

Before THE PLANNING INSPECTORATE

ATE Farms Limited

(Appellant)

and

South Staffordshire District Council

(Respondent)

GROUND OF APPEAL AGAINST ENFORCEMENT NOTICE

Background

On 27th February 2024, South Staffordshire District Council ('the Council') issued an Enforcement Notice (the Notice) under Section 171A(1)(a) of the Town and Country Planning Act 1990 ('The Act') in relation to land at Crooked House, Crooked House Lane, Dudley, DY3 4DA ('The Land').

The Notice alleges 'without planning permission, demolition of an unlisted building, formerly known as the Crooked House ('the Building') located in the position outlined in blue on the Plan'.

Section 5 of the Notice alleges that the development was started on 5th August 2023.

This appeal is brought by ATE Farms Limited, the freehold owner of the Land. For the avoidance of doubt, this appeal is supported by the other recipients of the Notice.

The Notice has been served on the Appellant company as well as two individuals, Ms Carly Taylor and Mr Adam Taylor. Ms Carly Taylor became a director of the Appellant on 10th June 2015 and resigned on 15th December 2023. Between 19th August 2020 and 15th December 2023, Ms Taylor was a shareholder of the company. Ms Taylor resigned as a director and gave back her shareholding on 15th December 2023. Ms Carly Taylor is no longer an officer and has no interest in the Land. Ms Taylor has no legal right or power to take steps to comply with the Notice, if upheld.

Mr Taylor became a director and shareholder of the company on 15th December 2023. This appeal is made on Mr Taylor's behalf, as an officer of the Appellant.

Grounds of Appeal

This appeal is made under Section 174 of the Act on the following grounds:

(2)(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy and breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which had been caused by any such breach.

And

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should be reasonably allowed.

Dealing with each ground in order of practical application:

(b) that those matters have not occurred

Section 4 of the Notice sets out the reasons for its issue. Paragraph (iii) states:

'The demolition of an unlisted building constitutes development within the meaning of section 55 of the Town and Country Planning Act (as amended) and demolition was not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 due to paragraph B.1 (c) of Part 11 of Schedule 2.'

Paragraph (iv) states:

'The main pub structure and extensions have been demolished.'

Section 55(1) of the Act provides:

"... "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Section 55(1A) provides:

"For the purposes of this Act "building operations" includes - (a) demolition of buildings ..."

Section 171A(1) provides:

“(1)For the purposes of this Act—

(a)carrying out development without the required planning permission; or

*(b)failing to comply with any condition or limitation subject to which
planning permission has been granted,*

constitutes a breach of planning control.”

In March 2023, the Land was listed for sale by its owner, Marstons. In July 2023, the landlord of the pub confirmed that following a break in on 25th June which caused tens of thousands of pounds worth of damage, the pub had shut its doors. As noted above, the Appellant purchased the freehold to the Land on 21st July 2023. The building was not occupied and not trading as a public house when the Appellant took ownership.

On the evening of 5th August 2023, a fire broke out within the Building which took hold and destroyed a substantial part of its structure. The Appellant was not in any way responsible for the start of the fire. Its officers did not cause the start of the fire, whether by themselves, or by instructing or encouraging any other person, or by any neglect on their part. As far as the Appellant and its officers are aware, the fire was either due to entirely accidental causes or possibly a deliberate arson attack by a third party or a fire lit by an unknown trespasser which got out of control.

Where a building is damaged by a fire which was not started nor caused by the owner or occupier, it does not constitute ‘development’ or a ‘breach of planning control’ for the purposes of Sections 55, 171A and 172 of the Act.

The fire took until the 6th August 2023 to be extinguished by the fire brigade. By this point, a substantial part of the main pub structure and extensions had been destroyed. Again, this destruction was not ‘development’ or ‘a breach of planning control’.

As detailed below, following a site meeting on 7th August 2023 between officers of the Council and contractors engaged by the Appellant, the Council agreed that certain parts of the remaining structure should be demolished on the grounds that works were urgently necessary in the interests of health and safety.

