



Report and Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR INFRASTRUCTURE AND BUSINESS GROWTH, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

ENFORCEMENT REFERENCE: 22/00199/UNDEV

ADDRESS: Crooked House, Crooked House Lane, Dudley, DY3 4DA

BREACH OF PLANNING CONTROL:

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.

POLICY CONSIDERATIONS:

National Planning Policy Framework

Chapter 8, Paragraph 97.

Chapter 16 Conserving and enhancing the historic environment: Paragraphs 189, 192, 195.

Paragraph 93 (c) of the NPPF- to guard against the unnecessary loss of valued facilities and services.

South Staffordshire Adopted Core Strategy

CP2 – Protecting and Enhancing the Natural and Historic Environment.

EQ3 – Conservation, Preservation and Protection of Heritage Assets.

Policy EV9.

Core Policy 10.

BACKGROUND INFORMATION

The Site

This report relates to the site which was, until recently, occupied by the Crooked House; a public house consisting of basement, ground and first floor levels. The site is surrounded by landfill sites on the site of the former Himley Colliery. The property was located at the end of Crooked House Lane, which is accessed from Himley Road (B4176) close to its junction with Brick Kiln Lane. The site is not located within a conservation area.

History of the demolished building

The Crooked House was built in 1765 and was originally a farmhouse. During the early 19th century mining in the area caused one side of the building to begin gradually sinking, leading to one side of the building being approximately 4 feet (1.2 metres) lower than the other. The subsidence caused a lean of 15 degrees in the original part of the building.

The farmhouse later (c. 1830) became a public house called the Siden House, siden meaning 'crooked' in the local Black Country dialect. The building was later renamed the Glynne Arms after the local landowner, Sir Stephen Glynne, on whose land it stood.

The building was condemned as unsafe in the 1940s and was scheduled for demolition, but the Wolverhampton and Dudley Breweries purchased the pub and rescued it by making the structure safe using buttresses and girders to retain its lopsided appearance. The building was put up for sale in 2023.

Description of the demolished buildings

Architectural Details

The Crooked House was built in 1765 as a farmhouse and became a public house circa 1830. The buildings lopsided appearance was as a result of subsidence that began during the 19th Century.

Building Materials

The original 1765 building was constructed of red/brown brick laid in a variety of bonds. The 1980s extensions were also of red brick laid in stretcher bond. The roof of the original building was covered in slate and had been recently replaced. All windows to the original building were of timber.

Plan Form

The original section of the building was of rectangular form, with a three-bay façade. The modern extensions to the side and rear replaced original and old outbuildings. There was a small outbuilding with a gabled roof which formed the toilets, whilst the linking corridor connected to the large rear extension forming the restaurant and additional seating areas. This part was also of brick construction and had a mono-pitch lean to roof to the rear section and a projecting central gable to the front.

The building originally consisted of four rooms at ground floor level, shown on plans from the 1980s as opened out to three bars to the right of the entrance and smoke room and children's room to the left). The smoke room and children's rooms were subsequently opened into one to create a bar, and the original bar became the lounge. As well as the outside toilets the original single storey portion to the side of the property contained a kitchen, scullery and store. The upper floor contained a sitting room, three bedrooms and a bathroom accessed off the central landing. The plans from the 1980s also showed the layout of the cellarage underneath the building.

Exterior

The principal elevation faced towards the access drive and was of two storeys. The façade was constructed as symmetrical with six over six sashes to the left- and right-hand rooms and a smaller six over six sashes to above the central doorcase with a rectangular fanlight. The entrance to the public house was via the original front door with a small lobby. There were two stacks to each gable end. Where the internal steel frame protruded from the building on the southern gable end this and the upper portion of the gable was covered by slate tile hanging.

The southern gable end of the building was supported by three large buttresses, which were in place by the early 20th Century (and are visible on the photographs from 1904 – 10). The two chimney stacks to the southern gable had been rebuilt in more modern brick during the later 20th Century and were vertical (adding to the effect of the lean on the building). The same was true of the two stacks on the northern gable end, which were rebuilt vertical and acted as buttressing to this gable end.

