property in order to recover the costs of the Council in undertaking the urgent works.
- 2.4 It is recommended that delegated authority be given to the Head of Place, in consultation with the Portfolio holder, to agree the details for the expenditure of the capital sum and any grant secured for the project.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Section 54 (1) of the Planning (Listed Buildings and Conservation Areas) Act allows Local Authorities to execute works which appear to them to be urgently necessary for the preservation of a listed building in their area. Section 54(5) of the Act requires the Authority to give the owner not less than seven days notice in writing of

the intention to carry out the works, and Section 55 of the Act allows the local authority to recover the expenses of carrying out the works from the owner.

- 3.2 In the case of Bunksland Farm, the service of an Urgent Works Notice is the most effective means of ensuring that the listed building is stabilised, and further immediate deterioration is prevented, pending the establishment of a long term plan to secure the future of this significant heritage asset.
- 3.3 Historic England have indicated their willingness to underwrite up to 80% of the unrecoverable costs of serving the Notice and carrying out the works to the building. When the question of ownership is resolved, NDC may take steps to recover the costs from the owners, and at that stage will need to repay Historic England the corresponding proportion of the grant.

4 REPORT

- 4.1 To quote the list description, Bunksland Farm is “a remarkably unspoilt example of a medieval dwelling clearly of some status, the interior detail and particularly the roof structure being of considerable interest. The closed truss at the upper end of the hall is a rare example of a type which may once have been more common in the south-west...” The house has smoke blackened roof timbers, which indicate that it started life as an open hall house, without a first floor.
- 4.2 The house is in very poor condition. Part of the internal cob wall which forms the closed truss referred to above has collapsed, and there are many other structural defects. The house was last occupied in 2009 and was already in a poor condition by this time. The last occupier contacted NDDC in 1992 to see if NDDC could persuade her ‘landlord’ to carry out repairs to the house and adjoining barn after gale damage, given the listed status of the property. Following advice from the Senior Solicitor in 1994, the Council declined to act.
- 4.3 In 2017 it became apparent that the property was in a very poor state of repair, with some internal collapse, and contact was made with the executors of the last occupier’s will. In this case, the executors are also the beneficiaries of the will, and will inherit the estate, which is thought to comprise Bunksland farmhouse and the surrounding 60 acres of farmland. There is, however, a difficulty in that there are no deeds which confirm the legal ownership of the property, and until very recently, the farm was not registered with the Land Registry.
- 4.4 In the 1980's the last occupier is known to have borrowed some money, and it is thought that some of the property was used to secure the debt. It is not known how much money was borrowed, or whether the individual who lent her the money ever owned the freehold of the property outright. The last occupier evidently believed that she was a tenant when she contacted NDDC in 1992 but there is no legal evidence either way. The whereabouts of the individual who lent her the money are not known, despite copious enquiries made by the executors and their solicitor. He has not made any attempt to register any interest in the farm or claim under the will of the last occupier.
- 4.5 Therefore, the ownership of the farm is not known. The Executors have very recently made an application to HM Land Registry to register a title to the land and buildings.

The Solicitor to the Executors believes that they have the best claim to the property, but also believes it likely that though they may be granted legal title as executors, they may not necessarily receive beneficial title. If this is the case, then it is up to the Land Registry to set the conditions by which the title may be upgraded.

