



Llywodraeth Cymru
Welsh Government

Managing Listed Buildings at Risk in Wales

MANAGING

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 Cadw

Statement of Purpose

Managing Listed Buildings at Risk in Wales explains why listed buildings are important to us all and how they contribute to our well-being. It outlines the critical relationship between a building's use, ownership and condition, and how the careful balance between these elements can be managed to ensure a sustainable future.

Managing Listed Buildings at Risk in Wales also outlines the roles and responsibilities of owners, the Welsh Government and local authorities. It shows how policies and programmes to manage listed buildings at risk can be successful, but also explains the statutory powers that can be used to protect listed buildings at risk where appropriate.

Although the guidance focuses on listed buildings at risk, the principles can be applied to managing any historic building at risk, such as those identified as locally important. Some of the statutory powers apply only to listed buildings.

Managing Listed Buildings at Risk in Wales is aimed primarily at local authority conservation, planning, housing, regeneration and development departments. It may also be of interest to owners, occupiers and agents, as well as local communities and third sector organisations that have a vital role in caring for listed buildings at risk.

Managing Listed Buildings at Risk in Wales is best-practice guidance, which supplements *Planning Policy Wales*¹ and *Technical Advice Note 24: The Historic Environment*.²



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Cadw is the Welsh Government's historic environment service, working for an accessible and well-protected historic environment.

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Cover photograph: Llwyn Celyn is a grade I listed medieval hall house which is being saved from dereliction by the Landmark Trust. Once fully repaired, the house will have a new lease of life as holiday accommodation and the surrounding outbuildings will be adapted for community and educational use (© Paul Highnam for the Landmark Trust).

Contents

Fast Facts

Introduction

1 Players and Partners

- 1.1 Owners
- 1.2 The Welsh Government
- 1.3 Local Authorities
- 1.4 Other Organisations

2 Assessing Risk

3 Identifying Causes

4 Finding Solutions

- 4.1 Condition
- 4.2 Use
- 4.3 Ownership

5 Measuring Success

Annex

Managing Listed Buildings at Risk — Measures and Powers

- A1. Urgent Works
- A2. Compulsory Purchase Orders and Repairs Notices
- A3. Preservation Notices
- A4. Section 215 Notices
- A5. Dangerous Buildings and Structures
- A6. Empty Dwelling Management Orders
- A7. Acquisition of Land for Housing Purposes
- A8. Enforced Sale Procedure

References

Further Information

Contacts

Fast Facts –

- 1** Listed buildings are a valuable and irreplaceable resource, and contribute to our well-being.
- 2** There are some 30,000 listed buildings in Wales. Although most owners keep their listed buildings in good repair, buildings can quickly become vulnerable or at risk, particularly when they are not in use.
- 3** The right combination of use, ownership and condition can help prevent risk to listed buildings.
- 4** Owners, public authorities and other interested agencies working together can best safeguard listed buildings at risk.
- 5** Statutory powers can be used to protect listed buildings at risk.

Introduction ↴

Listed buildings are a precious part of our heritage. They are essential to the character of our landscapes and townscapes, and provide an important connection to our past. They also offer distinctive environments in which to live and work, and to visit and enjoy. In short, properly used and cared for listed buildings contribute to the well-being of our communities. Promoting and protecting our listed buildings in a stable or improving condition helps to achieve the goals of the Well-being of Future Generations (Wales) Act 2015.³

Listed buildings in use represent an investment of energy, materials, skill, labour and knowledge that cannot be replicated. But, to realise their full value, they also need to be kept in good condition and supported by types of ownership that can sustain them for the long term. Fortunately, most of our listed buildings are already well used and kept in good repair by their owners.

Nevertheless, there are empty or neglected listed buildings in Wales. Every one of these is a valuable part of our heritage, deserving of care. Some may be wasted assets that spoil the quality of their surroundings and damage social and economic vibrancy. It is those listed buildings that are at risk through neglect and decay that are the focus of this guidance.

Here, we look at the identification of problems and their causes, and how to manage them through positive action where possible or enforcement measures where necessary. Our aim is to bring listed buildings into a stable condition, beneficial use and appropriate ownership for the long term.

1. Players and Partners ↴

The historic environment is a shared resource, so the fate of our listed buildings matters to us all. Whatever their ownership, there is a strong public interest in the protection of listed buildings. This means that public authorities, as well as owners, have a stake in managing listed buildings.

1.1 Owners ↴

Owners of listed buildings have a vital part to play in managing our heritage. Like all building owners, they are responsible for maintaining their property and for keeping it in good repair, though they are under no specific legal obligation to do so. With the right care, most listed buildings can fulfil a useful role in the modern world.⁴ Most are cherished and well cared for by their owners who are proud to look after our heritage not only for their own benefit, but also for the benefit of future generations.

1.2 The Welsh Government ↵

The Welsh Government recognises the contribution of the historic environment to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life. It seeks the conservation and enhancement of historic assets, including listed buildings. The condition of the historic environment is one of the indicators used to help measure progress towards the achievement of the well-being goals established under the Well-being of Future Generations Act (Wales) 2015.⁵

The Welsh Government's Historic Environment Service (Cadw) commissions a condition and use survey of listed buildings, which provides useful data about those buildings at risk. Cadw also:

- supports organisations that can help with the management of listed buildings at risk, such as the Heritage Trust Network, The Architectural Heritage Fund and The Prince's Regeneration Trust⁶
- provides some direct funding support, for example, through capital grants for historic buildings
- gets involved in the development of strategies and partnerships to safeguard listed buildings at risk, such as the Strategic Action Plan for Places of Worship in Wales.⁷

Planning Policy Wales sets out the general national planning policy framework within which local authorities prepare their development plans and carry out development management.⁸ In addition to the conservation of the historic environment, there are several policy areas which can assist with the successful management of listed buildings at risk, including planning for sustainability and planning for retail and town centres.

