



## North Devon Council

### **Title of Decision Requested: Tawstock Court Gate Pier ref 10557 Urgent Works Notice**

**Decision requested by decision maker:** Agreement to issue Urgent Works Notice for Tawstock Court Gate Pier, Tawstock, Barnstaple, EX31 3HY

#### **1. BACKGROUND / REASONS FOR THE DECISION REQUEST**

1.1. Tawstock Court Gate Piers are in a poor state of disrepair and the southern pier in particular is in need of urgent attention. This report aims to seek agreement of a course of action and strategy to address the issues with the structures including the use of enforcement powers.

1.2. Approval is sought for the serving of an Urgent Works Notice should no clear commitment to the works be undertaken voluntarily. The schedule of repairs are as follows:

- Allow for all necessary preliminary works, including scaffold, road licences, insurance and debris removal.
- Prior to commencement of work carefully cut back all vegetation to provide a clear working area.
- Allow to mark and number all stones and take a photographic record to ensure all stones are replaced in their original position.
- Allow to carefully protect the dog statue and to crane off and store in a safe place for fixing back in place.
- Allow to carefully remove the moulded stone caps and set aside.
- Allow to undertake repairs to the damaged stone to the moulded stone caps (S215 works) to leave them in good order and fully complete with all details and drips to match the retained sections.
- Allow to carefully remove the Ashlar faced stones and set aside for reuse. The stones are to be initially removed down to the stones

shown on the sketch (retained stones) to allow for an inspection of the base prior to rebuilding the pier.

- Allow to carefully remove and set aside for reuse the stone infill to the main pier.
- Allow to carefully remove and set aside for reuse the coping stone to the random rubble faced wall.
- Allow to carefully remove the random rubble stone wall, down to a sound base ready for rebuilding.
- Allow to supply and fix new stainless steel Bricktor, 150 mm wide laid in the bed joints in two locations as shown on the attached drawing. The Bricktor is also to be provided with 10 mm stainless steel twisted Heli-fix bars which are to be either driven into the retained stone or placed when the wall and pier are being rebuilt, minimum 600 mm long and stainless steel wired tied to the Bricktor as the work proceeds.
- Allow to rebuild the random rubble stone wall with the previously set aside stones with lime mortar mix of a 1:3 lime putty mix which has been pre-mixed off site, this is then having NHL 3.5 added to the mix on 1:8 basis to allow the NHL to contribute to the curing time for the mortar.
- Allow to carefully rebuild the Ashlar faced stone sections, placing the stones back in the previously marked positions with a lime mix as above and mortar joints to match the original. Allow for the provision of stainless-steel dowels to be drilled and fixed between the stones to ensure they are kept in a vertical condition, assume an 8 mm dowel approx. 50 mm in length.
- Allow to infill the centre of the pier as the work proceeds with the previously set aside random stones with lime mortar mix to match existing.
- Allow to carefully fix back in place the repaired moulded stone caps with a lime mortar mix and bed joint to match the original. Allow for the provision of stainless-steel dowels to be drilled and fixed between the stones to ensure they are kept in a vertical condition, assume an 8 mm dowel approx. 50 mm in length.

- Allow to carefully fix back in place the dog statue with a minimum of two 10 mm stainless steel dowels set in to the base of the dog statue and the head of the moulded stone caps.
- Allow to make good and level off the ground, remove all debris and leave the site in a clean condition.

1.3 Tawstock Court formerly St Michael's School encompasses a collection of buildings and structures with historic and architectural significance. The oldest, the gatehouse, dates from the mid-16th century and is listed Grade II\*. The main house dates from the latter half of the 18th century and is listed Grade II. To the south-west of the house are the former gymnasium/theatre, originally stables, which is late 16th century in part, and the coach house and stable block which are both early 19th century. These three structures are listed Grade II. There are five sets of gate piers associated with Tawstock Court and Park, which are individually listed Grade II. There is also a set of garden structures including walls, terraces, folly, and two summer houses which are collectively listed Grade II. The whole sits within a designed landscape which is not on the Register of Historic Parks and Gardens but may well deserve to be so. To the east, down the slope but related to the Court in landscape terms, is the Grade I listed Church of St Peter. Tawstock Court and its grounds are included within the Tawstock Conservation Area, though it is fair to say there is a difference in character between the largely vernacular buildings within the village core, and the polite architecture of the Court.

