

## **BARNSELY METROPOLITAN BOROUGH COUNCIL**

### **Report of Senior Conservation Officer, Planning Policy to Planning Regulatory Board on 20<sup>th</sup> October 2020**

#### **Proposed Listed Building Enforcement (Repairs) Notice, Worsbrough Hall, Worsbrough Village.**

#### **1.0 Purpose of Report**

**1.1 To make members aware of the long standing and deteriorating condition of Worsbrough Hall and its grounds - a listed building. To explain the reasons why statutory enforcement action is necessary and to seek authorisation to serve a Listed Building Repair Notice (Repairs Notice)**

#### **2.0 Recommendations**

- (i) The Council withdraws the current (in force) Repairs Notice that was served on the 15<sup>th</sup> of September 2014 that was restricted to numbers 6 and 7 Worsbrough Hall.**
- (ii) That, in exercise of statutory powers, the Council serves a new Repairs Notice under Section 48 of the Listed Buildings and Conservation Areas Act 1990 on the whole of Worsbrough Hall. This Notice would include numbers 4, 5, 6 and 7 Worsbrough Hall specifying all repairs and works necessary for the long-term preservation of the listed building. A full version of the Repairs Notice can be found in the accompanying - Schedule 2.**

#### **3.0 Background and Proposal**

**3.1** Worsbrough Hall is situated at the northern edge of Worsbrough Village Conservation Area. The building is grade II listed and is located close to Worsbrough Hall Flats which is also listed at grade II. The Hall was the former seat of the Edmunds family and was built (or remodelled) by Thomas Edmunds in the seventeenth century. However, fragments of earlier building fabric remain within the current structure. This suggests the building has an earlier (perhaps post Medieval) origin. Thomas Edmunds was a notable member of the minor gentry being secretary to Thomas Wentworth 1<sup>st</sup> Earl of Strafford (1593 – 1641) who resided at Wentworth Woodhouse. Worsbrough Hall stayed in the ownership of the Edmunds (Martin – Edmunds) family until the late nineteenth century when it was leased to a succession of local colliery owners. Subsequently, The Hall was purchased by the NCB who auctioned it for sale in the 1960's. Since then The Hall and its grounds has remained in, or partly within (Numbers 6 and 7) the ownership of the (redacted) family. By virtue of its age, its architecture, and its past associations, the building has high historic significance, and lends much to setting of Worsbrough Conservation Area. Arguably, the current grade II listing does not reflect the true importance of the building. A location plan showing The Hall and its grounds is included in appendix 1.

A photograph of The Hall from the 1960s is included within appendix 2. By the mid-1970s The Hall had fallen into a state of disrepair (see further photographs in appendix 2).

Note: Worsbrough Hall Flats which is adjacent to Worsbrough Hall are in a good state of repair.

### **Previous Attempts to Repair & Restore**

By the late 1970s planning and listed building applications had been granted to subdivide The Hall and for enabling development to erect dwellings that would have provided finance to undertake the necessary repairs to The Hall. Unfortunately, most of these permissions were not implemented. However, demolition at the rear of The Hall which linked it with Worsbrough Hall Flats was carried out. This demolition work was carried out in the early 1980's but was not accompanied by the approved works to repair and restore the building. By the 1980's The Hall was subdivided into four units (nos. 4, 5, 6 & 7 Hall Close) with nos. 4 & 5 sold off and no longer owned by the (redacted) family.

During the early 1990s a housebuilder (George Longdon Homes) obtained permission to repair The Hall and convert the building at its rear (Worsbrough Hall Flats) and to erect 4 dwellings. Whilst the building at the rear was converted to flats, George London Homes went into receivership before The Hall itself was restored and the 4 dwellings were erected.

During the late 1990's the Council became increasingly concerned over the lack of progress in repairing The Hall and warned the owner repeatedly that this may result in enforcement action.

Following the turn of the millennium, temporary measures were put in place to attempt to prevent deterioration of the middle section of the building (see photograph in appendix 2). Further permissions for enabling development were granted to companies owned by the (redacted) family between 2008 & 2010 but again, these have not been implemented.

Currently, the net result of the demolition of the rear extension / linking range and the failure to implement restoration works has been to accelerate the deterioration of numbers 6 and 7 Worsbrough Hall.

### **More Recent Events**

In 2013, land within the grounds of The Hall owned by the (redacted) was repossessed by a lending bank and sold at auction to a third party. This third party approached the Council to establish whether it would be possible to work in partnership with a view to providing enabling development that would secure the repair and restoration of The Hall. For approximately a year officers attempted to broker a partnership with the current owners of The Hall and the third party to achieve the repair. However, despite numerous attempts by Council officers to encourage the owners to work in partnership, it became apparent that this was not

something they would entertain. Instead, the owners attempted to form a partnership with a neighbour at Hall Flats with a view to reconstructing the linking range between the rear of The Hall and Hall Flats whilst simultaneously repairing The Hall. In due course Planning Permission and Listed Building Consent were approved for these works. However, the proposal came to nothing and remained unimplemented. As a result of the Council's concern over the state of the building, a Repairs Notice was served on the owner of 6 and 7 Worsbrough Hall in September 2014. Despite some ad-hoc repairs of poor quality, this Repairs Notice has not been abided by. In 2018 the owners attempted to resurrect the linking range proposal but this was refused due to serious concerns over the details of the application and the accelerating deterioration of The Hall. Objections were also received from Historic England. In 2019 the owners applied to construct a detached annex immediately in front of the principal elevation of The Hall, but this was also refused due to concerns over serious harm to the setting of The Hall and objections by Historic England. The application was appealed to the Planning Inspectorate; however, the appeal failed and was not upheld.

