

CHAPTER 7

GRANT AID AND LEGAL POWERS

GRANTS

- 7.1 South Cambridgeshire District Council has a limited grant budget each year to provide grants for particular works to historic buildings. The grants are carefully targeted and specific criteria exist to be eligible for a grant. Please contact the Council for more information. The grants encourage the repair of Listed Buildings through the use of appropriate local and traditional building materials and methods of high standards of craftsmanship. Repairs must preserve the historic or architectural interest of a property. Minor repair work, general maintenance and redecoration are not eligible.
- 7.2 The use of modern materials such as fibre cement slate or concrete tiles will not receive grant aid and their use on Listed Buildings will require Listed Building Consent. The Council will not normally grant aid second homes, even if they are rented out to tenants.
- 7.3 The grants are purely discretionary. Eligibility does not confer an automatic right to receive grant aid. The Council, under an agreed delegated procedure, can generally deal with grants. However for higher value grants above £25,000 authority must be sought from the Conservation Portfolio Holder or in some instances the Council's Cabinet. The amount of grant awarded is usually no less than 10% of the cost of eligible works and no more than 50%. In cases where the applicant is claiming hardship but is not on an income related benefit a "means test" may be carried out.
- 7.4 A specification and schedule of works will normally be required together with two competitive estimates from different craftsmen based on the works described. Contracts should not be signed before the grant application is determined as revised estimates may be required, or the grant offer may require a particular specification of works or a contractor with the appropriate skills to be used. Professional fees may be considered as part of the grant offer.
- 7.5 Grants may also be available from English Heritage, Heritage Lottery Fund and other sources for Listed Buildings. Advice is available from English Heritage, Heritage Lottery Fund and conservation websites and from South Cambridgeshire District Council.

UNAUTHORISED WORKS TO A LISTED BUILDING

- 7.6 It is a criminal offence under section 9 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to carry out unauthorised works to a Listed Building and fines up to £20,000 can be imposed on any person involved. The Council will seek to prosecute anyone who undertakes works that damages or alters a Listed

Building without applying for Listed Building Consent. In addition, the concept of retrospective consent within the planning system does not apply to Listed Buildings. Works cannot be authorised but can be regularised, and the offence remains.

PROSECUTIONS

- 7.7 The Council has the power to prosecute anyone involved in undertaking works to a Listed Building without the benefit of consent. Sections 3.44 to 3.48 of PPG15 and the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II, Section 7 and 9 deal with Listed Building Prosecutions:

Section 7, Restriction on works affecting Listed Buildings:

Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a Listed Building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

Section 9, Offences:

(1) If a person contravenes section 7 he shall be guilty of an offence.

(2) Without prejudice to subsection (1), if a person executing or causing to be executed any works in relation to a Listed Building under a Listed Building Consent fails to comply with any condition attached to the consent; he shall be guilty of an offence.

(3) In proceedings for an offence under this section it shall be a defence to prove the following matters—

(a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;

(b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;

(c) that the works carried out were limited to the minimum measures immediately necessary; and

(d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

(4) A person who is guilty of an offence under this section shall be liable

(a) on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; or

(b) on conviction on indictment to imprisonment for a term not exceeding twelve months or a fine, or both.

(5) In determining the amount of any fine to be imposed on a person convicted on indictment of an offence under this section, the court shall in particular have regard to any financial benefit, which has accrued or appears likely to accrue to him in consequence of the offence.

- 7.8 On a summary conviction, the court can set a fine of up to £20,000 or imprisonment of a maximum of six months or both. On a conviction on indictment, the penalty can be an unlimited fine or imprisonment of a maximum of two years or both.

ENFORCEMENT

- 7.9 Section 3.43 of PPG15 deals with Listed Building Enforcement issues and states:

If work is carried out without consent, a local planning authority can issue a Listed Building enforcement notice (section 38). The notice may (a) require the building to be brought back to its former state; or (b), if that is not reasonably practicable or desirable, require other works specified in the notice to alleviate the effects of the unauthorised works; or (c) require the building to be brought into the state it would have been in if the terms of any Listed Building Consent had been observed.

POWERS TO SECURE ACTION

- 7.10 The District Council has a series of statutory powers embodied in the Planning (Listed Building and Conservation Areas) Act 1990 which include:

Repairs Notice (Section 48): if a Local Authority believes that a Listed Building is not being properly maintained, it may serve a Repairs Notice on the owner. The notice must specify the works necessary for the preservation of the building, which the owner must carry out. This can be used when a building continues to decline despite attempts by the Council to agree a programme of repairs with the owner or because those repairs have not been carried out. Works can include implementing repairs to reinstate the building to the condition it was in at the time it was listed. Listed Building Consent may be required.

Compulsory Purchase Order: if at least two months have gone by since serving a Repairs Notice, and it appears that steps to secure the preservation of the building are not being taken, the Local Authority may begin compulsory purchase proceedings. Compulsory purchase requires the Secretary of State's confirmation.

Urgent Works Notice (Section 54): these powers can be used on a building that is unoccupied or partially vacant and can be used on either Listed Buildings or unlisted buildings within a Conservation Area. Works that would fall under an urgent works notice would include emergency repairs to keep the building weather

tight, water tight and safe from collapse or to prevent vandalism and theft. The owner should undertake the works, however, the Council has the powers to carry out the works and put a charge on the property.

Dangerous Structures (Section 77): where a building, in the opinion of the Local Authority, is deemed to be not only in disrepair, but dangerous, it may serve notice under Section 77 of the Building Act 1984 to require the owner to either make the building safe, or to demolish all or part of it. On Listed Buildings the local authority must consider whether repair works are urgent, whether issuing an Urgent Works Notice or serving a Repairs Notice would be more appropriate. The serving of a Dangerous Structures Notice does not override the need for Listed Building Consent.

Section 215 Notice- Town & Country Planning Act 1990: provides a local planning authority with the power, in certain circumstances, to take steps requiring land and buildings to be tidied when their condition adversely affects the amenity of the area. The Council may serve a notice on the owner requiring that the situation be remedied. Powers are also available under s219 for the Council to undertake the works and to recover the costs from the landowner. In some circumstances s215 notices may be used in conjunction with other powers, for example, Repair Notices or Dangerous Structure Notices.

PART II: GUIDANCE ON SPECIFIC MATERIALS



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