1.4 The gate piers forming the subject of this report are those for the main entrance drive approximately 50 meters south-west of Tawstock Court including the length of courtyard wall with the courtyard entrance extending east. They are listed Grade II in their own right and the formal List Description states,

“Gatepiers to main entrance drive including length of courtyard wall with courtyard entrance. Gatepiers C18. Cob wall and courtyard entrance C17. Gatepiers. Ashlar square-section with moulded caps surmounted by dogs. Cob wall extending east from left side pier incorporates slate pentice roof to porch with C17 chamfered door surround and old double plank doors with cover strips forming 10 panels to each door.

Listing NGR: SS5566929862”

1.5 The gate piers are in separate ownership with the northern gate pier being owned by the owners of Tawstock Court. The owners of the northern pier are working with the Council to carry out the necessary repairs and maintenance

required. The southern gate pier was sold off along with land to the south of Tawstock Court approximately 25 years ago.

- 1.6 The gate piers specifically the southern pier is in a considerable state of disrepair. There have been years of inaction by the owners to address the condition of the gate piers voluntarily and works are urgently required for their preservation.

- 1.7 The Conservation Officer has provided some initial comments:

*“The gate piers to the main entrance drive to Tawstock Court, and the length of cob wall including timber door to the east are grade II listed structures. They are both in a deteriorating condition; the southern gate pier is particularly bad and has structural issues which look to have been caused by impact. The bases to both are eroded, which no doubt is contributing to the ongoing issues.....Specifically regarding the southern pier...*

*It is quite likely that the southern pillar will need to be dismantled in order for the bottom part to be reinstated. This should be done in the same manner as existing, so the ashlar stones around the outside will need to be labelled before dismantling, and then reinstated in the same positions, around a rubble core, and lime mortar, not cement, should be used throughout.”*

- 1.8 Suggested course of action/the following paragraphs are the Urgent Works Notice checklist as set out by Historic England’s Document “A guide to enforcement action to save historic buildings” Stopping the Rot and our actions to date.

- 1.9 Decide if an Urgent Works Notice is the appropriate way forward. It is considered the Urgent Works Notice is necessary as set out above. Furthermore, following receipt of the survey from nova surveyors on 5 August 2024 which was commissioned by the Council (and attached to this report) this confirms urgent works are required to ensure preservation of the fabric as the repairs will prevent further water and structural damage occurring to the pier. In addition that report states there is clear structural damage to the pier, and this represents a health and safety danger to anyone using the road and general members of the public. The pier needs to be carefully taken down and rebuilt in a safe manner to leave the pier in a structurally stable condition.

- 1.10 Write to the owner setting out the provisions of sections 54-55 of the Listed Buildings Act 1990 and requesting a site meeting and access to the building. The Council have written to the owners as set out above but they do not consider they own the pier despite it being within their Land Registry Title plan area. Communication and negotiations with them have not progressed and we

have reached an impasse. A site meeting was not necessary as the pier is visible and accessible from the public highway.

- 1.11 Discuss the building's problems with colleagues or professional advisors to ensure the correct type of advice is to hand for any site visit. An external architect or engineer may need to be engaged. A survey has been commissioned which details the works are necessary and urgent.
- 1.12 Carry out a site visit with other relevant professionals (this may be their only opportunity to visit the property). As well as noting aspects where urgent works are required, take a comprehensive set of internal and external dated photographs and make a sketch plan of the building. A site visit was carried out by the surveyor on 12 July 2024 and all the information obtained at that visit enabled them to produce the survey and schedule of works report.
- 1.13 Draw up a draft schedule of urgent works. This has been drafted by nova surveyors.
- 1.14 Obtain competitive quotations for work to be carried out, if not already obtained. This is currently being carried out by the Conservation Officer.
- 1.15 Obtain appropriate local authority permission for action. This report seeks that approval as required under the current scheme of delegation.
- 1.16 Confirm details of owners and those with an interest in the property through the Land Registry. This has already been obtained and advice sought from Legal Service when the ownership was questioned by the owners of the southern gate pier.
- 1.17 Serve Requisition for Information Notice under section 330 of the Town and Country Planning Act 1990. This is not required as the gate pier in question is within a Land Registry Title.
- 1.18 Follow up the site visit with a second letter to the owner setting out a draft schedule of urgent works and a date for formal service of a Notice if the works are not carried out. A further site visit is not considered necessary but the second letter with draft schedule of works is being drafted and will be sent out to the owner's shortly.
- 1.19 Draw up an Urgent Works Notice to include:
  - a summary of the provisions of section 54
  - reference to the provisions of section 55 regarding entitlement to recover costs
  - a separate schedule of works with any accompanying plans or illustrations

- a location map
- local authority contact details

This will be prepared following approval of this report.