Listed buildings at risk may also benefit from other Welsh Government support, such as targeted regeneration investment, or the Houses into Homes scheme which offers a loans fund designed to bring empty homes back into use.⁹

1.3 Local Authorities ↵

Caring for the historic environment is a key aspect of a local authority's sustainable development responsibilities and contributes to the Welsh Government's seven well-being goals for a sustainable Wales.

Local planning authorities have an important role in the protection and conservation of the historic environment through helping it to accommodate and remain responsive to present-day needs.

In considering whether to grant planning permission which affects a listed building or its setting, local planning authorities have a statutory duty to have special regard to the desirability of preserving such buildings and their settings.¹⁰ This means protecting them from harm, as well as discharging their development management functions appropriately.

Local planning authorities are also well placed to act as advocates for the conservation of the historic environment and have a range of tools to help them do this effectively.

They can use development plan policies with supporting guidance and strategies to help manage listed buildings at risk.

This might include:

- locally specific policies for the protection or enhancement of listed buildings and conservation areas
- the development of specific strategies and action plans for listed buildings at risk, adopted as supplementary planning guidance
- policies for the reuse of redundant listed buildings; for example, the conversion of farm buildings, the reuse of places of worship or other community assets such as schools.

Local planning authorities can also:

- monitor listed buildings at risk in their area by regular site inspections; for example, prioritising buildings with the highest rate of deterioration
- work with owners and other stakeholders to help find a solution when listed buildings are at risk
- provide practical and technical information, advise on maintenance and repair, and promote good practice in the care of listed buildings
- take into account the long-term viability of listed buildings when making decisions about change
- be prepared to exercise planning control and building regulations to enable appropriate renovation or reuse.

Where positive support fails, there is a range of statutory measures which can help local planning authorities to take remedial action. When used proportionately and incrementally, these measures can help local planning authorities to bring listed buildings at risk back to useful life (see Annex).

In addition to the activity of specialist conservation services, local authorities can also promote a holistic approach to the management of listed buildings at risk through general policies for:

- the management of local authority-owned buildings, including disposal where appropriate
- urban regeneration and town centre management that encourage the reuse of vacant or underused buildings¹¹
- actions for empty homes, including the development of empty property strategies and the use of empty dwelling management orders, which enable local authorities to take management control of privately owned empty homes so they can secure occupation of them.¹²

1.4 Other Organisations ▾

There are several other agencies that have specific roles to play in managing listed buildings at risk:

- The Architectural Heritage Fund offers advice, grants and loans to projects that have the potential to deliver social and economic benefits to their communities¹³

- The Prince's Regeneration Trust works with community groups, public bodies, private owners and developers to help give new life to old buildings at risk, with a focus on support for project planning¹⁴
- funders, such as the Heritage Lottery Fund, can provide financial assistance to help start and develop projects, especially those that offer community benefit¹⁵
- there is a network of building preservation trusts across Wales with the capability to deliver successful projects that rescue listed buildings at risk¹⁶
- voluntary organisations and friends groups may be able to help promote and maintain some aspects of local heritage, and can also provide local intelligence on buildings at risk
- amenity societies and national pressure groups can also be helpful; for example, SAVE Britain's Heritage campaigns for threatened buildings (see Contacts for more information).

Other organisations that do not have a specific heritage remit can also be important players. Housing associations, for example, have been able to help tackle empty properties and provide new uses for listed buildings. Where they exist, Business Improvement Districts can help by reducing the numbers of vacant properties through attracting new businesses and pop-up schemes, for example, and working to improve the appearance of vacant or derelict property.

As a general principle, the effectiveness of strategies to manage listed buildings at risk will depend on a partnership approach between any or all of these players.

2. Assessing Risk ↯

A listed building at risk is one that is suffering through neglect and decay.¹⁷ This means that the balance between its condition, use and ownership is no longer able to sustain it for the long term.

To help prevent a listed building from reaching this state, it is good practice for owners to carry out routine maintenance and regular condition surveys which help to identify problems before they become serious.¹⁸

But, when listed buildings are already at risk, it is important to keep an accurate and up-to-date record of what is at risk. This assessment will provide the baseline evidence for managing the risks so that priorities can be set and resources targeted to match. It is just as important to assess risk whether considering a single building, or developing a strategy for an entire area.

Regular condition surveys of listed buildings have been carried out across Wales since the mid-1990s. These surveys not only provide a valuable overview of changes in the condition and use of our listed buildings, but also offer a consistent method for assessing pressures and risks. Data about basic condition and occupancy is collected, based on rapid external inspection. In addition, information about the condition of the main

building elements is gathered. Local authorities should monitor the data for their areas and supplement it where necessary.

This data shows where levels of risk and vulnerability are highest, both geographically and as specific building types.¹⁹ It also helps to identify trends of change over time and enables predictions about the rate of change to be made. It can help to determine priorities for intervention and identify where it is needed to prevent further deterioration — anything from normal maintenance to full-scale conservation and repair projects. This snapshot information needs to be supplemented by more detailed survey when considering specific interventions.

Knowing *what* is going wrong with a listed building and what practical measures could help put it right are important. But, it is equally important to understand *why* things have gone wrong — why is the building empty or neglected? The answer to this question will help to identify the best next steps.

