



Grants to local authorities to underwrite Urgent Works Notices

(Section 54, Planning (Listed Buildings and
Conservation Areas) Act 1990)

Guidance Notes and Application Form

Guidance Notes

This document should be read in conjunction with ‘Stopping the Rot: A Guide to Enforcement Action to Save Historic Buildings’ (2011) which sets out the enforcement powers and options available to local authorities.

In line with our Heritage at Risk Strategy, we encourage local authorities to use their powers under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that urgent works are carried out to historic buildings as soon as the need for them becomes apparent, rather than waiting until decay is well advanced. We also encourage local authorities to use these powers to stabilise or stem the rate of deterioration of more seriously decayed buildings.

Before considering an Urgent Works Notice, it is advisable for a local authority to contact the owner and suggest appropriate measures, for example maintenance, repair and reuse of the property. It is also worth considering whether the works are clearly urgent or whether a Section 215 Notice under section 215 of the Town and Country Planning Act 1990 might be more appropriate. For further information on Section 215 Notices, please see section 1.1 of ‘Stopping the Rot’.

A written warning of an impending Urgent Works Notice can often be sufficient to encourage an owner to undertake works. Serving the Notice may also prompt action on the part of the owner but, if not, the local authority will need to enter the property and carry out the works.

If the building in question is occupied, the works may be carried out only to those parts not in use. The owner must be given a minimum of seven days’ written notice of the intention to carry out works, and the notice must describe the proposed works to be carried out.



Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows the costs of the works to be recovered from the owner by the authority which carried out the works. See 'Payment of Grant' below.

We can help with the costs of preparing and serving Urgent Works Notices. Where this does not lead to the owner putting the work in hand and the local authority carries it out in default, we can also help with costs that cannot be recovered from the owner.

Eligibility for Grant

- Applicants must be local planning authorities.
- Grants can be made in respect of a grade I or II* listed building or a grade II listed building in a conservation area.
- In Greater London, all listed buildings are eligible.
- In exceptional circumstances, we may be able to consider grant for Urgent Works Notices in respect of unlisted buildings in conservation areas, where the local authority has been authorised to serve the notice by the Secretary of State under section 76 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The following are **not** eligible since Urgent Works Notices cannot legally be served on them:

- listed buildings which are also scheduled monuments (this means that the building is scheduled rather than solely the ground beneath it);
- Crown land (but Urgent Works Notices can be served in relation to any non-Crown interest in Crown land, e.g. a leaseholder); and
- ecclesiastical buildings in ecclesiastical use where exemption is retained under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010.

We welcome applications from local authorities for grants to underwrite up to 80% of an authority's irrecoverable costs in undertaking urgent works, including the cost of professional services 'bought in' by the authority to enable it to serve the Urgent Works Notice. Recharge costs for the use of in-house legal and other professional services are not normally eligible. However, they may be accepted in exceptional circumstances, providing a contribution from Historic England would demonstrably result in a proportionate increase in the resources applied to conservation work during the year.



Applying for Grant

Applications should be made to Historic England as early in the process as possible, preferably at the time of or before the preparation of a draft Urgent Works Notice, so that we have the opportunity to offer technical advice and guidance where necessary.

Expenditure incurred prior to approval in writing is not eligible for grant.

Payment of Grant

When the service of an Urgent Works Notice leads to the works being carried out by the local authority, the grant will be paid on satisfactory completion of the works. We will then expect the authority to make all reasonable efforts to reclaim the total cost from the owner under section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, if successful in reclaiming the costs, to reimburse Historic England. The local authority will be requested to provide details of the steps it will take to recover the cost of the works from the owner and a timetable for doing so as a condition of the grant.

If the threat or service of an Urgent Works Notice leads to the owner undertaking the works, claims for grant towards professional services incurred in connection with preparation of the notice will be payable when the local authority and Historic England are content that the urgent works have been carried out in full.

Staged payments will be considered but must be agreed in writing in advance.

After the Urgent Works Have Been Completed

Urgent Works Notices are most effective when applied as part of a planned strategy to secure the future of the building. We shall expect the local authority to make all reasonable efforts to achieve the full repair of the building, which may include service of a Repairs Notice if appropriate; to carry out quarterly inspections to verify that the urgent works remain effective until full repairs are undertaken; and to keep us informed of progress.

There is a separate grant scheme to assist local authorities to serve Repairs Notices and pursue acquisition.

Further Reading

The following are available on our website (www.HistoricEngland.org.uk):



Historic England

- 'Stopping the Rot: A Guide to Enforcement Action to Save Historic Buildings' (2011)
- National Heritage List for England
- Information on the Heritage at Risk Programme



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Application Form

Please read the accompanying notes before completing this form. Please read every section and answer every relevant question.