- 1.20 Serve Urgent Works Notice in person or by attaching to the property. This will be served on the owners by recorded delivery and by attaching the Notice to the gate pier itself too.
- 1.21 When the Notice period (which may be more than 7 days) has expired, make arrangements to carry out the works, serving an additional Notice giving 24 hours' notice of intent if considered appropriate. Following receipt of the two quotes for the works and approval of an appointment should we need them, the contractors will be on standby to carry out the works.
- 1.22 Draft a Section 55 Notice to include: a statement that the local authority has carried out works to the named premises on (dates), pursuant to the Notice served under section 54 of the Listed Buildings Act 1990 on (date) and a summary of the provisions of section 55 and a statement that the Notice is being served pursuant to those powers. Legal services will be instructed to draft and issue this Notice which will include:
  - the amount being reclaimed
  - the itemised costs of the works and any additional eligible item
  - a copy of the invoice(s) and receipt(s)
  - details of the mechanism for making representations to the Secretary of State
  - method of payment and contact name
- 1.23 Serve the section 55 Notice to seek to reclaim costs. Legal services will be instructed to serve this Notice.

## **2. FINANCIAL IMPLICATIONS**

- 2.1. The initial costs to the Council for the works if required are likely to be a considerable amount, the full estimate will be available to report following receipt of the quotes from the contractors. Officers are able to take reasonable steps to claim money back from the owner. If funds are claimed back.
- 2.2. An assessment of any future potential liability arising from the works and how this is managed may also be required.

### **3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?**

3.1. There are no other actions the Council can take to remedy this breach of planning control. The owner has not willingly complied with requests to remedy the breach.

### **4. ANY CONFLICT OF INTEREST DECLARED?**

4.1. None

### **5. DISPENSATION IF GRANTED**

5.1. Not applicable

### **6. BACKGROUND PAPERS**

6.1. The enforcement case was opened on 7 September 2017 on request from the Chair of the Tawstock Parish Council.

6.2. A site visit was carried out on 8 November 2017.

6.3. On 8 March 2018 the Council wrote to the owners of the pillars asking them to contact the Council about carrying out repairs. On 9 March 2018 the owners son (owners of Tawstock Court) replied by email to confirm they did not own the gate pillars. On 17 March 2018 the owner of Tawstock Court replied by letter stating that they did not own the gate pillars.

6.4. On 29 July 2019 a letter was sent to the owner of the southern pillar stating they should contact the Council by 26 August 2019 with confirmation that they will repair the pillar and undertake repair works.

6.5. On 13 May 2022 a site visit was carried out and photos taken. The gate pillars were still in a poor state of disrepair.

6.6. No further action was taken due to staffing and resource issues until current Planning Enforcement Officer came to post.

6.7. A site visit was carried out on 14 December 2023 and photos were taken. The condition of both gate pillars was poor but the southern pillar in particular was in need of urgent attention as there appeared structural damage. Photos of southern pillar below:





- 6.8 An email was sent to the Council’s Conservation Officer on 15 December 2023 asking for her opinion and a specification for what she needed the owners to do so that this advice could be included in a letter to them.
- 6.9 The Conservation Officer responded on 5 January 2024, the comments received were as follows:

*“The reason for action would be the poor and deteriorating condition of the listed structures. I would suggest that we consider serving an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act on the owners of the southern gatepier. If the owners do not comply or at least engage with us within a reasonable period (as short as possible) we can carry out the works ourselves and recover the money from them. A Repairs Notice does not have this option.*

*Both piers are in a poor condition but the southern one is much worse. The northern one does, however, need some attention so I would suggest that we write to the owners of this one, using some of the text below, and encouraging them to talk to me about the means of repair, which will probably include pinning and foundation build-up. This one isn’t quite bad enough for an UWN,*



*but they do need to know that we are taking action which might include this notice on the southern pier.*

*I would suggest that you write to both sets of owners along the following lines:*

*The gatepiers to the main entrance drive to Tawstock Court, and the length of cob wall including timber door to the east are grade II listed structures. They are both in a deteriorating condition; the southern gatepier is particularly bad and has structural issues which look to have been caused by impact. The bases to both are eroded, which no doubt is contributing to the ongoing issues.*