3. Identifying Causes ↴

Condition, use and ownership are the three critical factors that determine whether a listed building is at risk, or whether it has a secure future. All three factors need to be balanced to achieve its long-term sustainability.

Wherever possible, listed buildings need to be used in order to survive. Beneficial use is a use which is good for the building and will fund its care and maintenance for the long term.

Listed buildings are especially likely to be at risk when they are functionally redundant because their original purpose has come to an end. This may apply to former industrial and agricultural buildings or to some places of worship, for example. In town centres, vacant or underused commercial premises may be a particular challenge. Many of these buildings may be capable of adaptation to a beneficial new use, but are likely to need more positive input.

Equally, even listed buildings that could still be used for their original purposes may be in a poor condition and at risk, such as neglected or empty houses which still have the potential to be homes. In such cases, poor condition could result from owners who are absent, or who cannot afford repairs. It may also reflect the conservation deficit (where the cost of repair is greater than the end value of the building). In these circumstances, action will be needed to encourage repair and to promote investment that would make the building viable for reuse or new use.

It is vital to understand the underlying reasons why a listed building is at risk to be able to identify the most appropriate course of action.

4. Finding Solutions ↵

Managing listed buildings at risk successfully means finding solutions that address their condition, use and ownership.

When establishing priorities for action, the significance of the building should be a factor,²⁰ as well as the severity of its condition and the rate of its deterioration. It is also important to take into account the likelihood and benefits of a successful result based on an evaluation of the risks and opportunities associated with particular uses or ownership.

4.1 Condition ↵

Listed buildings are a valuable and finite resource, and contribute to our well-being. Their stable or improving condition is not only a measure of well-being, but also crucial for their long-term survival, so it is important to prevent risk caused by neglect or decay.

- It is vital to keep risk at bay through regular maintenance and repair. Minor repairs and routine maintenance can avoid the need for more expensive work, and help give listed buildings an indefinite life. This is normally the responsibility of owners, but local authorities may be able to provide advice and encouragement.
- Listed buildings can be put at risk through inappropriate repair, such as the use of cement-based render which can trap moisture in the fabric causing or accelerating decay. Understanding the characteristics of listed buildings and promoting the use of traditional building skills are important components in managing risk. For more information, see *Managing Change to Listed Buildings in Wales*.²¹
- When buildings are already at risk because they are in a poor condition, local authorities should be able to provide advice about the nature of the risk and what work is needed to reduce or remove it.
- It is important to understand the significance of a listed building before drawing up proposals for repair. This can help establish priorities for action and is particularly important where fabric is likely to be lost or damaged in the course of any repairs. For more information about assessing significance see, *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* and *Managing Change to Listed Buildings in Wales*.²² Individual listed building records are available on Cadw's online historic asset database — Cof Cymru.²³ The Royal Commission on the Ancient and Historical Monuments of Wales and the Welsh archaeological trusts may also be able to help.²⁴
- External funding may be required to bridge the conservation deficit — the gap between the cost of repair and the value of the building once repair has been completed — or to help buildings that are not capable of beneficial use. Access to particular sources of funding may depend on the type of owner and also on the intended use of the building. For example, building preservation trusts and community enterprises will be able to tap into some sources of funding that are not available to private owners. The Heritage Funding Directory is a good place to look for advice on funding for historic buildings.²⁵

- In some circumstances, there may be a case for enabling development to help secure the long-term future of a listed building and its continued use for a sympathetic purpose. *Planning Policy Wales* provides national policy context on the circumstances where enabling development may be appropriate.²⁶ Further tests setting out when enabling development might be acceptable are given in *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*.²⁷
- It may be realistic to consider a phased programme of works. This can help buy time: bringing a building back into use incrementally may help with the financing of complex and expensive projects.
- Where poor condition is the main barrier to sustainable use, but encouragement and influence have failed, and working with the owner is no longer possible, local authorities may take action using their statutory powers as a last resort. This can be used to secure the building pending further intervention, to trigger the necessary repairs or to bring about a change in ownership where one is needed.
- When considering repair (whether voluntary or as a result of enforcement action), it is important to be clear about the outcome. If works of repair are undertaken, will the building be capable of beneficial use again or will greater intervention be needed?

4.2 Use ↯

Beneficial use funds the long-term maintenance of a listed building, either directly or indirectly. Taking action to keep a building in beneficial use, or to secure a new use if necessary, is vital.

- If the original use is no longer able to sustain the building, investigate the introduction of new uses to replace or supplement it. This means identifying opportunities and working out whether the building has the capacity for change to realise them. Identify factors to consider when introducing a new use or reintroducing an old one — including the local planning policy framework, access and infrastructure — and find ways in which they can be taken into account. The Heritage Lottery Fund's guidance on viability appraisal may be helpful.²⁸
- Consider whether there is scope to make changes, as sometimes adapting or extending a building could enable the original use to be reinstated or maintained.
- Consider the scope for meanwhile uses to help keep a building going while a sustainable, long-term solution is secured.
- Where there is no immediately viable solution, consider mothballing a building (managed vacancy) as a short-term stopgap. This means carrying out urgent repairs, making a building wind- and watertight, protecting vulnerable features, and putting in place a system of regular inspection and maintenance.
- Grants and loans that can help bring a building back into beneficial use may be available; for example, the Welsh Government's Houses into Homes scheme.²⁹
- The best long-term use for a listed building may not be the one that generates the maximum financial return. Non-financial and wider regeneration benefits, including environmental, social and cultural benefits, should be taken into account.

