



ENGLISH HERITAGE

Acquisition grants to local authorities to underwrite Repairs Notices

(Sections 48, 47 and 52 of the Planning (Listed Buildings and
Conservation Areas) Act 1990)

Notes for applicants

Please read these notes carefully before making an application and keep them for reference.

In *Buildings at Risk: A new strategy* (English Heritage 1998), we emphasised the importance of local authorities using their power to serve Repairs Notices. This should not be seen as a last resort, but as a logical step to be taken as soon as it is evident that a building capable of beneficial use is deteriorating significantly as a result of neglect, and well before it decays to the extent that it will cost more to repair than it is worth.

Once it reaches that stage, the difficulties of rescue are compounded by the need for funds to subsidise repair. As part of our buildings at risk strategy, we are therefore keen to encourage and support local planning authorities in appropriate cases to serve repairs notices under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and if necessary, subsequently acquire the building in question through compulsory purchase (under Section 47 of the Act) or by agreement (under Section 52 of the Act).

In the majority of cases, authorisation or service of a Repairs Notice leads to either the repair or sale of the building. The study *Listed Building Repairs Notices* (ACO, now IHBC, 1992) showed that only about one in eight cases is likely to progress as far as a Compulsory Purchase Order inquiry. However, we are aware that it can be difficult to predict the outcome of any particular case, and that, having served a notice, the credibility of the authority (and indeed the legislation) depends upon the procedure being followed through until the future of the building is secured. We are therefore prepared to use the powers which allow English Heritage to assist in the acquisition of historic buildings, in appropriate cases to underwrite up to 80% of an authority's potential irrecoverable costs in pursuing acquisition of buildings at risk, including the cost of serving and following up Repairs Notices.

Our experience in using our powers in this way is limited. Feedback from applicants would be welcome and helpful for any revision of the scheme.

Strategy

Before offering grant, we will obviously expect to see a convincing strategy for resolving the long term future of the listed building, including, where it has negative value, how the 'conservation deficit' could be funded. A 'back-to-back' agreement, often (although not necessarily) with a Building Preservation Trust, to take the building from the local planning authority if and when they acquire it, commonly forms part of a solution, although a building with a positive value might equally be sold on the open market, with suitable safeguards to ensure its repair. We do accept the need for flexibility in the face of the inevitable uncertainty about the long term outcome of a case, but we will nonetheless expect to see evidence of the local authority's commitment to pursuing action until the future of the building is resolved.

Eligibility

- Applicants must be local planning authorities
- Any listed building at risk is eligible, whether in a conservation area or not

The following are **not** eligible since Repairs Notices cannot be legally served on them:

- Listed buildings which are **also** scheduled monuments (this means that the **building** is scheduled rather than solely the ground beneath it)
- Crown land (but notices can be served in relation to any non-Crown interest in Crown land, eg a leaseholder)
- Ecclesiastical buildings in ecclesiastical use where exemption is retained under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994

The cost of professional services 'bought in' by authorities to enable them to serve and pursue the Notice are eligible, as well as the net cost of acquisition itself. Recharge costs for the use of in-house legal and other professional services are not normally eligible. However, they may be accepted in exceptional circumstances, provided a contribution from English Heritage would demonstrably result in a proportionate increase in the resources applied to conservation work during the year.

The net cost of acquisition is the cost of legal, agency and other costs of acquisition and onward sale, including financing charges, **less** any profit or **plus** any unavoidable loss on onward sale. If a building has a positive residual value, we will expect, subject to fluctuations in the market, acquisition and onward sale to be substantially self-financing. If it has negative value, (ie it will cost more to repair than it will be worth when repaired), we shall expect only a 'nominal' sum to be offered for its acquisition by agreement or paid following compulsory purchase. What is 'nominal' is a matter for judgement, bearing in mind the cost and delay involved, and the consequences for the building, of the alternative of pursuing the statutory processes to their ultimate conclusion. Such a 'nominal' purchase price may itself be treated as an eligible cost, provided the benefit of any grant is passed on to the eventual purchaser, usually in such circumstances a Building Preservation Trust.