*The Local Authority has concern about the ongoing deterioration of both structures, in particular the southern pier the condition of which should be addressed as a matter of urgency. This is the responsibility of the owners. It should be noted that if either pier should suffer further damage, and, for example, the statues and their supports become damaged or broken, the LPA does have the power to insist upon full replacement, which in this case would include the carved stone statues. In order to avoid what is likely to be a considerable expense, I would suggest that action is taken in the very near future.*

*Specifically regarding the southern pier...*

*It is quite likely that the southern pillar will need to be dismantled in order for the bottom part to be reinstated. This should be done in the same manner as existing, so the ashlar stones around the outside will need to be labelled before dismantling, and then reinstated in the same positions, around a rubble core, and lime mortar, not cement, should be used throughout. I am willing to talk to the owner's professional advisor about the methodology for repair."*

- 6.10 Land Registry Searches were completed on 12 January 2024 and letters sent out to the registered freeholders of both pillars (they are in separate ownership, the northern one belongs to the owner of Tawstock Court and the southern pillar belongs to the owner of the land to the south of the drive) requesting they contact the Council to discuss the required repairs as soon as possible to avoid a formal notice.
- 6.11 On 18 January 2024 the owner of the southern gate pillar called and spoke with the Planning Enforcement Officer and advised that they did not own the southern gate pillar. The Council emailed the owner back on the same date explaining that according to the Land Registry documents they did own the pillar as well as the land.
- 6.12 The owner of the northern gate pillar sent a letter to the Council dated 19th January 2024 but received by the Council on 24th January 2024. This claimed

they did not own the gate pillar. A letter was sent back to the owner of the northern pillar stating according to the Land Registry documents they did own it.

- 6.13 A letter dated 8 February 2024 received on 14 February 2024 from the owner of the northern gate pillar asked for details of what they needed to do to the pillar and they would look at doing the work as soon as they were able. A letter was sent back to the owner on 22 February 2024 providing some initial advice but requesting they contact the Conservation Officer for additional information and advice. To date they have not done so.
- 6.14 Between January – April 2024 the owners of the southern pillar engaged an agent who corresponded with the Council. The main thrust of the emails were that they did not own the southern gate pillar whilst the Council maintained they did.
- 6.15 On 27 February 2024 the Council emailed Devon County Council to enquire if they owned the gate pillars. They confirmed in an email of the same date that they did not own either of the gate pillars.
- 6.16 An email to the agent for the owners of the southern gate pillar sent on 7 May 2024 advised that the Council were now intending to take more formal action as we had not reached a resolution.
- 6.17 Further email correspondence occurred during May and June 2024 between the Council and the agent for the owners for the southern pier but they are essentially stating they don't own the southern gate pier.
- 6.18 The Council commissioned and obtained a survey of the southern gate pier which set out to ascertain the structural condition and general condition of the stone pier. It also sought to ascertain any immediate urgent repairs required and any cosmetic repairs to bring the pier back into good structural order. The report was received and sent to the Planning Enforcement Officer on 8 August 2024. A copy of this was emailed to Devon County Council as Highways Authority and Building Control, however having received that report, it was considered necessary to serve an Urgent Works Notice to ensure the necessary and required repairs are carried out as soon as possible. This report (dated 12 July 2024) is attached to this document for information.
- 6.19 A letter was sent to the owners of the southern pier on 23 August 2024. This attached a draft schedule of works, which advised the Council considered urgently necessary for the preservation of the listed gate pier (southern pier). The Council reminded the owner that under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it could carry out any works considered urgently necessary for the preservation of a listed building. The



letter explained that the works required for this listed structure were detailed in the attached survey and schedule (and also attached to this report). The letter advised that if the Council undertook the works, they could recover the expenses from the owner under Section 55 of the same Act. The letter advised that to avoid an Urgent Works Notice we needed a written undertaking within 14 days of the date of the letter that they will carry out the works detailed on the schedule within three months to properly preserve this listed structure.

**7. CONSULTATION UNDERTAKEN (Please note all who have been consulted on this decision):**

7.1 Collette Hall the Conservation Officer and Tracey Blackmore (Service Manager) Development Manager and Legal Services.

**8. OFFICER REQUESTING DECISION TO BE TAKEN:** Stacey Salter, Planning Enforcement Officer

**9. NAME OF DECISION TAKER:** Tracey Blackmore Service Manager (Development Management): Head of Planning, Housing and Health

**10. DATE DECISION TAKEN:** 07/10/2024

**11. APPROVED BY DECISION TAKER:** Yes

**12. DECISION TAKER'S COMMENTS:**