A meeting took place between Mr Taylor of the Appellant and representatives of the Council on 8th November 2023. During that meeting, it was confirmed by the Council that under the Act, a building can be demolished if it is considered unsafe and this was what the Council wanted to understand in order to establish whether there had been any breach. It is clear that the Council considered that the breach arose, not during the fire, but as a result of the activities which took place on 7th August 2023, following the fire.

Further, in a press release dated 8th August 2023, South Staffordshire Council leader Cllr Roger Lees issued the following statement:

'Our officers carried out a site visit yesterday (August 7th), prior to demolition of the building...' This statement is included at **Appendix A**.

The Council were of the view that demolition took place on the 7th August, which is agreed by the Appellant. This is explained further below.

(c) That those matters (if they occurred) do not constitute a breach of planning control

Following the fire, works to the fire damaged building were discussed with Planning Officers in order to make it safe.

Officers from the Council attended the Land on 7th August and met with contractors engaged by the Appellant. A visual assessment was made by the Council's Structural Engineer who confirmed that three sections of Building were unsafe and required immediate removal with the overarching requirement to make the Building safe. This was verbally communicated to the contractors on the site. There were no written plans produced by the Council regarding those works prior to them taking place. The plant and machinery to be used in the works were present on the Land when the instruction was given to demolish the upper sections of the Building. The initial works to demolish were undertaken with the Council's express permission.

Unfortunately, the Council's officers left the Land following the instruction being given. They did not stay to observe or supervise the works.

The Council has since produced a diagram (see **Appendix B**) which it says shows the approved areas for removal which it instructed on the 7th August 2023. This diagram has been produced following the demolition which occurred and was not shown to the Appellant or its contractors prior to the works taking place.

It is accepted by the Appellant that demolition took place on 7th August 2023, however, the initial part of the works, as set out above, had express permission from the Council and, to that extent, did not constitute a breach of planning control.

The contractor commenced the removal works, as agreed with the Council, however, it had not been foreseen that removal of the three elements instructed would render the remainder of the Building unsafe. The main part of the Building was nearly 270 years old. As per the Heritage Statement appended to the Notice, the building was condemned as unsafe in the 1940s and was scheduled for demolition but was rescued by Wolverhampton and Dudley Breweries 'by making the structure safe using buttresses and girders to retain its lopsided appearance'.

Removal of the upper sections of the Building took with it the steel tie ins which rendered the remaining structure, in the contractors opinion, completely unsafe and at a high (and unacceptable risk) of collapse. The Council officers had left the Land and a quick decision had to be made. The situation on the Land was such that, due to the amount of media

attention and public attendance, a decision had to be taken quickly as to the immediate safety of the Building. A decision was made with reference to the director of the Appellant that in order to abate the risk, the mainstay of the remaining structure needed to be taken down. It was considered that there was a high risk of the Building collapsing and causing serious injury or a fatality on the Land given the entry on to the Land by large numbers of people some of whom were conducting vigils and others removing bricks and other items as memorabilia/ for sale. In the background, in 2012 there had been a fatality in the quarry adjacent to the Crooked House due to unauthorised access. The level of entry by members of the public on to the Land following the fire was unprecedented. Immediate decisions were taken informed by previous experience, risk and the impact of the instructed works to the stability of the Building.

Following on from the works that took place on 7th August, final removal of the remaining lower walls was completed with agreement from the Council and the remaining bricks salvaged and retained.

A meeting took place between Mr Taylor of the Appellant and representatives of the Respondent on 8th November 2023. During that meeting, it was confirmed by the Council that under the Act, a building can be demolished if it is considered unsafe and that the Council was trying to establish whether this was the case in order to ascertain whether there had been a breach of planning control.

The Appellant states that the building was rendered unsafe by the demolition operations that were directed by the Council and that the actions in demolishing the remainder did not constitute a breach of planning control.

(a) That planning permission ought to be granted

This ground is advanced without prejudice to the Appellant's primary case that no breach of planning control has occurred.

