



## LISTED BUILDING ENFORCEMENT WORKSHOP

### *Summary of the main Enforcement Notices available*

<p><b>Urgent Works Notice</b></p> <p><b>Planning (Listed Buildings and Conservation Areas) Act 1990, ss 54 and 55</b></p>	<p>S 54 specifies that a local authority (LA) may execute any works which appear to be urgently necessary for the preservation of a listed building.</p> <p>The LA must give the owner a minimum of 7 day's written notice of its intention to carry out the works. The Notice must clearly describe the intended works, which must be restricted to works that are essential to keep the listed building wind and weatherproof and free from collapse and vandalism. The Historic Environment (Wales) Act 2016 amended s 54 to allow urgent works on both occupied and unoccupied buildings, provided they do not unreasonably interfere with residential use.</p> <p>If the owner does not act following the service of an Urgent Works Notice, the LA can execute the works and serve a s 55 Notice to recover reasonable costs. An owner may appeal to the Welsh Ministers against a s 55 Notice on the grounds that the works were unnecessary or that the costs were unreasonable.</p> <p>Any outstanding costs of urgent works become a local land charge and attract interest at Bank of England Base Rate + 2% until they are recovered by the LA. The authority may enforce this charge by a number of means, including appointment of a receiver or an enforced sale.</p>
<p><b>Repairs Notice</b></p> <p><b>Planning (Listed Buildings and Conservation Areas) Act 1990, s 48</b></p>	<p>A Repairs Notice specifies works reasonably necessary for the proper preservation of a listed building — i.e. to prevent further deterioration of a building at risk.</p> <p>If, after not less than 2 months, reasonable steps are not being taken to address the works, the LA's option is then to serve a Compulsory Purchase Order.</p>



<b>Compulsory Purchase Order</b>  <b>Planning (Listed Buildings and Conservation Areas) Act 1990, s 47</b>	The Welsh Ministers must confirm a CPO, and are unlikely to do so unless the LA acquiring the property can demonstrate that it has a viable and deliverable plan to safeguard the listed building.
<b>Section 215 Notice</b>  <b>Town and Country Planning Act 1990</b>	Addresses adverse impact on amenity resulting from the condition of land or property. The Notice requires steps to be undertaken within a specified timescale. Failure to comply is an offence and may result in prosecution (s 216). The LA may also undertake the works and recover the costs under s 219.
<b>Listed Building Enforcement Notice</b>  <b>Planning (Listed Buildings and Conservation Areas) Act 1990, s 38</b>	Relates to unauthorised works. The Notice must specify the alleged contravention and the steps necessary to restore the building to its former state or where this is not possible the steps necessary to alleviate the impact of the works. Where the building is irreversibly lost, altered or damaged, the LA can prosecute the criminal offence under ss 9 and 59. The level of fine may be influenced by the scale of financial benefit gained through carrying out the works.
<b>Temporary stop notices</b>  <b>Planning (Listed Buildings and Conservation Areas) Act 1990, ss 44B–44D</b>	These can be used where it appears that works have been carried out (and are ongoing) and where the LA judges that the works should cease immediately. The notice takes effect when it is displayed on the building and therefore can be very quick to serve. It only lasts for 28 days during which time the LA must seek a resolution or take alternative enforcement action (such as an injunction or Listed Building Enforcement Notice under s 38).
<b>Injunctions</b>  <b>Planning (Listed Buildings and Conservation Areas) Act 1990, s 44A</b>	Can be used when LAs consider necessary or expedient to restrain any contravention of section 9(1) or (2) that is about to be carried out.



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