



Report To: Economic Development Portfolio Holder
Lead Officer: Director of Planning & New Communities

9 September 2015

Heritage Guardianship Sites: Landbeach Tithe Barn, East Hatley Church and Sawston Tannery Drying Shed

Purpose

1. To present Heads of Terms for a lease to let the Landbeach Tithe Barn to a local trust, and to provide an update on other heritage sites.
2. This is not a key decision because the recommendations are for approval 'in principle'.

Recommendations

3. It is recommended that the Portfolio Holder:
 - (a) Agrees the draft Heads of Terms in Appendix 1, to form the basis of a lease with the Landbeach Tithe Barn Trust, subject to acceptable terms and conditions, and also gives approval for a Letter of Intent to be sent to the Shadow Trust
 - (b) Notes the grant offered by Historic England for works to Sawston Tannery Drying Shed, and endorses enforcement action subject to identification of the required funding
 - (c) Notes that legal work is continuing for the transfer of St Denis Church East Hatley to the Friends of Friendless Churches.

Reasons for Recommendations

4. To keep the Portfolio Holder informed regarding Heritage sites, and enable related activities to continue.

Background

Landbeach Tithe Barn

5. Landbeach Tithe Barn is a Grade II Listed Building owned by the council since 1986. It had been leased to the Landbeach Society in 1975.
6. In 2014, Cllr James Hockney with input from Cambridge Past Present and Future commenced work to establish a Trust to take on responsibility for the barn and the lease was surrendered by the Landbeach Society.

7. In 2015, a shadow Landbeach Tithe Barn Trust has been created, and several community events have been organised at the barn. A structural survey report has been provided to the Council. The structural survey estimated the costs of urgent works at £80, 000 and a further £40,000 of other works were recommended. The survey confirmed that the barn is not watertight, and there is some water damage to timbers. Therefore, the council is arranging works to safeguard the barn from further deterioration, through use of tarpaulin.
8. In March 2015, the Portfolio Holder gave approval, in principle, for:
 - The Tithe Barn Trust to take on the responsibility for the Landbeach Tithe Barn, subject to acceptable terms and conditions
 - A partnership agreement to fund and manage the repairs programme, subject to acceptable terms and conditions
 - Urgent works to safeguard the barn from further deterioration, including tarpaulin covers.

Sawston Tannery Drying Shed

9. A tannery has existed continuously on the site in Sawston for nearly 400 years. The Drying Shed was constructed during a period of rapid expansion of the tannery complex and survives relatively unaltered. The drying shed is an exceptional example of a tannery drying shed on account of its extraordinary scale. This is recognised with its Grade II* listing status. It has regional and national importance because it is the only 19th century tannery drying shed known to be built on three floors and was also the largest shed identified in the search by Pre-Construct Archaeology. It was constructed with an arcaded brick ground floor, and three timber framed upper floors with louvred external walls below a hipped slate roof. The ground floor would have housed steeping tanks, with the upper floors used for skin drying. It is currently on the Historic England heritage at risk register and has been given a category 'A' rating, which means 'it is at immediate risk of further rapid deterioration or loss of fabric: no solution agreed'. Historic England has asked the Council to work in partnership to protect the Drying Shed and also to find a long-term future use.
10. The drying shed sits to the rear of the still active tanning site and is no longer in use as it does not meet the current needs of the business. There are other listed buildings on the tannery site.
11. The Council has previously received applications for the shed's demolition and large areas of the slate roof have been removed without the benefit of listed building consent. The owner has made little attempt to make sure that the building stays in a good condition.
12. The drying shed suffers from a weakness in the timber frame where a combination of decay and loss of bracing members has reduced the lateral strength. There are existing temporary supports comprising of timber raking, shores and steel ties bolted to channels, roof slates, and timbered louvers are missing. The shed is extremely vulnerable to collapse and may not survive another heavy winter.

Considerations

- **Landbeach Tithe Barn**

13. A draft Heads of Terms for the lease to the Tithe Barn Trust have been produced and is currently being reviewed by the shadow trust. The shadow trust has requested a Letter of Intent in order to progress an application to become a Charitable Incorporated Organisation (CIO). This status would enable the trust to apply to apply to more organisations for grant funding.
14. A contractor has been appointed to carry out the urgent works to safeguard the barn from further deterioration including tarpaulin covers and a provisional date of 3 October has been agreed for works to commence. It is expected that the contractor will be able to carry out the works with access from the Council's land.