For the avoidance of doubt, the Appellant is not relying upon Ground (a) to argue that planning ought to be granted to permit the demolition of the building as it stood on 5th August 2023. The Appellant's case is that the fire was an accident, or possibly due to the actions of a third party. The damage caused by the fire on 5th and 6th August 2023 was not a breach of planning control. Ground (a) is relied upon only if (which is denied) the Secretary of State determines that any actions of the Appellant or its contractors following the fire constituted a breach of planning control.

If and in so far as it may be found (contrary to the Appellant's primary case) that any of the actions taken following the fire (whether as directed by the Council or otherwise) constitute a breach of planning control, the Appellant's case is that planning permission for that demolition should be granted. No purpose would be served by requiring the Appellant to reinstate the building either (a) to its condition following the emergency

works directed by the Council or (b) otherwise to its condition at any point following the fire. Nothing in the NPPF or in any of the other advice and guidance documents referred to by the Council supports the suggestion that the building should be restored to its post-fire condition. This would involve the recreation of parts of a building which was in an already damaged and dangerous condition, both uninhabitable and unusable.

The Notice alleges that the breach of planning control occurred on 5th August 2023 (i.e. the start of the fire). The Notice purports to require the Appellant to rebuild the building so as to return it to its condition “*as it stood prior to the start of demolition on 5th August 2023*”. The central issue on this appeal is therefore whether the occurrence of the fire constitutes a breach of planning control.

The Appellant comments below on some of the contents of the Notice (which include factual assertions). However, given the issue identified above we anticipate that this will be of limited relevance in the determination of this Appeal. The Council’s reliance upon the NPPF and other advice and guidance is predicated on its case that the fire itself was a breach of planning control.

Taking the starting point that the building had already been damaged by fire, the demolition of the remaining parts of the structure is consistent with the guidance in the NPPF. In particular, the retention of the remains of an unsafe, fire-damaged building is contrary to the objectives in the following provisions of NPPF:

Para 8 - Achieving Sustainable Development.

Para 96 – Achieving healthy, inclusive and safe places and beautiful buildings.

Part 11 – Making effective use of land.

Part 12 – Achieving well-designed and beautiful places.

Relevant Comments on the Notice

The Notice, at Paragraph 4, states the following:

v) The unauthorised demolition of the Building resulted in the loss of a community facility of local historic significance and interest which was included in the Historic Environment Record (HER) as further detailed and set out in the Heritage Statement annexed to this Notice at Appendix 1. At the time of demolition, Historic England was in receipt of an application to list the Crooked House. However, due to its demolition, Historic England did not have the opportunity to assess it and determine if it was suitable for listing. The Local Planning authority was progressing the Building to be included on the “Locally Listed Buildings” register. Had the Building not been demolished it would have been included in the Locally Listed Buildings register as the Building would have met the criteria for local listing as set out in the Heritage Statement.

Comment

The level of public feeling toward the Building since the fire and subsequent demolition has been extraordinary and it is overwhelmingly obvious that the Building meant a lot to many in the local community. However, notwithstanding the opinion that it should have been, the Building was not listed. No notification had been given to the owner of the Building that applications to Historic England had been made.

vi) National Planning Policy Framework Chapter 16 Conserving and enhancing the historic environment: Paragraph 195 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 200 notes in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

The demolition of the Building is contrary to these policies as the Building is listed on the Historic Environment Record and is therefore considered to have the same level of protection as a non-designated heritage asset. There was no ability for the Local Planning Authority to fully assess the implications of its loss as no desk-based assessment or field evaluation was carried out to assess the potential impact of the demolition of the non-designated asset.

Comment

To be clear, the demolition did not come about by the Appellant taking the decision that it did not want the Building. A fire occurred, which resulted in such damage that demolition was considered necessary, at least in part, by the Council in order to make the Building safe, and then by the Appellant given the knock-on effects of the works instructed to take place. The Appellant was not aware of the Building being listed on the Historic Environment Record. Paras 195 and 200 of NPPF should be considered in the context of a building which had already been severely damaged by fire and which was unsafe.

National Planning Practice Guidance (NPPG) Historic Environment National Planning Practice Guidance (last updated 23 July 2019) addresses non-designated heritage assets at paragraphs 39 to 41.