It is worth noting that since 1972, in excess of 35 Planning Applications, Listed Building Consents and Appeals have been submitted by the owners for developments in and around Worsbrough Hall. However, to date none have resulted in the repair of the listed building.

## **2017**

In 2017 a large parcel of woodland immediately adjacent and to the east of The Hall was sold by the (redacted family name) to a Mr (redacted). The woodland is protected by a blanket (woodland) TPO. Following the sale of the wood, the land has been developed with road access points, walls, hardstanding's and is currently occupied by numerous caravans, vans and other items. Trees have allegedly been damaged, felled or lopped to accommodate this use which has all taken place without Planning Permission. The Council is currently engaged in enforcement action in relation to these activities.

## **2019**

Following discussions with Historic England over concerns over the long-term survival of the building, a detailed survey of the whole building (4, 5, 6 and 7) was planned the summer of 2019. Unfortunately, access was initially denied by the owner of Number 6 and 7. Following further negotiation and the threat of access via a Warrant, access was agreed in December 2019. The survey included a detailed analysis of the wants and needs of repair of the building both internally and externally and included an itemised schedule of repairs. As expected, the results of the survey suggest that the central section of The Hall which is missing it's roof and is derelict inside is in the worst condition. Number 7 (West Wing) is in a poor condition, and Numbers 4 and 5 need remedial repairs of a less serious nature. The survey was carried out by a conservation accredited Architect, and a Valuer Surveyor and was part funded by Historic England with a view to supporting The Council in resolving the situation. As part of this support, the Head of Legal Services at Historic England advised that Repairs Notices should be served on the whole of a

listed building and not part. This is because under legislation, the building is protected as a single asset. As such, the aim of a long-term conservation strategy (including any statutory action) should be to protect the listed building as a whole even though it may be in multiple ownerships.

#### **4.0 Statutory Criteria**

Section 48 of the Listed Buildings Act 1990 enables local authorities to serve a Repairs Notice on an owner of a listed building specifying those works it considers reasonably necessary for the proper long-term preservation of the building.

Repairs Notices are used when a building is seriously neglected and the need for permanent repair accumulates to the point where there is potential for serious harm or loss. The condition of a building at the date of listing is crucial in determining the extent of repairs that may be specified. In this case the first listing occurred in November 1966 at which point the building appeared in a reasonable state of repair.

Following the serving of a Repairs Notice, if after a period of not less than two months it appears that reasonable steps have not been taken for the proper preservation of a building, the Authority can begin compulsory purchase proceedings under section 47 of the Act.

It is important to note that serving a Repairs Notice under section 48 does not commit the authority to proceed to compulsory purchase action immediately. However, it does allow an application to be made (for a CPO) if this subsequently becomes the only option likely to safeguard the listed building in the long term.

- Under section 47 and the authority can withdraw the Repairs Notice at any time.

#### **5.0 Options**

**5.1** Withdraw the current Repairs Notice served in 2014 and replace this with a comprehensive new Repairs Notice covering the whole of the building. The details of the necessary repairs will be taken from the Conservation Architect's itemised survey carried out in December 2019.

**5.2** Section 54(l) of the Listed Buildings Act 1990 allows local authorities to serve and execute an Urgent Works Notice to preserve unoccupied buildings. This alternative option allows for emergency repairs to keep a building wind and weatherproof and safe from collapse. Service of an Urgent Works Notice allows the council to carry out immediate minor repairs (to a roof for example) and pursue costs with the owner. However, it is generally understood the intended scope of works of an Urgent Works Notice are aimed at arresting or avoiding serious deterioration and are usually not applicable where serious neglect and decay has already occurred. Additionally, any listed building that is occupied cannot be served with an Urgent Works Notice. The central section of The Hall (Number 6) is unoccupied (in fact it appears uninhabitable) but Numbers 4, 5, and 7 are clearly occupied.

**5.3 Do nothing.** This option would result in the continued deterioration of the listed building to such an extent that it becomes structurally unsafe. Moreover, delay will inevitably result in even greater costs for re-instatement which could escalate beyond the point where repair becomes uneconomic. Ultimately this could lead to the demolition and loss of a historically and architecturally significant building. Additionally, there is a reputational risk to the council in its role as a Planning Authority, where Worsbrough Hall becomes an unfortunate precedent, providing a template for other owners of derelict listed buildings.