- Some listed buildings at risk may not be capable of beneficial use — boundary walls and bridges, for example, or industrial structures such as redundant chimneys or kilns. Finding solutions for structures such as these is a particular challenge that calls for imaginative responses. Fundamental to success is the existence of champions such as community working groups or building preservation trusts who can take responsibility for care and maintenance, and for raising funds.
- Building up a volunteer group can help with the maintenance of structures that have no long-term use, but are not particularly expensive to look after, such as railings and milestones.
- Where buildings and structures are not capable of beneficial use that can directly fund their long-term maintenance, their contribution to local distinctiveness and the quality of the environment may justify investment in their care and maintenance.
- In some circumstances, recording prior to managed decay may be the only realistic option.³⁰

4.3 Ownership ⇐

Appropriate ownership is the third factor necessary to secure long-term sustainability for listed buildings. In tackling buildings at risk, the building owner is a key player. In certain circumstances, a change of owner or ownership type may be necessary.

- It is vital to make sure that owners are aware that their building is at risk and give them an opportunity to remedy the situation.
- Making information available about buildings at risk can help generate interest and encourage potential new owners to come forward.
- Where ownership appears to be the problem, the use of statutory powers to trigger a change of owner may be appropriate; for example, via enforced sale or compulsory purchase. This needs to be followed by immediate disposal to a new owner, such as a building preservation trust, through a 'back-to-back' agreement.
- Not-for-profit organisations, such as community groups and social enterprises including building preservation trusts, have access to sources of funding and advice which are not necessarily available to private owners. These can be an important resource, whether working alone or in partnership with the private sector.
- Community asset transfer can be an important way to secure a future for listed buildings in public ownership, providing that the transfer is properly resourced. The Welsh Government and public bodies have a responsibility to support community asset transfer wherever possible and to ensure that it is sustainable. *Community Asset Transfers in Wales: A Best Practice Guide* has useful links to sources of grant and loan finance. The case studies include several listed buildings which have found new uses through this route.³¹

Where buildings are changing hands, responsible disposal policies have a major part to play in minimising or mitigating risk. Local authorities and other public bodies can lead by example when disposing of their own buildings by applying the following general principles:

- consider the significance of the building³² — is it historic and does it meet the criteria for listing or is it of special local interest?
- consider the viability of options for reuse before deciding to sell
- consider alternative methods of disposal to make sure that historic buildings find an appropriate new owner: maximising receipts should not necessarily be the overriding aim. Although there is a general legal requirement that a public authority must achieve best value, there are circumstances when it is appropriate to dispose of an asset at below full market value, where a benefit to the community will be secured.³³ Alternatives to freehold transfer such as a lease or a management agreement may also be appropriate.
- take reasonable steps to ensure that purchasers have the resources to maintain historic buildings and sustain them for the long term
- avoid splitting sites up in a way which could be damaging to long-term sustainability. This could take the form of damage to the setting of a listed building, for example, or the loss of development opportunities which might be part of a sustainable business model.

Third sector or other bodies taking on historic buildings will need to make sure that they have the most appropriate type of tenure.³⁴ They will also need a realistic financial strategy for capital development and ongoing management and maintenance. This will need to take into account the condition of the building and its capacity for change, the costs of capital work, options for fund raising and future revenue streams.

5. Measuring Success

Managing listed buildings at risk is a painstaking process. Although bringing buildings back into beneficial and sustainable use is our ultimate aim, it is important to recognise and record all the components of active management, which are at least as important as enforcement actions. These can include:

- contact between stakeholders
- repair and maintenance work
- feasibility studies
- grant and loan offers
- sales and other transactions.

Make sure that success stories are shared. Positive examples can be an inspiration for further action and wider involvement.

Annex ▯

Managing Listed Buildings at Risk — Measures and Powers ▯

Stopping the Rot, published by Historic England, contains more detail about the powers outlined here, together with useful case studies and sample documents.³⁵ Cadw endorses the use of this material, but care must be taken when the law in Wales differs from that in England. This information is not definitive and should not be used in place of legal advice.

Local authorities have a range of measures and powers which they can use when the condition of a listed building is affecting amenity and the public interest adversely. These powers should be used only when ‘soft’ powers of encouragement and negotiation to tackle the issue have failed. There may be a role for them where a building is clearly capable of beneficial use, but has an owner unwilling to cooperate in bringing it about. In these circumstances, timely and proportionate enforcement can help to give listed buildings at risk a second chance.

In deciding whether or not to make use of these powers, local authorities should have clear objectives and justification for their use, which should be focused on remedying a problem. They should consider:

- will intervention be in the public interest?
- will it help to achieve a sustainable solution that will fund the repair and maintenance of the building?
- is it the best available means of preventing further deterioration?
- have all other avenues been exhausted?

When intervention is necessary, it should always be preceded and accompanied by talking with the owner. In many cases, talking can be enough to spur owners into taking action themselves. Sometimes, however, owners may refuse to cooperate despite the building having a sustainable and viable use, and an able and willing purchaser to hand. In such cases, local authorities should be ready to use their enforcement powers to bring about a change of ownership to ensure that the building has a long-term viable future.

The powers available to local authorities include several measures which are specific to listed buildings. Others, which relate to general amenity, and public health and safety, may also be helpful in tackling the challenge of listed buildings at risk. The most important of these powers are summarised below for information.

The primary purpose of these measures is to address the condition of a building. In some instances, this is directly related to securing a beneficial use and, in many cases, notices can be the first step in a process that results in a change in ownership.