In cases of deliberate neglect, it may be appropriate to seek a direction for minimum compensation.

How and when to apply

Applications should be made as early in the process as possible, preferably at or before the preparation of a draft Repairs Notice, to enable us to offer technical advice and guidance if appropriate. We aim to determine 80% of applications within 12 weeks of receipt. Expenditure incurred prior to approval in writing is not eligible for grant aid.

If English Heritage decides to offer a grant, the matter will be handled in two stages, given that the authorisation or service of a Notice is of itself likely to resolve many cases. The first stage will normally be an offer of grant towards the cost of preparing and serving the Repairs Notice, together with an 'in-principle' commitment towards the irrecoverable costs of acquiring the building if this proves to be necessary. The second stage will be an offer towards the cost of pursuing compulsory purchase and/or acquisition by agreement. Grant for the first stage will normally be paid on satisfactory service of the Repairs Notice; for the second, at 'milestones' in the process agreed in writing at the outset.

If a grant is accepted, the authority will be expected to monitor the building regularly and inform English Heritage of any significant changes in its condition, as well as progress towards resolving its future. If necessary, Urgent Works action under Section 54 of the 1990 Act should be initiated in parallel, to arrest deterioration. This action may itself be eligible for grant aid from English Heritage, but a separate application will be needed.

If grant aid towards repair costs following acquisition will be necessary, and the building is eligible, a separate application should be made under the appropriate scheme once it is clear who will be responsible for undertaking substantive repairs.

Further reading

We advise applicants to refer to the English Heritage advice leaflets *Buildings at Risk: A New Strategy* (English Heritage 1998), and *Stopping the Rot: A step by step guide to serving Urgent Work and Repairs Notices* (English Heritage 1998), which are available on our website: www.english-heritage.org.uk

Further advice on back-to-back agreements can be found in *How to Rescue a Ruin* by Hilary Weir (Architectural Heritage Fund, second edition, 1997); and on the use of statutory powers, see *Planning Policy Guidance note 15: Planning and the historic environment* (DOE 1994), Chapter 7.



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Application form

Please read the accompanying notes before completing this form. Please read every section and answer every relevant question.

1. Name of property for which grant is sought

1.1 Name and full address of property:

Name
Address
Postcode

1.2 Name of the local planning authority (unitary, district, city or borough council):
If the property is in an area covered by a National Park please state which:

1.3 Please indicate the grade of listing:

Grade I Grade II* Grade II

(Unlisted buildings are not eligible as a Repairs Notice can only be served on a listed building)

1.4 Scheduled monuments (even if also listed) are not eligible as Repairs Notices cannot be served on them. Please tick the box to confirm that no part of the **building** is a scheduled monument

State if the **site**, or any part of it is scheduled:

1.5 If the property is within a conservation area please state which:

- 1.6 If the property is within or next to a park or garden included in the English Heritage Register of Parks and Gardens of Special Historic Interest, please give its name and grade:

Name
grade

- 1.7 To your knowledge, has the property ever been the subject of a grant application to English Heritage? **Yes/No**

If Yes, please give details including the English Heritage reference number if known:

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2. Building at Risk

- 2.2 Is the property on the English Heritage Register of Heritage at Risk? **Yes/No**

- 2.3 Is the property on any local register or list of buildings at risk? **Yes/No**

If Yes, state which:

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3. The applicant

- 3.1 Name of the local authority proposing to serve a Repairs Notice:

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- 3.2 Address of the local authority:

Postcode

- 3.3 Name of person to act as the point of liaison with English Heritage:
(The name given should be that of the day-to-day contact point to whom we should address queries. It does not have to be the same as the authorised signatory at point 9).