A line of five patrix plates were visible on the front façade of the building in between ground and first floor. These round plates formed part of the structural works carried out in the second half of the 20th Century, these combined with the metal tie rods and corner plates that were visible in photographs from the early 20th Century to help stabilise the building and stop further movement.

The signage to the front façade consisted of modern individual gold letters "The Crooked House" in between the central front door and first floor central window. In addition to this traditional sign writing "Banks's Ales" was painted on the two sections of wall between the first floor windows.

Interior

The building's leaning walls gave rise to optical illusions. These included objects seemingly rolling uphill along the pub's dado rails and bottles appearing to roll upwards along tables. Furniture and fixtures appeared not to hang plumb, including the grandfather clock and the chandelier. In the 1970s, the landlord claimed that the novelty of the pub brought visitors from as far afield as China, Russia, Japan, the United States, and Canada.

Following the fire of the 5th August 2023, the structural steel framing put into the building during the 20th Century in order to stabilise the structure became evident.

The interior of the public house consisted of two principal rooms within the 18th Century building, these were a bar to the left hand side and a lounge to the right hand side. In the centre of the building was a small entrance lobby with doors to both the lounge and bar. There was also a door to the back of bar area in the centre of the building within this lobby. The door also had a shelf and sash window to allow

the porch to be used as a servery. The left hand room contained fitted seating with panelling around the walls along with free standing tables and stools and a fireplace and mantle with mirror above to the gable end. There was also a large timber bar and sign-written "Fine Banks's Ales Sold Here" signage above the bar. There was a grandfather clock within the bar area.

The lower half of the walls in the central lobby were covered with relatively modern green glazed tiles with a detailed frieze consisting of fruit to the top.

The lounge contained a modern timber bar and fitted seats with panelling around the walls. There were also free standing tables and stools as in the bar area. There were two fireplaces to the gable end, one containing a "Chattan Special" range style fireplace. The other fireplace contained a modern infill with a small stove and a large timber shelf above. The flooring throughout the ground floor of the old building was covered with traditional style red quarry tiles.

Description of the unauthorised development

The breach of planning control consists of the demolition of the Crooked House. The demolition is a breach of planning control as it was not permitted development due to the limitation in paragraph B.1(c) of Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, and therefore required planning permission from the Local Planning Authority before demolition could take place.

RELEVANT PLANNING HISTORY:

No recent planning history. Works to add to the rear of the building were carried out in the 1980s.

CASE SUMMARY:

05.08.23– Demolition of the building commenced without permission from the council.

17.08.23 – Letter sent Special Delivery to Carly Taylor (registered owner of the Land) and Adam Taylor who have a confirmed interest in the land to inform them that no further demolition or removal of materials from site should take place unless instructed by a lawful body such as South Staffordshire council, the Health and Safety Executive or Environment Agency and to inform the council and seek their authorisation before carrying out any further work to the site, including site clearance. Failure to inform the council and seek their authorisation may result in legal action to prevent deterioration of the site.

Site clearance was undertaken by Putnam Construction Limited who were instructed by the site owner. Approximately 25,000 bricks from the demolished building were salvaged and stored on pallets in secure containers on site.

18.08.23 Planning Contravention Notice served on Adam Taylor and Carly Taylor. Responses received from both parties.

20.09.23 – Site visit carried out by council and Historic England building surveyor. Adam Taylor also attended site and a site inspection was undertaken.

08.11.23 – Face to face meeting took place at South Staffordshire Council Offices to discuss next steps with site owner.

The owner, Adam Taylor has secured the site of the former Crooked House public house but has not taken steps to rebuild the unlawfully demolished building.