A1. Urgent Works:³⁶ Planning (Listed Buildings and Conservation Areas) Act 1990, sections 54 and 55;³⁷ (as amended by the Historic Environment (Wales) Act 2016, section 30³⁸) ⇐

According to the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) (as amended by the Historic Environment (Wales) Act 2016), if a local authority or the Welsh Ministers consider that works are urgently necessary to preserve a listed building, they may, having given prior notice to the owner, carry them out and recover the costs. The works are generally limited to what is urgently necessary to keep a building wind- and weatherproof, and safe from collapse. The owner must be given at least seven days written notice of the intention to carry out works, and the notice must describe the works that are proposed.

If the whole or part of a building is in residential use, works may not interfere unreasonably.

Local authorities may recover costs by imposing a land charge, which can be followed by enforced sale procedures (see below). Interest can also be charged on outstanding costs. The owner has a right of appeal against the costs.

Urgent works address the condition of a building and can also initiate a change of ownership.

A2. Compulsory Purchase Orders and Repairs Notices:³⁹ Planning (Listed Buildings and Conservation Areas) Act 1990, sections 47–50⁴⁰ ⇐

Under section 48 of the 1990 Act, a local authority or the Welsh Ministers can serve a repairs notice which specifies works that it considers reasonably necessary to bring a listed building into the state of repair needed for its proper preservation. If, after a period of not less than two months, there has been no material change in the building's condition, the local authority can begin compulsory purchase proceedings under section 47 (see below). There is no provision for works to be carried out in default, but a repairs notice does not commit the authority to proceed to compulsory purchase action. Both the repairs notice and the compulsory purchase order can be withdrawn at any time if circumstances change.

If a compulsory purchase order is confirmed, or if the property is acquired by agreement, compensation will be paid to the owner. However, if there is reason to believe that a building has been deliberately allowed to fall into disrepair to justify its demolition and the development, or redevelopment, of the site or any adjoining site, the local authority can ask the Welsh Ministers for a direction for minimum compensation. Compulsory purchase orders must be confirmed by the Welsh Ministers. They are unlikely to be confirmed unless the local authority can show that it has a strategy and resources in place for securing the repair and future of the building.

Repairs notices address the condition of a building in the first instance, but the capacity to follow them with a compulsory purchase order means that they may also initiate a change in ownership.

A3. Preservation Notices: Planning (Listed Buildings and Conservation Areas) Act 1990, section 56A (as prospectively amended by the Historic Environment (Wales) Act 2016, section 31⁴¹) ↗

Section 56A of the 1990 Act provides the Welsh Ministers with the power to introduce preservation notices that will allow local authorities to require owners to undertake specified works to listed buildings that have fallen into disrepair. The provisions require the introduction of secondary legislation before they can be brought into force.

Further guidance on the use of preservation notices will be issued once the necessary secondary legislation has been introduced.

A4. Section 215 Notices: Town and Country Planning Act 1990, section 215⁴² ↗

The purpose of these notices is to remedy the adverse effect on amenity caused by the detrimental condition of any land or building. They can only be used to secure improvements to the external visible appearance of a building or land, but can be served on any building or land, whether designated or not, or whether occupied or vacant, and are useful in helping to tackle dereliction and neglect. They can specify a variety of works including planting, clearance, tidying, enclosure, external repairs and repainting. They cannot specify works which would require planning permission or listed building consent. Their great merit is that they can be used proactively to stop deterioration before it gets out of hand — timely use of these notices can avoid the need for further intervention.

The notice requires the owner to carry out works within a specified period and non-compliance is punishable by a fine on conviction. The owner has a right of appeal. If the works are not carried out by the date specified, under section 219 of the 1990 Act, the local planning authority has the power to undertake the works in default and recover the costs from the owner. A land charge can then be imposed on any outstanding debt, which can be followed by an enforced sale.

Section 215 notices address the condition of buildings in the first instance, but because they can trigger enforced sale proceedings, they may also initiate a change of ownership.

A5. Dangerous Buildings and Structures:⁴³ Building Act 1984, sections 77–79⁴⁴ ↗

Under the Building Act 1984 (the 1984 Act), local authorities can take action regarding buildings in a dangerous or ruinous state. But, before taking any steps under sections 77 and 79 of the 1984 Act, a local planning authority is required by section 56 of the 1990 Act⁴⁵ to consider whether urgent works or a repairs notice should be used instead.

Section 77 of the 1984 Act enables local authorities to apply to a magistrates' court for a dangerous structures order requiring the owner to make a building safe or to demolish it. If the owner fails to comply within a specified time, the local authority can execute the order itself and recover costs. Works are subject to listed building control so listed building consent may be needed.

Section 78 of the 1984 Act relates to emergency measures when a local authority considers that a building or structure, or part of a building or structure, is dangerous and that *immediate* action should be taken to remove the danger. Local authorities must give notice before exercising their powers, if practical, and they may recover their costs. Because immediate action is permissible, the requirement to first consider the use of urgent works or a repairs notice does not apply. Immediate action does not

have to mean demolition and, if a listed building is involved, alternatives such as partial removal of the dangerous part of the building, or a road closure order can be suggested.

Section 79 of the 1984 Act can be used where a building or structure is, by reason of its ruinous or dilapidated condition, seriously detrimental to the amenities of the neighbourhood. It enables the local authority to serve a notice on the owner requiring works of repair or restoration necessary in the interest of amenity, or to demolish the building. The notice should specify the nature of the works and the time within which they are to be carried out. The owner has a right of appeal, but subject to that, the local authority can carry out work and recover costs.

Where listed buildings are concerned, it is likely that it will be more appropriate to undertake urgent works or serve a repairs notice.