- 4.6 The consequence of the unconfirmed ownership situation is that no private individual is likely to fund repair works to the building, until their financial interest is secure. Without works being undertaken soon the building will deteriorate further and more collapses are likely.
- 4.7 In this situation the service of an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 seems to be the most practical solution. The Notice would require various urgent works to be undertaken, and can be pinned to the door of the property if the owner is not known. After a period of at least 7 days the Local Authority can carry out the works, and either reclaim the costs from the owner, if known, or put a charge on the property so that the costs can be recovered when either the owner is confirmed or the property is sold.
- 4.8 Historic England are able to offer a grant to Local Authorities to underwrite the costs of serving an Urgent Works Notice. This grant can be up to 80% of the total project costs. If the Local Authority is able to eventually reclaim the costs from the owner, then Historic England would expect the equivalent proportion of their grant to be repaid. An application for such a grant has been made, however, Historic England are not able to confirm their offer of grant until the Urgent Works Notice has actually been served. We have been told, informally, that the funding is available in the current financial year.
- 4.9 Advice from Historic England has been sought, and their Inspector, architect and structural engineer have all visited the site. A draft schedule of works which are considered urgently necessary to stabilise the building for the medium term has been prepared, the building has been recorded by Historic England's team, and plans have been drawn. The works that are proposed would protect the building from further damage caused by the weather, and would stabilise and prop those areas of the cob and stone walls and unsupported roof structures which are considered vulnerable. Discussions are currently taking place on the exact nature of the work, and it is estimated that the cost, including full specification and implementation will be around £50,000.
- 4.10 Historic England are able to advise, but not to fully specify the works, and NDC do not have a conservation accredited structural engineer in-house. Therefore quotes have been sought from suitable professionals to provide detailed design, specification and supervision services. The cheapest of the quotes was provided by Duncan Hill (DHD Structures) and totals £3,900 plus VAT and travel expenses and he has therefore been appointed as supervising engineer. He is currently working on the specification for the work, and will then seek tenders from suitably experienced contractors. At that stage it will be possible to identify a more accurate total cost.
- 4.11 It is therefore requested that Executive agree to pay for the upfront cost of implementing the Urgent Works specified in the notice, using NDC's Capital

Contingency Fund. NDC would then seek to claim the grant for 80% of these costs from Historic England. NDC would also put a charge on the property, so that the full amount could be recovered once an owner is identified or the property is sold. NDC would then repay the appropriate amount to Historic England.

5 RESOURCE IMPLICATIONS

5.1 Financial Implications: It is estimated that the total cost of the works will be around £50,000. This will need to be met by NDC using the Executive Contingency Fund. The outlay can be reduced to £10,000 provided a grant of £40,000 is received from Historic England. It is anticipated that the whole can be reclaimed when ownership is confirmed, following which the Historic England proportion will need to be repaid. The end result would be no long term financial implications for NDC.

5.2 Manpower Implications: The service of the Urgent Works Notice on Bunksland Farm as described in this report can be undertaken by existing staff with the addition of external specialist advice as described elsewhere in this report. The subsequent works will be undertaken by specialist contractors who will be employed under ACE (Association for Consultancy and Engineering) terms and conditions.

6 OPTIONS

6.1 Proceed as recommended within the Report

6.2 If the recommendations are not followed, there is no other obvious course of action open to the Council which will arrest the decay of the building in the short term.

7 RISKS

7.1 Without the Urgent Works Notice, this historic fabric and features of this grade II* listed building will deteriorate further and some may be lost for good.

7.2 Whilst 80% of the unrecoverable costs of the Urgent Works Notice are likely to be underwritten by Historic England, there is no guarantee of this grant being provided until the Urgent Works Notice has been served.

8 EQUALITY AND HUMAN RIGHTS

8.1 An EINA has not been completed for this project as no policy or strategy is being proposed.

9 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Article 7.7 and Part 3 Annexe 4	Delegated	no

10 STATEMENT OF CONFIDENTIALITY

10.1 This report is not considered to contain confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11 BACKGROUND PAPERS

11.1 The following background papers were used in the preparation of this report:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- 'Stopping the Rot' – A Guide to Enforcement Action to Save Historic Buildings' published by Historic England reissue 2016
- Various correspondence between Moggers Drewett, solicitors for the Executors, Historic England and Conservation Officer

The background papers are available for inspection and kept by the author of the report.

12 STATEMENT OF INTERNAL ADVICE

12.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Member: Councillor Yabsley

Author: Collette Hall

Date: 22.01.19

Reference: Document4