Paragraph 40 states that 'Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on

the criteria used to select non-designated heritage assets and information about the location of existing assets’.

The ‘Historic England Advice Note 7 (Second Edition): Local Heritage Listing: Identifying and Conserving Local Heritage (2021)’ also recommends that lists should be revisited ‘to check that heritage assets included still merit inclusion on the list and to check that heritage assets identified in the planning process have been added to the list, thereby maintaining a local heritage list’s value and relevance’ (paragraph 65).

The Advice Note does not agree with the premise that entry on the Historic Environment Record would have the same level of protection as a non-designated heritage asset:

’60. Historic Environment Records can play a crucial role in ensuring access to the information supporting local heritage list preparation. The NPPF (paragraphs 187 to 189¹) emphasises the importance of HERs in providing the core of information needed for plan-making and individual planning decisions. HERs are unique repositories of information relating to landscapes, buildings, sites and artefacts. Their content underpins the identification, recording, protection and conservation of the local historic environment and the interpretation of historic environment designation and planning decisions. HER recording guidelines vary across the country. Individual HERs are best placed to advise on how to collect and collate supporting data.

61. The inclusion of a site or structure in an HER does not itself identify it as a non-designated heritage asset: inclusion merely records valuable information about it, and does not reflect the planning judgement needed to determine whether it does in fact have a degree of heritage significance which merits consideration in planning decisions. However, the information within the HER will help to identify candidates for possible inclusion in a local heritage list.’

vii) The loss of this community facility is contrary to Chapter 8, Paragraph 97 of the National Planning Policy Framework which sets out the need to “provide the social, recreational and cultural facilities and service the community needs, and planning policies and decision should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve the health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs;*

¹ Now paragraphs 198 to 200 of the NPPF (December 2023)

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;”

Comment

This statement is predicated on the Council’s case that the damage caused by the fire constituted a breach of planning control, which is a matter in dispute.

Even before the fire, the Building was no longer operating as a public house. Marstons had sold the Building as the public house was not viable. The pub was not at the time of the fire or subsequently a serving community asset, nor had it been sold as a serious commercial or going concern.

Despite being placed for sale by the brewery, prior to the fire, it was not attempted to be listed as an Asset of Community Value. The Localism Act 2011 requires district and unitary councils to maintain a list of land or buildings of community value. The Council maintains a list of Assets of Community Value, in which it states, ‘A building or land is an asset of community value if its main use is to further the social wellbeing or interests of a local community for example a local village shop, community centre or playing fields’. When listed assets come up for sale or change ownership, the Act then gives community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market. This will help local communities keep much loved sites in public use and part of local life. The asset will remain on the register for five years or until the property is sold’.

The Crooked House pub does not appear on the successful nomination list (11 nominations) or the unsuccessful nomination list (five nominations). Public houses appear on both lists (list included at **Appendix C**).

There are no residential areas close by in terms of the current site of the Crooked House pub. Areas of Kingswinford are c.700m south-east and south-west, Lower Gornal is c.830m north-east and the village of Himley is c.1.5km west. The Building is not located close to the B4176 (Himley Road), rather, it is reached by an access road which is c.725m long. The access road is known as Crooked House Lane, itself being a private road. The Lane provides access to Lower Gornal Sewage Treatment Works and Oak Farm Quarry Landfill Site. At the access points, the route becomes more open but overall, it has an enclosed character, particularly at its southern end close to the bridge which links different parts of the landfill site. The route is unlit and there have been reports of anti-social behaviour and vandalism occurring on the access road. The vicinity of the site has evolved since the original building (a farmhouse) was constructed in the 1760s. The area close to the site both to the north and south of the B4175 have changed due to mining and landfilling processes. In terms of the site, there is a public footpath which uses the access road. However, the wider network is limited and does not link to residential areas making both pedestrian and vehicular access to the Land and Building difficult.

viii) Demolition of the Building is contrary to Policy EQ3 of the 2012 South Staffordshire Council adopted Core Strategy which is to protect and enhance the historic environment. The development that has been undertaken has resulted in the loss of a focal building due to its siting, design and historical association with the area, which although was in a remote location, had a socially prominent position and therefore is contrary to policy EQ3.