Where a local authority has carried out works in default, the cost is a charge on the property, which means that the enforced sale procedure can also be used.

Action taken under the Building Act 1984 primarily addresses the condition of the building, but, because it can trigger enforced sale, it may also initiate a change of ownership.

A6. Empty Dwelling Management Orders: Housing Act 2004, section 132⁴⁶ ↪

As part of their housing powers, local authorities have the power to issue empty dwelling management orders (EDMOs) to enable them to take over management control of a residential property. The power exists to help local authorities tackle the issue of empty properties and contribute to local housing need and regeneration.

Other sections of the Housing Act 2004 may also be relevant; for example, sections 11 and 12,⁴⁷ which relate to improvement notices, and section 40,⁴⁸ which relates to emergency remedial action.

EDMOs address the condition of a building and are designed to bring buildings back into use without forcing a change in ownership.

A7. Acquisition of Land for Housing Purposes: Housing Act 1985, section 17⁴⁹ ↪

Section 17 of the Housing Act 1985 enables local authorities to acquire houses or buildings, which could be made suitable as houses, by agreement or by a compulsory purchase order authorised by the Welsh Ministers following a compulsory purchase order enquiry. This is a useful tool for tackling properties that have been empty for a long time or are uninhabitable in order to bring them back into beneficial housing use.

Action taken under section 17 of the Housing Act 1985 addresses the condition of a building and is intended to bring buildings back into use, accompanied by a change in ownership.

A8. Enforced Sale Procedure: Law of Property Act 1925;⁵⁰ Local Land Charges Act 1975⁵¹ ⇐

This procedure is a useful tool to strengthen other enforcement activity and can also support regeneration and empty homes strategies. It can be used for empty properties, occupied dwellings and commercial premises where a local authority has carried out work in default, and where the debt is registered as a charge on the property. It gives the local authority all the powers and remedies available to a mortgagee, including a power to force the sale of the property either by public auction or to a preferred buyer, in order to recover the debt.

This is a key tool for dealing with empty homes as it can be considerably quicker to implement than a compulsory purchase order, it does not incur the payment of compensation to the owner and enables the local authority to recover its expenditure on any previous notices. The procedure can stimulate renovation and reoccupation in circumstances where both the condition of a building and its ownership have been problematic.

Enforced sale procedure primarily addresses ownership as a route to tackling condition and use.

References ↗

- 1 *Planning Policy Wales* (Edition 9), Chapter 6: The Historic Environment ↗
<http://gov.wales/topics/planning/policy/ppw/?lang=en>
- 2 *Technical Advice Note 24: The Historic Environment* ↗
<http://gov.wales/topics/planning/policy/tans/?lang=en>
- 3 Well-being of Future Generations (Wales) Act 2015 ↗
<http://www.legislation.gov.uk/anaw/2015/2/contents>
- 4 *Managing Change to Listed Buildings in Wales*, Welsh Government, Cadw, 2017 ↗
<http://cadw.gov.wales/historicenvironment/publications/?lang=en>
- 5 Well-being of Future Generations (Wales) Act 2015 ↗
<http://www.legislation.gov.uk/anaw/2015/2/contents>
How to measure a nation's progress? National indicators for Wales
<http://gov.wales/topics/people-and-communities/people/future-generations-act/national-indicators/?lang=en>
- 6 Heritage Trust Network ↗
<http://www.heritagetrustnetwork.org.uk/>
The Architectural Heritage Fund
<http://ahfund.org.uk/>
The Prince's Regeneration Trust
<http://www.princes-regeneration.org/>
- 7 Strategic Action Plan for Places of Worship in Wales, Welsh Government, Cadw, 2015 ↗
<http://cadw.gov.wales/historicenvironment/policy/historic-places-of-worship/?lang=en>
- 8 *Planning Policy Wales* (Edition 9) ↗
<http://gov.wales/topics/planning/policy/ppw/?lang=en>
- 9 Houses into Homes scheme, Welsh Government ↗
<http://gov.wales/topics/housing-and-regeneration/housing-supply/empty-homes/houses-into-homes/?lang=en>
- 10 Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 ↗
<http://www.legislation.gov.uk/ukpga/1990/9/section/66>
- 11 *Planning Policy Wales* (Edition 9), Chapter 10: Planning for Retail and Town Centres, paras 10.2.5 and 10.2.8, 10.3.17 ↗
<http://gov.wales/topics/planning/policy/ppw/?lang=en>
- 12 The Housing Act 2004, Part 4, Chapter 2 ↗
<http://www.legislation.gov.uk/ukpga/2004/34/part/4/chapter/2>
- 13 The Architectural Heritage Fund ↗
<http://ahfund.org.uk/>

