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## **BREACH OF LISTED BUILDING CONTROL AT THE OLD SHIP PUBLIC HOUSE, NORTH STREET, ROCHFORD**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding the breach of listed building control at the above property by virtue of the removal and replacement of windows, materially affecting the appearance of a Grade II listed building.
- 1.2 Members will need to consider whether it is expedient to serve enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### **THE ENFORCEMENT CASE**

- 2.1 Earlier in the year the lead light windows fronting North Street were removed from the Old Ship public house, when it was undergoing renovation. Once noted, formal interviews under caution were undertaken as the carrying out of works which affect the architectural or historic character of listed buildings is a criminal offence under the Planning (Listed Buildings and Conservation Areas) Act 1990. The person responsible for the removal of the windows claimed this was because they had become unsafe.
- 2.2 In consultation with the Essex County Council Historic Buildings Advisor, it was agreed that the best course of action would be the restoration and replacement of the windows, possibly having the inside of them protected with safety glass.
- 2.3 This was communicated to the manager and the operator of the public house and their agreement was forthcoming to this course of action. They were afforded a period of grace to repair and replace the windows. This ran out in mid-August and despite correspondence requesting an update on why the windows had not returned, no response has been forthcoming.
- 2.4 Authorisation is therefore sought to taken enforcement action to ensure that the windows are repaired and replaced and that the character of the building is retained. This coupled to the renovation works earlier in the year should lead to a much improved façade.

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**3 CONCLUSION**

- 3.1 The carrying out of unauthorised works to listed buildings is a criminal offence. Whilst the local planning authority does not wish to be heavy handed when dealing with people who breach listed building consent unwittingly, every opportunity has been afforded in this instance and further formal enforcement action appears to be the way forward in this instance.
- 3.2 This approach will ensure that the character and appearance of the listed building is retained in line with guidance in both Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Guidance Note 15 – *Planning and the Historic Environment*.

**4 LEGAL IMPLICATIONS**

- 4.1 Any action considered necessary through the Courts to remedy the breach.

**5 RECOMMENDATION**

- 5.1 It is proposed that the Committee **RESOLVES**

That the Corporate Director (Law, Planning and Administration) be authorised to take all necessary action including the issue of Notices and action in the Courts to secure the remedying of the breach of Listed Building control now reported. (HPS)

Shaun Scrutton

Head of Planning Services

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For further information please contact Andrew Meddle on:-

Tel:- 01702 318096  
E-Mail:- andrew.meddle@rochford.gov.uk