

Case No. ENF/17/00213/LB

Grid Ref: 295502 102734

Address:

14 Exeter Road, Silverton, EX5 4HX (formerly The Three Tuns Public House)

Reason for report:

Urgent and appropriate repairs to the grade II listed building are required in order to preserve it and steps are also required to remedy the condition of the land which is adversely affecting the amenity of the area.

Recommendation:

That, in respect of the Grade II listed building on the site, the Group Manager for Legal Services and Monitoring Officer be given delegated authority to:

- 1 issue a Repairs Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifying the works reasonably necessary for the proper preservation of the building; and
- 2 take all such steps and action necessary to secure the improvement of the appearance of the building in order to remedy the adverse impact it currently has on the amenity of the area, including the issue of a notice under Section 215 of the Town and Country Planning Act 1990 and subsequent prosecution and/or direct action in the event of non-compliance with the notice.

Site Description:

14 Exeter Road, Silverton, EX5 4HX (formerly The Three Tuns Public House)

Site Plan:



Site History:

01/02020/FULL	Erection of dwelling and alterations to access	PERMIT
84/01592/OUT	Outline for the erection of a dwelling	REFUSE
82/01322/FULL	Erection of kitchen extension	PERMIT
14/00150/LBC	Listed Building Consent for works within existing dining room and bedroom to provide additional letting rooms	PERMIT
14/01943/FULL	Erection of dwelling	PERMIT
16/00922/FULL	Erection of a dwelling	PERCON
16/01460/FULL	Erection of 2 dwellings and boundary walls following removal of block of five letting rooms, part of lavatory building and part of boundary wall (Revised Scheme)	PERCON
16/01461/LBC	Listed Building Consent for removal of block of five letting rooms, part of lavatory building and part of boundary wall (Revised Scheme)	PERCON
16/01927/FULL	Conversion of Inn to 1 dwelling and rebuilding of boundary wall following removal of a block of five letting rooms and storage and lavatory buildings (Revised Scheme)	PERMIT
16/01928/LBC	Listed Building Consent for the conversion of Inn to 1 dwelling and rebuilding of boundary wall following removal of block of five letting rooms and storage and lavatory buildings	PERCON

Development Plan Policies:

National Planning Policy Framework, paragraphs 126-141 (Conserving and Enhancing the Historic Environment)

Mid Devon Local Plan Part 1, Core Strategy (COR2 Local Distinctiveness)

Mid Devon Local Plan Part 3, Development Management Policies (DM31 Planning Enforcement)

Background Information:

14 Exeter Road, Silverton is a grade II listed building. Listing provides statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. The building is a c. 16th century stone, cob and thatched building which was built as an inn with associated accommodation and forge. It lies in Silverton conservation area and holds a prominent position in the street scape. When in good repair it makes a very positive contribution to the street scene and character of the conservation area. The adverse is also the case – when in a poor condition such as it currently is, it has a negative impact on character and appearance. The building has been in use as a public house until 2016 when it gained planning permission for a change of use to a single dwelling. It is currently occupied by the owner. Prior to this it had been closed as a public house for approximately 18 months. The land immediately to the rear of the pub has also gained planning permission for the erection of two new dwellings which are currently under construction.

The listed building's thatched roof has been deteriorating over the past several years. The thatch covers an original timber roof structure which has been altered and added to over time but which contributes to the special interest of the building. This original timber roof is being damaged by rain water which is now penetrating through the thatch. Rainwater is coming into the first floor accommodation of the house in several places and is also being channelled off the roof and down the façade of the building onto the windows and the render. Loose thatching material is being blown from the roof and onto the surrounding public highway. A tarpaulin that previously covered part of the roof and kept some rainwater out of the building has been blown off the roof and remnants of this are still visible.

Despite repeated discussions with the owner about the need for works to repair the roof and carry out rethatching (either patch repairs or more comprehensive rethatching) these have not been forthcoming. Interim measures of attaching a new tarpaulin to the roof have also not been carried out. The condition of the roof continues to deteriorate putting the condition of the listed building at risk and also causing harm to the character and appearance of the conservation area and adversely affecting the visual amenity of this part of the village.

The building and land were for sale as a public house prior to its conversion but did not sell. The owner has indicated that he may put the house on the market in 2018. However, in the meantime the building continues to decline, causing harm to the fabric of the building and the visual amenity and character of the area.

A Repairs Notice requires that reasonable steps are taken to ensure the preservation of a listed building. The notice identifies, in a prescribed list, those works considered necessary to achieve that aim. Non-compliance with a Repairs Notice can lead to a Council beginning Compulsory Purchase Procedures under section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with associated compensation to the owners, however this report does not request such action at this stage. A Repairs Notice appears on a land registry search for the property and must be complied with by the owner, even if that owner changes during the time period of compliance. In this instance a Repairs Notice would ensure the preservation of the listed building's fabric through repairs.

A Section 215 Notice requires action to be taken to improve land adversely affecting the amenity of the area through tidying of land or buildings. If the notice is not complied with the Council can undertake works in default and recharge the owner(s) of the land and/or prosecute. A Section 215 Notice appears on a land registry search for the property and must be complied with by the owner, even if that owner changes during the time period of compliance. In this instance a Section 215 Notice would prevent the adverse impact on the amenity of the area through ensuring loose thatching straw did not escape from the roof onto the public highway, and that the visual appearance of the building is improved through repairs and redecoration of the windows and render where rainwater has caused damage and staining.

Options for action or remedy:

The list of options available is as follows:

Serve a Repairs Notice under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the owners of the building in order to prescribe a list of those works deemed reasonably necessary for the proper preservation of the listed building. These works could include the repair of the internal structure of the roof where necessary, the rethatching of the whole building and the making good of any damage caused to the building by rainwater.

Serve a Section 215 Notice under the Planning Act 1990 on the owners of the building in order to prescribe a list of those works deemed reasonably necessary to resolve the

adverse effect on the amenity of the area. These works could include the immediate addition of a tarpaulin cover to the thatched roof to prevent further thatching material being blown off the roof onto nearby land.

Serve both of the above notices in order to resolve the longer term repairs deemed necessary and reasonable for the preservation of the listed building, and also to ensure the shorter term aims of addressing the adverse impact on the amenity of the area caused by the appearance of the building and the escape of loose thatch onto the road.

Do nothing

Advice to committee

It is recommended that option 3 is approved as the best method of achieving both longer term repairs to the interior and exterior of the listed building, and also shorter term immediate action to mitigate the adverse impact on the amenity of the area (through the escape of straw onto the public highway and visual impact of a dilapidated building). It is therefore further requested that should the Section 215 notice not be complied with, that works in default (the erection of a tarpaulin cover to the entirety of the thatched roof) are carried out by the Council and a suitable recharge is made to the owners of the building. Also, that if that recharge is not paid, that a charge be made against the land charge register relating to the building which will allow future collection of the money owed on the sale of the property. The sum that can be reclaimed includes the original monies, plus interest calculated at base rate.