



# Planning Committee

Abbey Ward

2nd February 2010

## ENFORCEMENT REPORT – 2008/097/ENF

### REMOVAL OF ROOF LANTERN AND WEATHERVANE FROM A LISTED BUILDING PROSPECT HILL, REDDITCH

(Abbey Ward)

#### 1. Background / Key Issues

- 1.1 On 30th April 2008 it was brought to the attention of the planning department that a roof lantern with attached weathervane had been removed from this Grade II listed building. The structure was described by English Heritage on 11th August 1975 in its listing description as being situated on the roof ridge and consisting of a square lantern with four turned posts, moulded cornice and ogee domical lead roof with weathervane. A site visit last April by the Enforcement Officer confirmed that this feature had been removed from the building without the benefit of listed building consent.
- 1.2 The building is currently in use as offices and light industry, and some historical investigations uncovered photographic evidence of the removed feature.
- 1.3 On 28th May 2008, having identified the company owning the building, the Enforcement Officer sent a warning letter to them seeking an explanation for the unauthorised works.
- 1.4 On 9th June 2008, a listed building consent application was submitted indicating that the structure was under renovation and requesting retrospective permission to carry out the works. The application was not validated as insufficient information had been submitted.
- 1.5 On 7th July 2008, despite the listed building consent application still being held, the Enforcement Officer, accompanied by the Council's conservation advisor, met with the agent acting on behalf of the owners. The agent stated he would submit detailed proposals for the renovated structure for review.
- 1.6 On 1st October 2008, detailed plans were received of the proposed works which were forwarded to the conservation adviser. On 14th October 2008, he advised that the drawings as submitted were suitable. A further request was made for the submission of a listed building consent application, which remained outstanding.

- 1.7 On 16th December 2008, it was noted that no application had been received. Enquiries revealed that the agent dealing with the matter had left the firm, and it had been passed on to a senior partner in the firm. That person was contacted and it was assured that an application would be forthcoming in the New Year. Enquiries with the agents in the following months indicated that they were still awaiting firm instructions from the owners.
- 1.8 On 4th January 2010, it became apparent that the matter was unlikely to be progressed further without formal enforcement action and a warning letter was sent by the Enforcement Officer to the building owners.

## 2. Conclusion

- 2.1 Officers consider this to be a particularly serious breach of planning control which constitutes a serious loss to a Grade II listed building within the Borough. Whilst the means to put right the breach has been readily available for some considerable time, there seems a continued reluctance to progress the matter.
- 2.2 In the circumstances, given the harm to this listed building, your officers consider that the only alternative now is to institute formal enforcement action by way of issuing a Listed Building Enforcement Notice to secure the re-instatement of the lantern/weathervane feature.
- 2.3 It is a criminal offence to fail to comply with the requirements of a Listed Building Enforcement Notice. These offences carry a potential penalty on conviction of imprisonment of up to 3 months and/or a fine of up to £20,000, and if heard by a higher court, imprisonment of up to 12 months and/or an unlimited fine.

## 3. Recommendation

**The Committee is asked to RESOLVE that:**

**in relation to a breach of planning control, namely, the carrying out of work to a listed building without prior consent, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning and Building Control, to take the following enforcement action if necessary:**

- a) **the serving of a Listed Building Enforcement Notice; and**
- b) **the institution of legal proceedings in the Magistrates Court in the event of any failure to comply with that Notice.**