- 14 The Prince's Regeneration Trust ↗
<http://www.princes-regeneration.org/>
- 15 Heritage Lottery Fund ↗
<https://www.hlf.org.uk/>
- 16 Heritage Trust Network ↗
<http://www.heritagetrustnetwork.org.uk>
- 17 Unsympathetic alterations which can compromise the historic interest and technical performance of listed buildings are not included within the scope of this guidance. See instead *Managing Change to Listed Buildings in Wales*, Welsh Government, Cadw, 2017 ↗
<http://cadw.gov.wales/historicenvironment/publications/?lang=en>
- 18 Cadw's Maintenance Matters! provides advice and guidance about routine maintenance.
<http://cadw.gov.wales/historicenvironment/help-advice-and-grants/maintenancematters/?lang=en>
The Institute of Historic Building Conservation also provides useful online advice about caring for your home. ↗
<http://ihbconline.co.uk/caring/#>
- 19 The summary data is published on Cadw's website. ↗
<http://cadw.gov.wales/historicenvironment/recordsv1/buildingsatrisk/?lang=en>
- 20 In this context, significance refers to the sum of the cultural heritage values of the building. For more information about significance and the historic environment, see *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011 ↗
<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>
- 21 *Managing Change to Listed Buildings in Wales*, Welsh Government, Cadw, 2017 ↗
<http://cadw.gov.wales/historicenvironment/publications/?lang=en>
- 22 *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011 ↗
<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>
Managing Change to Listed Buildings in Wales, Welsh Government, Cadw, 2017
<http://cadw.gov.wales/historicenvironment/publications/?lang=en>
- 23 Cof Cymru — National Historic Assets of Wales ↗
<http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>
- 24 See Contacts ↗
- 25 Heritage Funding Directory ↗
<http://www.theheritagealliance.org.uk/fundingdirectory/main/fundinghome.php>
- 26 *Planning Policy Wales* (Edition 9), Chapter 6: The Historic Environment ↗
<http://gov.wales/topics/planning/policy/ppw/?lang=en>
- 27 *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011 ↗
<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>

- 28 Heritage Lottery Fund Viability and Development Appraisal Guidance ¹
<https://www.hlf.org.uk/viability-and-development-appraisal-guidance>
- 29 Houses into Homes scheme, Welsh Government ¹
<http://gov.wales/topics/housing-and-regeneration/housing-supply/empty-homes/houses-into-homes/?lang=en>
- 30 The Royal Commission on the Ancient and Historical Monuments of Wales and the Welsh archaeological trusts can advise on recording historic buildings. See Contacts. ¹
- 31 *Community Asset Transfers in Wales: A Best Practice Guide*, Welsh Government, 2016 ¹
<http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/best-practice-guide/?lang=en>
- 32 In this context, significance refers to the sum of the cultural heritage values of the building. For more information about significance and the historic environment, see *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011 ¹
<http://cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en>
- 33 *Community Asset Transfers in Wales: A Best Practice Guide*, Welsh Government, 2016, para 1.2 ¹
<http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/best-practice-guide/?lang=en>
- 34 *Community Asset Transfers in Wales: A Best Practice Guide*, Welsh Government, 2016, para 5.3 ¹
<http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/best-practice-guide/?lang=en>
- 35 *Stopping the Rot*, Historic England, 2016 ¹
<https://historicengland.org.uk/images-books/publications/stoppingtherot/>
- 36 *Technical Advice Note 24: The Historic Environment*, annex B.11–B.12 ¹
<http://gov.wales/topics/planning/policy/tans/?lang=en>
- 37 Planning (Listed Buildings and Conservation Areas) Act 1990, sections 54 and 55 ¹
<http://www.legislation.gov.uk/ukpga/1990/9/part/II/chapter/V/crossheading/urgent-preservation>
- 38 Historic Environment (Wales) Act 2016, section 30 ¹
<http://www.legislation.gov.uk/anaw/2016/4/section/30>
- 39 *Technical Advice Note 24: The Historic Environment*, annex B.13–B.14 ¹
<http://gov.wales/topics/planning/policy/tans/?lang=en>
- 40 Planning (Listed Buildings and Conservation Areas) Act 1990, sections 47–50 ¹
<http://www.legislation.gov.uk/ukpga/1990/9/part/II/chapter/V/crossheading/compulsory-acquisition-of-listed-building-in-need-of-repair>
- 41 Historic Environment (Wales) Act 2016, section 31 ¹
<http://www.legislation.gov.uk/anaw/2016/4/section/31>
- 42 Town and Country Planning Act 1990, section 215 ¹
<http://www.legislation.gov.uk/ukpga/1990/8/section/215>
- 43 *Technical Advice Note 24: The Historic Environment*, annex B.15 ¹
<http://gov.wales/topics/planning/policy/tans/?lang=en>

44 Building Act 1984, sections 77–79 ↗

<http://www.legislation.gov.uk/ukpga/1984/55/part/III/crossheading/defective-premises-demolition-etc>

45 Planning (Listed Buildings and Conservation Areas) Act 1990, section 56 ↗

<http://www.legislation.gov.uk/ukpga/1990/9/section/56>

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<http://www.legislation.gov.uk/ukpga/2004/34/section/132>

47 Housing Act 2004, sections 11 and 12 ↗

<http://www.legislation.gov.uk/ukpga/2004/34/part/1/chapter/2/crossheading/improvement-notice>

48 Housing Act 2004, section 40 ↗

<http://www.legislation.gov.uk/ukpga/2004/34/section/40>

49 Housing Act 1985, section 17 ↗

<http://www.legislation.gov.uk/ukpga/1985/68/section/17>

50 Law of Property Act 1925 ↗

<http://www.legislation.gov.uk/ukpga/Geo5/15-16/20/contents>

51 Local Land Charges Act 1975 ↗

<http://www.legislation.gov.uk/ukpga/1975/76/contents>

Further Information ↗

Legislation

Building Act 1984

<http://www.legislation.gov.uk/ukpga/1984/55/contents>

Historic Environment (Wales) Act 2016

<http://www.legislation.gov.uk/anaw/2016/4/contents/enacted>

Housing Act 2004

<http://www.legislation.gov.uk/ukpga/2004/34/contents>

Law of Property Act 1925

<http://www.legislation.gov.uk/ukpga/Geo5/15-16/20/contents>

Local Land Charges Act 1975

<http://www.legislation.gov.uk/ukpga/1975/76/contents>

Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

The Housing (Empty Dwelling Management Orders) (Prescribed Exceptions and Requirements) (Wales) Order 2006