Comment

This statement is predicated on the Council's case that the damage caused by the fire constituted a breach of planning control, which is a matter in dispute.

For the avoidance of doubt, Policy EQ3 sets out the actions that the Council will take to conserve and enhance the historic environment including (a) the establishment, review and maintenance of records of 'known heritage assets' including 'Buildings of Special Local Interest (a 'local list')' and 'Undesignated heritage assets'. The same policy notes in that there will be:

- 'joint working with local communities and interest groups such as civic and historical societies';
- 'the continual development and refinement of the Local List'; and
- 'interaction with the County Council's Historic Environment Record (HER)'.

The explanatory text to Policy EQ3 states '..."Heritage assets" are essentially those identified by the Council in its decision making processes and include local listings'

The Crooked House pub is not a historic building recognised through the SSC Local List (at the time), and the setting is now one which is wholly alien to the historic setting of the pub and indeed, served by a private access road. The pub was a failing commercial concern hence, the sale by the brewery.

ix) The demolition of the Building is contrary to Core Policy 10 of the South Staffordshire Council adopted Core Strategy: Sustainable Community Facilities and Services. Policy EV9 of Core Policy 10: Provision and Retention of Local Community Facilities and Services does not support the loss of community facilities and services including public houses as a local community facility and service. Community facilities should be sought to be retained wherever possible where they make an important contribution to the vitality of the place and quality of life/ wellbeing of local communities and the maintenance of sustainable communities.

Comment

This statement is predicated on the Council's case that the damage caused by the fire constituted a breach of planning control, which is a matter in dispute.

For the avoidance of doubt, insofar as this may be relevant the Appellant does not accept that the Site was functioning as a Community Facility immediately prior to the fire. The introduction to Core Policy 10: Sustainable Community Facilities and Services highlights the importance of access to the services and facilities people need. Whilst public houses are referred to as basic facilities, they are noted as being 'important to local communities and have a social and cultural role with other services which are essential to people such as the elderly. Such facilities can add vibrancy to communities and provide a focus for activities and foster community spirit and cohesion' (paragraph 9.41).

Core Policy 10 states that 'The Council will support proposals and activities that protect, retain or enhance existing community facilities and services or lead to the provision of additional facilities that improve the wellbeing and cohesion of local communities and ensure that communities are sustainable'.

The explanation to Core Policy 10 focuses on villages and their essential facilities and services. These should be 'accessible to local people and delivered locally'.

Policy EV9: Provision and Retention of Local Community Facilities and Services supports Core Policy 10. It replicates many of the same issues set out under the Core Policy. Policy EV9 states 'Proposals for redevelopment or change of use of any premises currently used or last used to provide essential facilities or services which support the local community, whether of a commercial nature or not, will only be permitted where the Council is satisfied that:

(a) it has been demonstrated through a viability test that the use concerned is no longer economically viable, that all reasonable efforts have been made to sell or let the property at a realistic price for a period of at least 12 months, the use could not be provided by some other means, or is genuinely redundant; and...

c) the facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in the local area or the village concerned, unless it has been accepted as redundant under criterion (a) above.'

As noted above, the value of the Building as a community facility is not proven prior to the fire. The local support was hitherto absent prior to the fire and subsequent demolition. The use served no ongoing or notable asset. The Appellant has also endeavoured to work in a positive manner to explore possible ways of recreating the pub, thereby, providing an asset of some genuine community value through its re-siting. This was set out during informal pre-application discussions in December 2023 and is dealt with at ground (f) below.

Rebuilding the Building in its current location will not provide a sustainable community facility, just as it has not in the period preceding the sale to the Appellant. It was not providing a sustainable community facility prior to the sale by Marstons.

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which had been caused by any such breach.