DETAILED CONSIDERATIONS

When the Crooked House was initially put up for sale enquiries were received with regards to status of the building. Following discussions with Staffordshire County Council the building was added to the Staffordshire Historic Environment Record (HER), this was done on 13 June 2023. This was in line with paragraph 196 (a) of the National Planning Policy Framework, with the local authority identifying the significance of the building as a non-designated heritage asset. The intention of the local authority was to assess the building and get it added to the local list, whilst an initial assessment of the building was undertaken, the process of adding the building onto the list could not be completed due to the demolition of the building.

In the week prior to the fire (which occurred on 5 August 2023), Historic England received two applications for listing of the Crooked House. These were in the process of being considered, but due to the timing of the fire the process had only just started. Following the fire approximately a further forty applications were received by Historic England for listing.

Due to the total demolition of the building, it was not possible for Historic England to consider the building for listing.

CONCLUSION

The unauthorised demolition of the building has resulted in the loss of a building of architectural and historic interest.

REASONS FOR SERVING THE NOTICE:

- i) It appears to the council that the above breach of planning control has occurred within the last four years.
- ii) The Building is a non-designated heritage asset which is listed on the Staffordshire HER (Historic Environment Record) and its significance and historic importance is set out in the Heritage Statement (Appendix 1).

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- iii) 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.
 - iv) The main pub structure and extensions have been demolished.
 - 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.
 - 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 environment 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 on the non-designated heritage asset.
 - (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 services the community needs, and planning policies and decisions 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;
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(b) take into account and support the delivery of local strategies to improve 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~~

(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;

(d) ensure that established shops, facilities and services are able to develop and modernise,

~~(d) ensure that established shops, facilities and services are retained for the benefit of the community;"~~

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.

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.

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.

Front elevation:

Unpainted brick finish.

Side (right):

Unpainted brick finish.

Side (left):

Unpainted brick finish with tile hanging to top of gable.

Rear elevation:

Unpainted brick finish.

Roof:

The roofing should be of a traditional slate to match the appearance of the roof prior to the demolition of the building.

Principal building (the two-storey building as shown in Appendix 2 pages 1-4):

Ground Floor:

Rectangular in form and three bays wide with central doorcase with rectangular fanlight above and black painted timber door. Timber six over six sashes with horns to other two bays to the front elevation. White painted windows, reveals and sills. Rear elevation of original 1765 building with two timber casement windows in arch headed openings. Originally central plain door with arched head in line with door to front. Five black cast iron pattress plates and tie rod at top of ground floor level externally.

First Floor:

Front elevation with three timber six over six sashes. The central bay with a smaller, plainer sash without horns. The left and right bay with large sashes with horns matching those on the ground floor. White painted windows, reveals and sills. Gilt letter signage ("The Crooked House") between central doorcase and first floor window. Signwriting ("Banks's Ales") at first floor level between windows.

Eaves:

Round profile black rainwater goods and mesh along front of roof to prevent tile slip.

Right elevation:

The right-hand side elevation with attached single storey addition with slate roof. Two stacks set inside gable wall.

Left elevation:

Three substantial buttresses supporting the gable end. Two small modern rooms containing plant and stores located between the buttresses. Plant stores of modern matching brick with slate roofs to match rest of building. One louvred and one timber door painted to match woodwork to rear of building. The upper portion of the gable with tile hanging to match roof. Two stacks set inside the gable wall.

Single storey extension:

Single storey brick building (stretcher bond) of the 1980s with pitched slate roof, forming the toilets of the public house.

Walls:

Unpainted red brick (modern 1980s). Reclaimed materials from the demolition should be re-used based upon the photographic evidence (Appendix 2 photograph 1) or matching materials sought.

Roof:

Pitched slate roof to match principal building.

Windows:

Small square timber window with obscured glazing and white painted frame to the elevation facing the car park (as per the photographs on page 1 and Section D-D page 23 in Appendix 2:).

Restaurant extension:**Walls:**

Unpainted brick finish in modern brickwork matching to the original masonry of the main building.

Roof:

Mono-pitch slate roof to match others on main building and toilet block. Central glazed section with projecting timber and glass gable. Second small gable above clad in lead.