<http://www.legislation.gov.uk/wsi/2006/2823/contents/made>

Town and Country Planning Act 1990

<http://www.legislation.gov.uk/ukpga/1990/8/contents>

Well-being of Future Generations (Wales) Act 2015

<http://www.legislation.gov.uk/anaw/2015/2/contents>

Planning Policy and Guidance

Planning Policy Wales (Edition 9)

<http://gov.wales/topics/planning/policy/ppw/?lang=en>

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<http://gov.wales/topics/planning/policy/ppw/?lang=en>

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Technical Advice Note 24: The Historic Environment

<http://gov.wales/topics/planning/policy/tans/?lang=en>

Development Management Manual, Welsh Government

<http://gov.wales/topics/planning/policy/development-management-manual/?lang=en>

Best-practice Guidance

Community Asset Transfers in Wales: A Best Practice Guide, Welsh Government, 2016

<http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/best-practice-guide/?lang=en>

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Managing Change to Listed Buildings Wales, Welsh Government, Cadw, 2017

<http://cadw.gov.wales/historicenvironment/publications/?lang=en>

Stopping the Rot, Historic England, 2016

<https://historicengland.org.uk/images-books/publications/stoppingtherot/>

Conservation Guidance

BS7913 Guide to the Conservation of Historic Buildings

<http://shop.bsigroup.com/ProductDetail/?pid=000000000030248522>

Historic England

<https://historicengland.org.uk/advice/your-home/>

Historic Environment Scotland

<https://www.engineshed.org/>

Institute of Historic Building Conservation (IHBC)

www.ihbc.org.uk/

IHBC Caring for your Home

<http://ihbconline.co.uk/caring/>

Maintenance Matters!

<http://cadw.gov.wales/historicenvironment/help-advice-and-grants/lookingafteryourproperty/maintenancematters/?lang=en>

Historical Information

Archives Wales — an online catalogue that allows you to search information in more than 7,000 collections of historical records in the holdings of 21 archives in Wales.

<https://archives.wales/>

Archwilio — provides online public access to the historic environment records for each local authority area in Wales. Archwilio is maintained and supported with further information held by the Welsh archaeological trusts.

www.archwilio.org.uk

Cof Cymru — Cadw's online record of the national historic assets of Wales, which includes listed buildings, scheduled monuments, protected wrecks, World Heritage Sites and registered historic landscapes. Registered historic parks and gardens will be added to Cof Cymru during 2018.

<http://cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en>

Coflein — the online catalogue for the National Monuments Record of Wales, the national collection of information about the historic environment of Wales.

<http://www.coflein.gov.uk/>

Cynefin — an online resource to research Welsh tithe maps and their indexes.

<http://cynefin.archiveswales.org.uk>

Historic Wales — an online gateway to national and regional historic environment records.

www.historicwales.gov.uk

List of Historic Place Names of Wales — records the various forms and spellings used for the names of topographical features, communities, thoroughfares, structures and other aspects of the landscape recorded in sources that predate the First World War.

<https://historicplacenames.rcahmw.gov.uk/>

The National Library of Wales

<https://www.llgc.org.uk/>

Contacts

Welsh Government

Historic Environment Service (Cadw)
Plas Carew, Unit 5/7 Cefn Coed, Parc Nantgarw, Cardiff CF15 7QQ
Tel. 03000 256000
cadw@wales.gsi.gov.uk
gov.wales/cadw

Local Authorities

Local authorities' contact details can be found on their individual websites.

The Royal Commission on the Ancient and Historical Monuments of Wales

Ffordd Penglais, Aberystwyth, Ceredigion, SY23 3BU
Tel. 01970 621200
nmr.wales@rcahmw.gov.uk
www.rcahmw.gov.uk

Welsh Archaeological Trusts

Clwyd-Powys Archaeological Trust
41 Broad Street, Welshpool SY21 7RR
Tel. 01938 553670
trust@cpat.org.uk
www.cpat.org.uk

Dyfed Archaeological Trust
Corner House, 6 Carmarthen Street, Llandeilo SA19 6AE
Tel. 01558 823121
info@dyfedarchaeology.org.uk
www.dyfedarchaeology.org.uk

Glamorgan-Gwent Archaeological Trust
Heathfield House, Heathfield, Swansea SA1 6EL
Tel. 01792 655208
enquiries@ggat.org.uk
www.ggat.org.uk

Gwynedd Archaeological Trust
Craig Beuno, Garth Road, Bangor LL57 2RT
Tel. 01248 352535
gat@heneb.co.uk
www.heneb.co.uk

Other Organisations and Amenity Societies

Council for British Archaeology

<http://new.archaeologyuk.org/>

Georgian Group

www.georgiangroup.org.uk

Heritage Lottery Fund

<https://www.hlf.org.uk/>

Heritage Trust Network

<http://www.heritagetrustnetwork.org.uk/>

SAVE Britain's Heritage

<http://www.savebritainsheritage.org/>

Society for the Protection of Ancient Buildings

www.spab.org.uk/

The Architectural Heritage Fund

<http://ahfund.org.uk/>

Theatres Trust

<http://www.theatretrust.org.uk/>

The Prince's Regeneration Trust

<http://www.princes-regeneration.org/>

Twentieth Century Society

www.c20society.org.uk

Victorian Society

www.victoriansociety.org.uk

Welsh Historic Gardens Trust

www.whgt.org.uk

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