Section 5 of the Notice requires the following steps to be taken:

Rebuild the Building, located in the position outlined in blue on the Plan attached to this notice, so as to recreate it as similar as possible to the demolished Building as it stood prior to the start of demolition on 5 August 2023, to include the original pub building and later additions of the rear extension and toilet block. For the avoidance of doubt such restoration shall include, but not be limited to steps (i) and (ii) as set out below:

- i) Construction works as are required in order to reinstate the Building to its former dimensions and style as a public house including the provision of customer toilets within the Building and all necessary services and utilities. The construction and style of the Building are illustrated on the plans and photographs annexed to the enforcement notice (Appendix 2); and*
- ii) Reconstruct the Building in design and materials to match those used in the original structure including but not limited to:*

Walls and bricks:

Reclaimed bricks from the Crooked House should be used for the construction of the exterior walls or modern alternative to match in colour and texture. These should be laid in a bond based upon the photographic evidence of the elevations (Appendix 2 pages 1 – 5) (principal building in a variety of bonds). Where additional materials are required, suitable reclaimed bricks should be sourced to match to existing materials.

The Appellant would submit the following:

- (1) Demolition took place as directed by the Council and later following a decision taken by the Appellant due to the safety of the Building on 7th August 2023. At that point, a substantial part of the Building was no longer standing. The Notice can only direct a remedy for a breach of planning control and not a remedy for the events that took place before that alleged breach. The damage which took place to the building as a result of the fire on the 5th and 6th August 2023, was not ‘development’ for the purposes of the Act and, in the circumstances, the Notice exceeds what is necessary to remedy the breach of planning control. The Notice can only direct that the Building is rebuilt so as to recreate it as similar as possible to the post-fire remains of the Building which was demolished on 7th August 2023.
- (2) It is important to note that discussions have been taking place between the Appellant, its representatives and the Council following the events of 5th – 7th August with regard to the rebuilding of the Building. For the avoidance of doubt,

the Appellant has not refused to rebuild the Building and has actively engaged with the Council regarding this.

The Appellant submits that key to the Notice and its requirements is that the Building, in its current location, was not viable. Marstons, the previous owners, had sold the Building as they could not make it work as a pub. Despite the weight of public opinion and press attention following the fire, people were not using the Building in order for it to be viable as a pub. The Appellant believes that the location of the Building and lack of footfall is key to this. Requiring a re-build in the same location, whilst reflective of popular opinion, will not change the fact that the Building in that location is not viable as a public house. For this reason, the Appellant has put forward a sustainable, and what it sees as a genuine and practical solution to the issue, to the Council that it rebuild the Building on other land that it owns, to operate as a public house, with other development to increase footfall and give the pub and the Building a real chance of success as a community asset. In its current location, should it be rebuilt, there is no doubt that there would be a huge amount of interest in the first few months, however, this does not translate to continued and sustained interest to make the Building work as pub going forward. The proposal locates a newly constructed Crooked House pub along with appropriate parking and landscaping further north off Crooked House Lane and as near to the highway junction with the Himley Road as would allow. This would fall within the South Staffordshire Council administrative boundary. The proposed relocated pub would have comparable proportions and development space. It is also proposed to include an interpretation/education centre in this area which would link to local history (e.g. mining and archaeology). The development would also partly include retirement lodges set within the existing woodland setting, comprising single storey buildings of one or two bedrooms (c.30-50m² per unit). It would offer a unique development for the area, thereby, contributing to a more diverse mix for retirement living.

In this regard, the Appellant is in the process of preparing a detailed pre-application to be put to the Council (and neighbouring authorities)

Should the Inspector deem that the Notice should be upheld, the Appellant seeks a modification of the Notice to relocate the Building.

(g) that any period specified in the Notice in accordance with section 173(9) falls short of what should reasonably be allowed.

On the face of it, three years to rebuild the Building is a reasonable time. This ground is advanced because the Appellant has not yet had the opportunity to consider issues such as feasibility or funding which may impact on timeframes for any rebuild.

For the reasons detailed above the Appellant submits that the Planning Inspectorate should exercise its powers under Section 176 (2) of the Act and quash the Notice.

08 Aug 2023

Crooked House demolition: Council statement

After the devastating fire and demolition at the former site of the Crooked House, South Staffordshire Council leader Cllr Roger Lees issued the following statement:

"Our officers carried out a site visit to the site yesterday (August 7th), prior to the demolition of the building.