Name	
Position held	
Address (if different from 3.2 above)	
Postcode	
Daytime telephone	Fax
E-mail address	

4. The owner

4.1. The full name(s) and address(es) of the current owner(s):
(Please use a separate sheet if necessary)

Name
Address
Postcode

5. Use and occupancy

5.1. Is any part of the building or structure occupied or in use? **Yes/No**

5.2. If the answer to question 5.1 is Yes, please state the extent of the occupation and the nature of use:

5.3. If the answer to question 5.1 is No, please tick the box if the building or structure is incapable of beneficial use (eg a decorative or commemorative structure such as an obelisk, gazebo or monument)

5.4. If the building or structure is capable of beneficial use but not currently in use, please answer the following questions:

What was the property last used for?

When did that use cease?

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6. Repairs

6.1 Please summarise the works to be covered by the notice:
(This should be a brief summary. Full details if available should be attached in a separate daft schedule)

6.2 What is the estimated cost (excluding fees and VAT) for this work?

£

6.3 Anticipated date of draft repairs notice:

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7. Valuation

7.1 Approximate open market value of the property when repaired for optimum use:
(Complete this question only if you have information already available, and enclose a copy of any valuation you have already obtained)

7.2 State if the value will be significantly limited by any covenants the local authority intends to impose on an onward purchaser:

8. Need

8.1 If you have appointed or intend to appoint an architect or other advisers (eg solicitors and chartered surveyors), what fees will be charged and what is the total cost for each adviser?

We will normally only grant aid the cost of fees to external advisers (see notes for applicants)

Adviser	Estimated total cost
	£
	£

8.2 What is the estimated cost of:

(a) preparing and serving a Repairs Notice; and what percentage is sought from English Heritage?:

£	Percentage
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(b) subsequently pursuing acquisition through Compulsory Purchase Order and/or by agreement; and what percentage is sought from English Heritage?:

£	Percentage
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8.3 Please state why a higher percentage of the total costs cannot be met/underwritten by the local authority:

9. Signature and declaration

The completed form must be signed by an authorised member of the local authority and their post or position given.

I declare that the information I have provided above is to the best of my knowledge true and complete:

Signature	Date
Name	
Position	

10. Checklist

Copies of the following should be enclosed with the application. Please tick the boxes to confirm that you have enclosed them:

(Failure to provide all the necessary information may delay the processing of your application)

- up-to-date photographs of the building or structure and location plans
- a site plan showing the area of relevant land proposed for acquisition
- a statement of the building's overall condition and recent history (including any previous statutory action) and how it has come to be at risk
- strategy to secure the long term future of the building (include, eg, a business plan or feasibility study, if available)
- a breakdown of the estimated net cost of acquisition (including external professional services)
- professional reports or other advice on the repairs in question (if already available)
- draft schedule of repairs (if available)
- draft Repairs Notice (if available)
- valuation documents (if available)
- agreement with a Building Preservation Trust or potential new owner to take on a building after Compulsory Purchase Order (if applicable)
- any other documents that you think are relevant; please provide a list of documents submitted and a summary of their relevance to the application.

Do not submit documents not directly relevant to this application.

None of the documents or photographs will be returned to you unless you specifically ask us to do so. You should not send original documents or anything of special historic or personal value.

Submission of supporting information can be made electronically by prior agreement, however, please ensure e-mail files are no more than 5MB. The application form must be signed and submitted in hard copy.

Please return the completed form and enclosures to your English Heritage regional office:

East Midlands

English Heritage
44 Derngate
Northampton
NN1 1UH
Telephone: 01604 735400
Fax: 01604 735401
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East Midlands

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44 Derngate
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English Heritage is subject to the Freedom of Information Act. All information held by the organisation will be accessible in response to a Freedom of Information request, unless one of the exemptions to the Act applies.

Services department: Telephone: 0870 333 1181; Textphone: 01793 414878; E-mail: customers@english-heritage.org.uk

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