- **Sawston Tannery Drying Shed**

15. The proposal to carry out enforcement under Section 54 was approved by Planning Committee on 5 August 2015. Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 enables local authorities to execute any works that appear to them to be urgently necessary for the preservation of a listed building in their area. An Urgent Works Notice outlines to the owner the minimal necessary work needed to be carried out on the building. The owner is given a limited time during which to begin carrying out the works. The owner may appeal an Urgent Works Notice on the following grounds:
 - (a) Some or all of the works were unnecessary
 - (b) Temporary works have continued for an unreasonable length of time
 - (c) The amounts are unreasonable
 - (d) Recovery would cause hardship.
16. In approximately 60% of cases, the Notice is enough to encourage the owner to carry out the necessary work. If it is not carried out then the Council will be required to carry out the works on behalf of the owner. The Council has written to the owner to give notice that it intends to issue an Urgent Works Notice. The next step is to visit the owner again to seek a mutually acceptable approach to safeguard the drying shed.
17. Historic England has approved a grant of £191,124 to allow the Council to carry out the urgent works to the building under Section 54, if necessary. The grant from Historic England covers 80% of the cost of the project. The necessary works include scaffolding to protect the building and sufficient repairs to stabilise it. Options to fund the balance of the cost are being explored, and the Urgent Works Notice will not be issued until funding has been identified to cover the full cost.
18. The costs incurred can be reclaimed from the owner under Section 55 of the Listed Building Act 1990. Using Section 55 of the Act may result in the need to place a local land charge on the property. In some cases, councils have taken possession or compulsorily purchased sites. In this case, it is hoped that the Council can work with the owner to find a viable plan for the future of the Drying Shed. The building could

have a separate access which could facilitate an alternative use. For instance, an architectural firm has expressed interest in converting the drying shed for its office or there may be a community use.

19. It is intended that a project team will be formulated to develop proposals to secure the long term future for the building. Heritage England has committed to work with the Council, and the owner, local members and Parish Council will be asked to get involved.

- **St. Denis Church,, East Hatley**

20. South Cambridgeshire District Council's Legal Officer continues to work with the Friends of Friendless Churches in order to secure the transfer.

Options

21. The recommended option for the Landbeach Tithe Barn is to issue a Letter of Intent to lease the barn to the Landbeach Tithe Barn Trust in order that the shadow trust may apply to become a Charitable Incorporated Organisation and then apply for grant aid.
22. An alternative option is for the barn to be sold with residential planning consent.
23. The recommended option for the Sawston Drying Shed is to serve the owner with an urgent works notice to carry out the necessary works, outlined in the schedule. If the owner does not respond then the Council would carry out the work on their behalf under section 54 Listed Building Act 1990 and claim the cost of the work under Section 55. This is seen as a short-term solution, in order to slow down the deterioration of the condition of the building. This will allow more time to work with the owner or third party to find a medium / long-term solution for the heritage asset. This option is subject to identification of the balance of funding.
24. The alternative option is to not proceed and risk the complete loss of this heritage asset within the near future.

Implications

25. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

26. The cost of safeguarding works for the Tithe Barn is approximately £5000. The cost will be covered within existing budgets.
27. External tax advice is being sought in order to test whether the VAT is recoverable for the substantive works to the barn and the Sawston Drying Shed.

28. The drafting of the proposed lease for the barn would take account of the tax advice. As reported to the last meeting, the estimated cost of recommended repairs to the barn is £120,000, including urgent repairs estimated at £80,000. There is no budgetary provision for these works. The shadow trust has secured various funding commitments from local people, and intends to apply for additional grant aid once it has achieved CIO status.
29. The estimated cost of urgent works for the Sawston Drying Shed is around £200,000 including contingency of £46,000, and exclusive of VAT. Heritage England has agreed to grant 80% of the estimated costs, and to continue to provide financial support.

Legal

30. Legal officers are advising on the lease structure and the enforcement action. Heritage England has offered legal advice regarding action to safeguard the Sawston Drying Shed.

Staffing

31. None

Risk Management

32. The Landbeach Tithe Barn is covered by the Council's Insurance Policy in order to mitigate financial risk arising from the damage to the Barn.
33. For the Sawston Drying Shed, there are potential financial risks arising from enforcement action and potential risks regarding the future of the building if enforcement action is not taken. No action will be taken until the full potential costs to the Council are understood, and funding has been agreed.

Equality and Diversity

34. None

Climate Change

35. None

Consultation responses (including from the Youth Council)

36. The District Councillors for Sawston have been made aware of the proposal to serve an urgent works notice on the building to secure it for the future. They have asked to be involved in discussions about the future use of the building, and its preservation.

Effect on Strategic Aims

Aim 1 – We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money.

37. This report is following discussions with owner and Historic England regarding the future management of the heritage asset in Sawston, and further work with the shadow Landbeach Tithe Barn Trust.

Aim 2 – We will make sure that South Cambridgeshire continues to offer an outstanding quality of life for our residents

38. This report outlines proposals to secure the future of historic assets, thereby contributing to the quality of life of residents.

Aim 3: Work with partners to create opportunities for employment, enterprise, education and world-leading innovation.

39. This report outlines works with partners to secure the long-term future of listed buildings.

Background Papers

Heritage and Guardianship Sites and Closed Churchyards – reports to Planning and Economic Development Portfolio Holder on 26 March 2015, 10 September 2014, 20th March 2014, 22 October 2013, 28th May 2013 and 18 December 2012.

Appendix 1

Proposed Draft Heads of Terms - Lease of the Tithe Barn Landbeach to Tithe Barn Trust

Report Author: Juliette Wilson – Historic Buildings Consultancy Officer
Telephone: (01954) 712907

Trovine Monteiro – Team Leader (Consultancy Unit)