



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 22 February 2023

Wards affected: Groby

Undertaking of Urgent Works at Bradgate Stables

Report of Director (Community Services)

1. Purpose of report

- 1.1 To inform Council of the latest position regarding Bradgate Stables and to seek approval for a course of action to secure its urgent preservation, including the serving of an Urgent Works Notice.

2. Recommendation

That Council:

- 2.1 Note the limited progress by the owners on undertaking the urgent works required to preserve the building, as detailed in Appendix 2.
- 2.2 Note the proposals for the long-term strategy for the building noted in section 6 of the report.
- 2.3 Agree to the delegation detailed in section 5 of the report.
- 2.4 Agree to a supplementary budget of up to £300,000 for costs and £240,000 for the grant income from Historic England.

3. Background to the report

- 3.1 Bradgate Stables is located within Groby Ward and lies to the north of the A50 between Bradgate Hill and Markfield. The Stables were built in 1856 for the 7th Earl of Stamford, Master of the Quorn Hunt 1856-63. It is a grade II* listed building placing it within the top 6% of most historically and architecturally important buildings in the country.

- 3.2 The Stables are in disuse and are not occupied. They were in a ruinous condition when the building was first listed in 1988 and they remain a significant standing ruin with their listing at grade II* in recognition of them being a particularly important building of more than special interest.
- 3.3 The site and surrounding land were acquired by the current owners, in 2004. Since taking ownership there has been limited action by the owners to address the condition of the Stables, with the condition of the building being allowed to deteriorate to the state where works are urgently required for its preservation.
- 3.4 As Bradgate Stables is in a considerable state of disrepair it continues to be identified by Historic England as being “at risk”, with the building being included on every annual Heritage at Risk register since such these were first published and being included on the most recent register of 2022. Historic England identifies the “very bad” condition of the building and “there being an immediate risk of further rapid deterioration or loss of fabric with no solution agreed”. An extract of the 2022 Register is included in Appendix 1.
- 3.5 Section 54(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows a local authority to execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area. The Historic England guidance ‘Stopping the Rot’ states that the use of Urgent Works Notices should be restricted to emergency repairs to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be the minimum consistent with achieving this objective. Case Law has established that the works specified should be those urgently necessary at the time and should not include precautionary or preventative work that may become necessary in the future.
- 3.6 Historic England state that it is implicit in the legislation and guidance that urgent works provisions will apply to buildings in an advanced state of decay, requiring temporary support (e.g., scaffolding or propping) or shelter (e.g., a temporary roof).
- 3.7 Appendix 2 provides a summary of the work undertaken by Officers since the previous agreement by Council (on 26 April 2022) for the serving of an urgent work notice.
- 3.8 In summary, following on from the withdrawal of the Urgent Works Notice on 5 July 2022 (due to the legal challenge and the fact that the owners wanted to work with the Council), the owners’ voluntary actions have only resulted in the completion of required ecological surveys, erection of a replacement fence around part of the perimeter of the building, and some partial vegetation and sapling/tree clearance. No other remaining items specified within the Schedule of Works, which includes full vegetation clearance, the erection of scaffolding for support and access to masonry walls, works to the walls, and specialist conservation work to preserve key architectural features on the stable tower, have been undertaken, nor has a programme of completing these works been presented to the Council to demonstrate that voluntary

action is to be forthcoming in an urgent timeframe, despite consistent attempts by the Council to assist the owner in completing all works in an urgent timeframe since the withdrawal of the Notice.

- 3.9 The reasons for the timeframe from first commencing the Urgent Works process to the current position of considering a second Urgent Works Notice are due to the practicalities of surveying a building of this nature and complexity and being bound by compliance with protected species legislation, whilst also giving the owner every opportunity to address the situation voluntarily. Further, there appeared to be the possibility that the issue would be remedied by the owner. However, progress has been too slow such that officers are now deeply concerned that any further delay will cause further decay to the asset. The delays involved to date do not mean that the works do not remain urgent, but rather it demonstrates that the Council have followed due processes and have exhausted all efforts to ensure the owner address the situation voluntarily before having to consider intervening in-default.