"Officers agreed a programme of works with the landowner's representative to ensure the safety of the building and the wider site.

"The agreed course of action included the removal of three elements of the first-floor front elevation only. This was only to avoid the weak parts of the structure from falling.

"At no point did the council agree the demolition of the whole structure nor was this deemed necessary.

"This council finds the manner in which the situation was managed following the fire completely unacceptable and contrary to instructions provided by our officers.

"As such, we are currently investigating potential breaches of both the Town and Country Planning Act and the Buildings Act.

"Demolition of a building should be carried out in accordance with Schedule 2 Part 11 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015. The steps required by the legislation were not carried out in this case.

"We have referred these matters to our legal team with a view to taking enforcement action.

"As soon as we were made aware of the breaches during the demolition, we notified the Health and Safety Executive.

"We are also liaising with many other relevant statutory bodies, including Historic England, the police and fire services, amongst others. These bodies will take the lead on investigating the issues surrounding the fire, safety of the unauthorised demolition and securing the ongoing safety of the site.

"Our own investigation is in its early stages and whilst it continues at pace, we ask for time to consider the facts thoroughly to ensure any future actions are meaningful and proportionate.

"The council is incredibly saddened by the loss of the building which, whilst not listed, was a heritage asset and important landmark to the local area and community.

"Over recent months, the council had been in conversation with the relevant national bodies regarding how best to protect and preserve this important heritage asset."

Was this page useful?

APPENDIX 1

Areas of front façade to be demolished for safety reasons outlined in red as approved by South Staffordshire District Council.



Assets of community value

Community Asset Register

As part of the Localism Act local authorities are required to maintain a list of assets of community value which have been nominated by the local community.

A building or land is an asset of community value if its main use is to further the social wellbeing or interests of a local community for example a local village shop, community centre or playing fields. When listed assets come up for sale or change ownership, the Act then gives community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market. This will help local communities keep much loved sites in public use and part of local life.

The asset will remain on the register for five years or until the property is sold.

A parish council or community organisation may nominate asset by completing a nomination form and returning it to sslegalservices@sstaffs.gov.uk

Successful nomination community asset Register

Nominated Asset	Asset Details	Parish	Postcode	Date to remove from ACV list	Date Notified of Relevant Disposal	Interim Moratorium Period	Full Moratorium Period
Grass land adjacent to Wedges Mills Village Hall	Wolverhampton Road, Wedges Mills	Wedges Mills	WS11 1ST	22/05/2023			
Kinver Sports and Community Association	Legion Drive	Kinver	DY7 6ET	09/10/2024			
Kinver Community Library	Vicarage Drive	Kinver	DY7 6HJ	09/10/2024			
The Vine Inn	1 Dunsley Road	Kinver	DY7 6LJ	09/10/2024			
Red, White and Blue Public House	Cannock Road	Featherstone	WV10 7AD	15/12/2024	30/11/2021	11/01/2022	31/05/2022
Car Park	rear of 50 High Street	Kinver	DY7 6HD	16/01/2025			
Car Park	rear of 116 High Street	Kinver	DY7 6HL	16/01/2025			
Jubilee Gardens	High Street	Kinver	DY7 HL	16/01/2025			
Pear and Partridge	The Parkway	Perton	WV6 7XZ	22/08/2026			
The Elms Public House	Church Road	Shareshill		02/11/2026			
The Firs Club	Wood Road	Codsall	WV8 1BX	21/07/2027			

Unsuccessful nominations community asset Register

Nominated Asset	Asset Details	Parish	Postcode	Date decision made
The Mount	Whitehouse Lane	Codsall Wood	WV8 1QS	21/03/2014
Royal Oak Public House	Halfpenny Green	Bobbington	DY7 5EJ	24/07/2015
Five Parking Bays	North of 63 Mitre Road	Cheslyn Hay		16/03/2016
The Pony Paddock	The Compa	Kinver		18/01/2019

Attachment table

acv_nomination_form_1.pdf

File type: **PDF**

File size: **203.73 KB**