## **6.0 Local Area Implications**

**6.1** There are implications for the local area in so much as the current condition of The Hall harms the amenity and setting of the conservation area and the adjacent listed Hall Flats due to the poor state of the grounds and The Hall. If this were rectified, the conservation area setting, and the setting of Hall Flats would be improved.

## **7.0 Compatibility with European Convention on Human Rights**

**7.1** These proposals are considered compatible with the Convention.

## **8.0 Ensuring Social Inclusion**

**8.1** These proposals will have no negative impact on social inclusion.

## **9.0 Reduction of Crime and Disorder**

**9.1** These proposals are not considered to have any effect on crime and disorder.

## **10.0 Financial Implications**

**10.1** These proposals are considered to have no financial implications at this point. However, if the Council agreed to pursue a Compulsory Purchase Order following the serving of the Repairs Notice, there may be financial implications at that point.

## **11.0 Risk Assessment**

**11.1** The Council has powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to enforce the repairs of listed building where it feels this is necessary. The parlous condition of Worsborough Hall is a long-standing issue that has implications for the neighbouring area. However, there are also reputational risks to the Council associated with inaction which may become an unfortunate precedent.

## **12.0 Consultations**

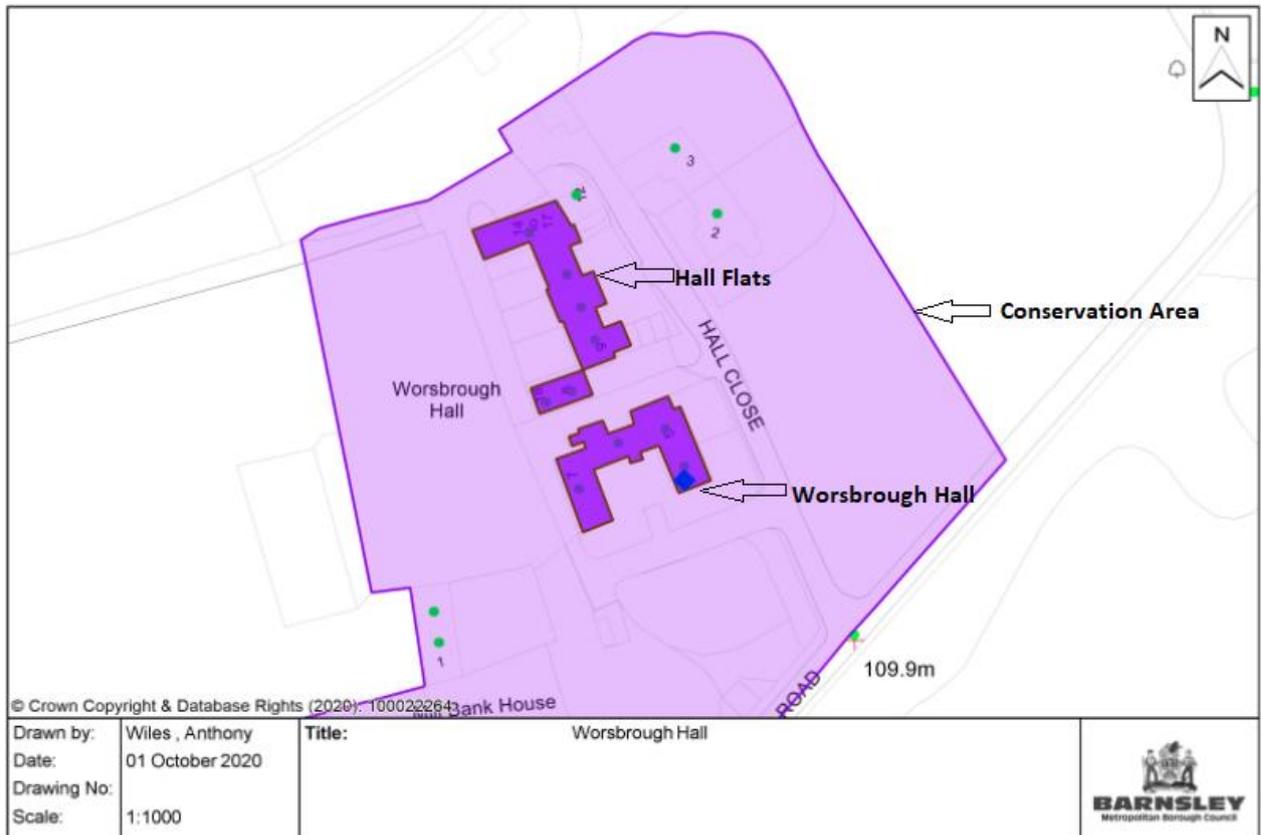
**12.1** Historic England, Planning Regulatory Board

## **13.0 Proposal**

13.1 Councillors approve the recommendations in section 2.

14.0 Appendices

Appendix 1 – Location



Appendix 2 – Photographs / Sketches



J.C. Nattes 1805



1957



1981

1981



1987



2016



2019



2019



2020

Officer Contact: Tony Wiles Tel: ext 2576  
Date: 1<sup>st</sup> October 2020