Stopping the Rot

On 1st April 2015 the Historic Buildings and Monuments Commission for England changed its common name from English Heritage to Historic England. We are now re-branding all our documents.

Although this document refers to English Heritage, it is still the Commission's current advice and guidance and will in due course be re-branded as Historic England.

Please see our website for up to date contact information, and further advice.

We welcome feedback to help improve this document, which will be periodically revised. Please email comments to guidance@HistoricEngland.org.uk

We are the government's expert advisory service for England's historic environment. We give constructive advice to local authorities, owners and the public. We champion historic places helping people to understand, value and care for them, now and for the future.

HistoricEngland.org.uk/advice
Prolonged neglect had allowed this listed London town house to become a risk – not only to itself but to the character of the surrounding buildings in the conservation area. The initially reluctant owner was eventually galvanised into action by a statutory Repairs Notice served by the local authority. The building was promptly sold to a developer who agreed an acceptable scheme for its repair and return to residential use.
Introduction

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.

John Penrose MP
Minister for Tourism and Heritage

Some local authorities have successfully used Urgent Works Notices and Repairs Notices for many years but others are less familiar with what they can achieve.

To find out more, English Heritage commissioned the Institute of Historic Building Conservation to survey the frequency with which local planning authorities had used statutory action to tackle neglected historic buildings between 2006 and 2011. Of the 76% of local planning authorities that responded to the survey:

• 20% served one or more Section 215 Notices between 2006 and 2011
• 20% served one or more Urgent Works Notices
• 12% served one or more Repairs Notices
• 60% took no enforcement action of any kind

Of the local planning authorities that have not undertaken any enforcement action in the past five years, the reasons given were:

• 33% had avoided action by successful negotiation
• 16% lacked the necessary specialist resources
• 14% lacked the political appetite for statutory action
• 10% had avoided action by offering grants

Where enforcement action was decided upon by the local authority:

• More often than not the threat of an Urgent Works Notice (60%) or Repairs Notice (69%) was all it took to secure the necessary works
• In the remaining cases, owners complied with 41% of the Urgent Works Notices and 32% of the Repairs Notices actually served, without the planning authority having to take further action
Why it matters

The owners of listed buildings are under no legal obligation to maintain their property in a good state of repair. In most cases owners are proud to look after their buildings. When they do not, local authorities can use a range of measures to persuade owners to take responsibility for looking after our heritage seriously. When negotiation fails, local authorities have a range of statutory enforcement powers at their disposal. At their lightest level they involve notices to secure improvements to the external appearance of a site or a building, but in the last resort they can lead to full repair or compulsory purchase. In many cases, a written warning of impending action is all that it takes to encourage the owner to undertake the works.

Deciding which powers to employ depends on the professional judgement of the individual planning authority. However, as recent research by the Institute of Historic Building Conservation shows, too many local planning authorities lack the specialist staff that are vital to effective enforcement action. As a result, they can be reluctant to commit to courses of action they do not properly understand.

In particular, there is a tendency to think of enforcement action only in terms of full-blown compulsory purchase. In reality, it involves a hierarchy of lesser measures that individually or in combination can achieve good results. The risk of escalating costs and legal proceedings can also be minimised through prompt intervention.

The initial steps in the enforcement process are relatively simple and straightforward to use. If local planning authorities take action early they can save themselves not only time and effort but the growing cost of repairing a building that is falling further and further into decay.

Stopping the Rot is designed to help local authority officers navigate their way through the different statutory powers at their disposal and to give them confidence to apply them to best effect. As well as providing step-by-step advice on the use of the main procedures, the guidance includes a series of practical case studies and a selection of specimen letters, notices, schedules and agreements.

No two enforcement cases are the same, but there is a huge amount that local authorities can learn from the practical experience of their counterparts up and down the country. English Heritage hopes that this new and enhanced edition of Stopping the Rot will give many more councils the confidence to use the powers available to them to secure the future of threatened historic buildings in their areas. They are our shared concern and we all have a part to play in securing their long-term future.

To find out more, visit www.english-heritage.org.uk/risk

Over the past 10 years Liverpool’s Buildings at Risk project has successfully used statutory powers to tackle the problem of derelict listed buildings. As well as being a visual eyesore, they are the outward representation of a raft of other social, economic and ownership problems. The consistent use of Section 215 Notices and other enforcement powers has stimulated more than £25 million of investment in the city’s listed buildings, which has in turn helped to deal with the attendant problems of crime, economic stagnation and adverse ownership. Since 2001 the number of listed buildings at risk in Liverpool has fallen from 13% to under 5%.

Source: Liverpool City Council’s Buildings at Risk Officer © Liverpool City Council
How it works

Keeping historic buildings in good repair 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.

There are a number of provisions available to local planning authorities to deal with different situations and stages in the enforcement process. Some of these relate specifically to listed buildings, because of their individual importance, and others to the more general amenity value of an area. 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. For more information see: www.english-heritage.org.uk/grants

This Grade II building in Gloucestershire was already at risk from neglect when a fire left it uninhabitable and open to the elements. Over the next few years the local authority used a Listed Building Enforcement Notice followed by an Urgent Works Notice to stabilise its condition. Finally, a Repairs Notice, with its threat of a Compulsory Purchase Order, was the catalyst that persuaded the owner to sell the property at a realistic price. As a result, this significant building was sold to a new owner, the local authority’s debt was paid from the proceeds of the sale and repairs have been successfully completed without the need for further enforcement action.