Windows:

Timber screen wall with central projection formed by French doors to patio area. Timber panelling below windows with etched and stained glass. All timber work painted black.

Doors:

Arch topped timber double doors to end furthest from main building and modern timber doors to end closest to main building. Both painted black.

TIME FOR COMPLIANCE

Three years from the date the notice takes effect.

EXPEDIENCY OF ENFORCEMENT ACTION:

Planning enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest. This case relates to the unauthorised demolition of a non-designated Heritage Asset.

It is recognised that the Crooked House was not a listed building. Notwithstanding this, the building was a non-designated heritage asset. Had the owner sought permission for the intended demolition of the building, it is likely that this would have been refused due to the building's heritage status and its use as a community asset of architectural and historic significance. In these circumstances, it is not considered that other 'lesser steps' could be taken to address the harm other than to require the complete rebuilding of the Crooked House.

The power to require a demolished building to be re-built is expressly provided for at s.173 of the Town and Country Planning Act 1990.

The council has considered whether or to what extent the replacement building would retain the character and interest of the original building, and whether the requirement to construct the replacement building would be justified to meet the purposes of enforcement set out at s.173 (3) and (4). Approximately 25,000 original bricks have been salvaged from the demolished building and have been cleaned, palletised and stored on site in two shipping containers. These could be used in the future rebuild of the building. There is photographic evidence of the interior and exterior of the building prior to its demolition which can be used for reference during the rebuild. The council has concluded that an appropriate replacement building can be achieved using suitable materials and existing evidence of the design and appearance of the demolished building. The Council have also had regard to the fact that the recipients of the Notice – as the Owner of the demolished building – will be familiar with the design, appearance and style of the demolished building.

While the Council must recognise that the historic fabric of the Crooked House has been destroyed, its historic interest, both locally, nationally and internationally as an example of a quirky historic pub can be recreated as well as its architectural and geographical interest which results from significant subsidence due to the coal mining history of the area. The rebuilding of the Crooked House would be a meaningful and worthwhile exercise given its local and historical importance, as well as remedying the breach of planning control that led to the loss of a public house contrary to local and national policy.

The council has tried to negotiate a resolution with the owner to identify a way forward without the need for formal enforcement action. However, the owner has failed to take the necessary steps towards rebuilding the unlawfully demolished building. Planning permission would not be given for the demolition of the Crooked House as conditions could not overcome the objections to it. This has left the council with little alternative but to proceed with formal enforcement action to secure the rebuild of a building of such unique character and local historical importance.

NOTICES TO BE SERVED UPON:

1. George Adam Taylor (known as Adam Taylor)
Orchard Barn
Copstone Lane
High Cross
Lutterworth
Leicestershire
LE17 5BA

2. Carly Taylor
Orchard Barn
Copstone Lane
High Cross
Lutterworth
Leicestershire
LE17 5BA

3. The Company Secretary
ATE Farms Limited
Colinton House
Leicester Road
Bedworth
Warwickshire
CV12 8AB

-
4. The Company Secretary
ATE FARMS LIMITED
Ate Farms Limited
Moorbarns Lane
Lutterworth
LE17 4JD

 5. The Owner/Occupier,
Land at Crooked House
Crooked House Lane
Dudley
DY3 4DA
(Notice to be attached to the land)

CASE OFFICER: Catherine Gutteridge

POSITION: Planning Enforcement Team Manager

DECLARATION: I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Signed:



DATE: 26.02.2024


NAME: Helen Benbow

POSITION: Development Management Team Manager

DECLARATION: I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Signed:  .

DATE: 26.02.2024

NAME: Pardip Sharma

POSITION: Planning Solicitor

DECLARATION: I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Signed: Pardip Sharma

DATE: 26.02.2024

AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:

NAME: Annette Roberts

POSITION: Corporate Director of Place and Communities

DECLARATION: I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Signed:



DATE: 27.02.2024