



Historic England

Stopping the Rot

A Guide to Enforcement Action to Save
Historic Buildings – Summary



Introduction

This summary version of *Stopping the Rot* is designed to highlight the help available to local authority officers navigating their way through the different statutory powers at their disposal in tackling heritage at risk cases and to give them confidence to apply them to best effect. The accompanying full version provides step-by-step advice on the use of the main procedures, a series of practical case studies and a selection of specimen letters, notices, schedules and agreements.

No two enforcement cases are the same, but there is a huge amount that local authorities can learn from the practical experience of their counterparts up and down the country. Historic England hopes that this new and enhanced edition of *Stopping the Rot* will give many more councils the confidence to use the powers available to them to secure the future of threatened historic buildings in their areas. They are our shared concern and we all have a part to play in securing their long term future.

The Challenge

The owners of listed buildings are under no legal obligation to maintain their property in a good state of repair. In most cases owners are proud to look after their buildings and realise that maintaining them in good condition maintains their value. When they do not, local authorities can use a range of measures to persuade owners to take responsibility for looking after our heritage seriously. When negotiation fails, local authorities have various statutory enforcement powers at their disposal. At their lightest level they involve notices to secure improvements to the external appearance of a site or a building, but in the last resort they can lead to full repair or compulsory purchase. In many cases, a written warning of impending action is all that it takes to encourage the owner to undertake the works.

Deciding which powers to employ depends on the professional judgment of the individual planning authority. However; as research shows, too many local planning authorities lack the specialist staff that are vital to effective enforcement action. The initial steps in the enforcement process are relatively simple and straightforward to use. If local planning authorities take action early they can save themselves not only time and effort but the growing cost of repairing a building that is falling further and further into decay. Prompt and decisive action shows local communities that the authority is prepared to tackle the condition of buildings that are causing problems locally and encourages owners of other buildings to put their house in order.

This guidance note has been prepared by Michael Guy and Sarah Lewis.
It is a summary of *Stopping the Rot, a Guide to Enforcement Action to Save Historic Buildings*.

How it Works

Keeping historic buildings in good repair is the key to their preservation. Sometimes, however, they become redundant, vacant and neglected. Without timely action they can be at risk of permanent loss, both to their own historic fabric and to the character of the localities of which they are irreplaceable components.

There are a number of provisions available to local planning authorities to deal with different situations and stages in the enforcement process. Some of these relate specifically to listed buildings, because of their individual importance, and others to the more general amenity value of an area. The powers escalate as the problem escalates.

Historic England runs a grants scheme to help local authorities take statutory action either by underwriting Urgent Works Notices and Repairs Notices or assisting in the costs of acquisition. For more information see:

[HistoricEngland.org.uk/services-skills/grants](https://historicengland.org.uk/services-skills/grants)



Section 215 Notice – a relatively straightforward power to require the owner or occupier to carry out works to improve the external condition of a building or land if its neglect is adversely affecting the surrounding area.



Urgent Works Notice – a power that allows a local authority to directly carry out works that are required urgently to make an unoccupied listed building weather tight and thus prevent further deterioration.



Repairs Notice – a power that allows a local authority to specify to the owner works it considers reasonably necessary to secure the future of a listed building. If the repairs are not carried out, the power can lead to compulsory purchase of the building.



Compulsory Purchase Order – when all other measures fail, the local authority's last resort is to compulsorily acquire a listed building in order either to repair it itself or more usually to sell it on to be restored by a buildings preservation trust or other new owner.

In the past 14 years Liverpool's Buildings at Risk project has successfully used statutory powers to tackle the problem of derelict listed buildings. As well as being a visual eyesore, they are the outward representation of a raft of other social, economic and ownership problems. The consistent use of Section 215 Notices and other enforcement powers has stimulated more than £30 million of investment in the city's listed buildings, which has in turn helped to deal with the attendant problems of crime, economic stagnation and adverse ownership. Since 2001 the number of listed buildings at risk in Liverpool has fallen from 13% to under 4%.



Source: Liverpool City Council's Principal Conservation Officer.
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Historic England

We are the public body that looks after England's historic environment. We champion historic places, helping people understand, value and care for them.

Please contact guidance@HistoricEngland.org.uk with any questions about this document.

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Front cover image:

This grade II listed timber-framed building was identified by the local authority as being 'at risk' in 1998 but it took 12 years, a prosecution and the service of a Listed Building Enforcement Notice, Urgent Works Notice and Repairs Notice before repairs were finally completed in 2010. See Case Study 6 in the full document.

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What Historic England can offer:



Support remaining conservation officers



Engage and educate other Local Authority areas in Heritage at Risk eg planning enforcement, legal, building control, Heritage Champion



Grant support

- Support Heritage Lottery Fund applications

- Underwrite Urgent Works Notices or Repairs Notices

- Engage with: Local Enterprise Partnerships, the Homes and Communities Agency and the European Regional Development Fund



Provide expertise

- Significance (Local Office)

- Architectural (Local Office)

- Legal (National - Michael Guy)

- Surveyor/Development Economics (National – David Tomback)

- Policing and Crime Advisor (National – Mark Harrison)



Facilitate discussions and guide Building Preservations Trusts (BPTs) or Local interest groups



Meet to discuss strategic approach