4. Preparation of a new Urgent Works Notice

- 4.1 A copy of the Specification and Schedule of Urgent Works prepared by the Lead Advisor accompanies this report as a background paper. At the time of writing this report the content of the Schedule is currently under review by the Lead Advisor but the Council have been informed that little or no change to the Schedule is expected. Council Officers maintain confidence that, in their planning judgement having regard to all material considerations, the scope and nature of the urgent works specified within the Schedule of Works are the minimum work necessary to ensure the preservation of the building with the works being fully compliant with the provisions of Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated guidance including the Historic England document 'Stopping the Rot'.
- 4.2 Historic England are fully supportive of the Council's course of action, which has been confirmed in writing, and are confident that the Schedule of Works complies with Section 54 of the 1990 Act to the extent that the substantial Historic England grant accepted by the Council which covers 80% of costs of the work should they be required to be undertaken in default, up to a value of £300,000, remains ringfenced.
- 4.3 Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows for a local authority to serve notice upon the owner to recover the costs of the works undertaken in default. The Council will take reasonable steps to claim money back from the building owner if the works have to be undertaken in default. If costs are claimed back, Historic England will be reimbursed their element of the grant.
- 4.4 The Council's Lead Advisor has confirmed that the preferred contractor remains interested in completing the urgent works in full and revised estimates for the costs of the work are being sought. The tendered price was £170,000 (subject to a potential slight increase following scaffold cost clarification), so even allowing for a potential increase following a revised

costing exercise it is highly likely that costs will remain lower than the grant eligible value of £300,000.

- 4.5 A copy of the proposed Urgent Works Notice is included in Appendix 3. A 7-day notice period of the Councils intention to carry out the works is applied in accordance with Section 54(5) of the 1990 Act, effective from the date the Notice is served on the building owner.

5. Course of action for which Council approval is sought

- 5.1 Based on the content of this report, to secure the works urgently required for the preservation of the grade II* listed Bradgate Stables and Kennels Council approval is sought for delegated authority to follow the course of action listed below:

The Director (Community Services) to be authorised to:

- present the agreed Urgent Work Schedule and Specification to the building owner giving a short period of notice that the Council intend to carry out the specified works should the building owner fail to take steps to undertake the urgent works voluntarily
- to serve the agreed Urgent Works Notice if no clear commitment to the works being undertaken voluntarily be provided during the notice period, (and to make any necessary amendments to the contents of the notice which the Director feels in the circumstances are necessary)
- to authorise the appointment of the required professional services to complete the urgent works in default, with the appointment made upon expiry of a 7-day period from the serving of the Urgent Works Notice if no clear commitment to the works being undertaken voluntarily be provided during this period
- to make necessary provisions for gaining authorised access to the site to complete the urgent works in default should access be withheld

6. Long-term strategy for Bradgate Stables

- 6.1 It is advised that the Council seek to address the immediate short-term and long-term issues with Bradgate Stables in tandem. No known detailed consideration of the possible future for Bradgate Stables has been undertaken since 1996 when a Feasibility Study was commissioned by the Council, English Heritage (as then) and Leicestershire County Council. This study is considered out of date, so a revised appraisal is key to determining a sustainable long-term solution for Bradgate Stables and ultimately the possibility of the removal of the building from the Historic England at Risk register.
- 6.2 Historic England support has been provided through offering the Council a grant of 80% of the costs of undertaking an Options Appraisal to assess all practicable uses and development opportunities at Bradgate Stables which could be acceptable to key stakeholders. It is intended that the Appraisal be completed during 2023.

7. Exemptions in accordance with the Access to Information procedure rules

7.1 The report is to be taken in open session.

8. Financial implications [AW]

8.1 The costs to the Council for the works intended, if the final costs are £300,000, would be £60,000. This is due to 80% of the costs being recovered via the Historic England grant funding. If the final costs are less than this, the spend and grant income will be reduced. It is currently expected that the costs will be less than the possible top range of £300,000, and closer to £200,000, but estimates for the work are not yet finalised. The table below gives a range of indicative cost to the Council should the final agreed cost be lower than the £300,000 supplementary requested. The impact for HBBC of a lower final estimate is relatively small compared to the overall cost of the works needed.