1. Name of property for which grant is sought

1.1 Name and full address of property:

Name
Address
Postcode

1.2 Name of the local planning authority (unitary, district, city or borough council):

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If the property is in an area covered by a National Park, please state which:

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1.3 Please indicate the grade of listing:

- Grade I
- Grade II*



Grade II

Unlisted

(Grade II listed buildings outside Greater London or unlisted buildings can only receive a grant if they are in a conservation area.)

- 1.4 Scheduled monuments (even if also listed) are not eligible because Urgent Works Notices cannot be served on them. Please tick the box to confirm that no part of the **building** is a scheduled monument:

Please state if the **site**, or any part of it, is scheduled:

- 1.5 If the property is within a conservation area, please state which:

- 1.6 If the property is within or next to a registered park or garden, please give its name and grade:

Name
Grade

- 1.7 To your knowledge, has the property ever been the subject of a grant application to Historic England? **Yes/No**

If Yes, please give details including our reference number if known:

2. Heritage at Risk

- 2.1 Is the property on Historic England's Heritage at Risk Register? **Yes/No**

- 2.2 Is the property on any local register or list of heritage at risk? **Yes/No**

If Yes, please state which:



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3. The applicant

3.1 Name of the local authority proposing to serve an Urgent Works Notice:

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3.2 Address of the local authority:

Postcode

3.3 Name of person to act as the point of liaison with Historic England:

(The name given should be that of the day-to-day contact point to whom we should address queries. It does not have to be the same as the authorised signatory in section 7.)

Name	
Position held	
Address (if different from 3.2 above)	
Postcode	
Daytime telephone	Fax
E-mail address	

4. The owner

4.1 The full name(s) and address(es) of the current owner(s):



(Please use a separate sheet if necessary.)

Name
Address
Postcode

5. Use and occupancy

5.1 Is any part of the building or structure occupied or in use? **Yes/No**

(If the building is occupied works under an Urgent Works Notice may be carried out only to those parts not in use.)

5.2 If the answer to question 5.1 is Yes, please state the extent of the occupation and the nature of use:

5.3 If the answer to question 5.1 is No, please tick the box if the building or structure is incapable of beneficial use (e.g. a decorative or commemorative structure such as an obelisk, gazebo or monument):

5.4 If the building or structure is capable of beneficial use but not currently in use, please answer the following questions:

What was the property last used for?



When did that use cease?

6. Works

6.1 Please summarise the work to be covered by the notice:

(This should be a brief summary. Full details, if available, should be attached in a separate draft schedule.)

6.2 What is the estimated cost (excluding fees and VAT) for this work?

£

6.3 If you have appointed or intend to appoint an architect or other advisers (e.g. solicitors, chartered surveyors), what fees will be charged and what is the estimated cost of each adviser?

We will normally only grant aid the cost of fees to external advisers (see ‘Eligibility for Grant’ above.)

Adviser	Estimated cost (excluding VAT)
	£
	£
	£



6.4 What amount and percentage of the estimated total cost of (professional fees and/or works), is sought from Historic England?

£	Percentage sought:
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6.5 Please state why a higher percentage of the total costs cannot be met/underwritten by the local authority:

7. Signature and declaration

The completed form must be signed by an authorised member of the local authority and their position given.

I declare that the information provided in this application is to the best of my knowledge true and complete:

Signature	Date
Name	
Position	

8. Checklist

Copies of the following should be enclosed with the application. Please tick the boxes to confirm that you have enclosed them:

(Failure to provide all the necessary information may delay the processing of your application.)

- up-to-date photographs of the building or structure and location plans
- a statement of the building's overall condition and recent history (including any previous statutory action) and how it has come to be at risk and any action already taken



- professional reports or other advice on the works in question (if available)
- draft schedule of urgent works (if available)
- draft Urgent Works Notice (if available)
- strategy to secure the long-term future of the building
- briefs for the appointment of consultants, if applicable
- any other documents that you think are relevant; please provide a list of documents submitted and a summary of their relevance to the application.

Please do not submit documents which are not directly relevant to this application.

None of the documents or photographs will be returned to you unless you specifically ask us to do so. You should not send original documents or anything of special historic or personal value.

Submission of supporting information can be made electronically by prior agreement. However, please ensure e-mail files are no more than 5MB. The application form must be signed and submitted in hard copy.

Please return the completed form and enclosures to your local office.

If you have any questions about the application process, please contact your local office.

Historic England local offices

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Midlands

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Historic England is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 which provide a general right of access to information it holds or is responsible for.

Historic England may provide the information you have supplied in response to a request made under this legislation, subject to any exemptions which apply. Historic England will consult with external parties as necessary prior to releasing information.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

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