Prices Range	Grant Funding	HBBC element of cost
£300,000	£240,000	£60,000
£275,000	£220,000	£55,000
£250,000	£200,000	£50,000
£225,000	£180,000	£45,000
£200,000	£160,000	£40,000

8.2 Supplementary capital estimates will need to be agreed, which should be at the higher end of £300,000 for costs and £240,000 for the grant income. Due to the level of the budget, Council approval will be required.

8.3 Officers will take reasonable steps to claim money back from the owner. If funds are claimed back, Historic England will be reimbursed their element of the grant.

8.4 A Feasibility Study and any assessment of any future potential liability arising from the works and how this is managed will be required. Any further cost that may occur in relation to such an assessment will need to be approved in accordance with financial procedures.

8.5 There is a potential for legal costs to be incurred in the event of legal challenges made by the building owner. This could be in the range £10,000-£15,000 based on current estimates. Professional advice may also be needed on other aspects, which in turn may lead to some additional costs being incurred.

9. Legal implications [MR]

9.1 The report has been presented to Counsel with the content reflecting the advice provided.

10. Corporate Plan implications

- 10.1 Places – creating clean and attractive places to live and work (using our statutory powers to preserve the historic environment).

11. Consultation

- 11.1 None.

12. Risk implications

- 12.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 12.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 12.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
Judicial Review claim following serving of a new Urgent Works Notice	Adhering to Counsel and legal advice to ensure due legal process is followed, with any subsequent claim defended	SS
Inability to reclaim all or some of the costs for undertaking Urgent Works back from the owner under Section 55 of the Planning (Listed Building and Conservation Areas) Act 1990	Advice from Lead Advisor and Historic England indicates that reclamation of full costs is likely. Historic England grant to underwrite the 80% of total costs reduces the financial implications to the Council should all or some of the costs not be able to be reclaimed	SS

13. Knowing your community – equality and rural implications

- 13.1 The planning service takes account of equality and rural issues as part of all the decisions taken.

14. Climate implications

- 14.1 Any proposed urgent works and longer-term repairs to Bradgate Stables require the specification of natural, sustainable and traditional materials including the use of lime-based products rather than man-made materials.

15. Corporate implications

15.1 By submitting this report, the report author has taken the following into account:

- Community safety implications - none directly as a result of this report
- Environmental implications - the suggested urgent works will have a positive impact upon the historic environment
- ICT implications- none directly as a result of this report
- Asset management implications - none directly as a result of this report
- Procurement implications - advice has been sought from the Procurement Officer and Section 151 Officer regarding the tendering and procurement of the professional services required for the undertaking of the urgent works
- Human resources implications - none directly as a result of this report
- Planning implications – the resource requirements to implement the suggested course of action for Bradgate Stables are set out within this report
- Data protection implications - none directly as a result of this report
- Voluntary sector - none directly as a result of this report

Background papers: Specification and Schedule of Urgent Works for Stables and Kennels to Bradgate House (Reference: EJM/CH/SPEC/20747~UWN rev 4). This paper is available online as a supplement to the agenda pack.
26 April 2022 Council report “Urgent works at Bradgate Stables” available on modern gov: <https://moderngov.hinckley-bosworth.gov.uk/ieListDocuments.aspx?CId=119&MId=2108&Ver=4>
26 April 2022 Council minutes to item 407 “Urgent works at Bradgate Stables” available on modern gov: <https://moderngov.hinckley-bosworth.gov.uk/ieListDocuments.aspx?CId=119&MId=2108&Ver=4>
Judicial Review Pre-Action Protocol Letter Before Claim (dated 24 June 2022) from owner’s legal representatives. This paper is available online as a supplement to the agenda pack.

Contact officer: Paul Grundy, ext. 5671 (Senior Planning Officer – Conservation and GIS)

Executive member: Councillor D Bill

Appendices

Appendix 1. Historic England at Risk Register – Bradgate Stables entry

Appendix 2. Progress to date

Appendix 3. Draft Urgent Works Notice