

**REPORT FROM:** DEPUTY CHIEF EXECUTIVE  
PLANNING AND BUILDING CONTROL MANAGER

**TO:** Executive

**DATE:** 19<sup>th</sup> March 2015

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**16 MOSLEY STREET, BARNOLDSWICK**

#### **PURPOSE OF REPORT**

To inform the Executive of the options to resolve the condition of the property

#### **RECOMMENDATIONS**

That the issue of probate is pursued further to try and establish if there is a lawful owner of the property and no decision to serve a notice under Section 79 of the Building Act 1980 is taken until this has been concluded

#### **REASON FOR RECOMMENDATION**

In order to provide the best solution to seeing the renovation of the property.

#### **BACKGROUND**

- 1** The property is an end of terrace house in Barnoldswick. It has been unoccupied for some time now since the passing away of the occupant. The property has a rear extension the roof of which has substantially collapsed. There are problems with the external condition of other elements of the building such as guttering which has become loose. The property is vacant and neighbours have indicated that this is leading to damp in their property.
- 2** The matter was referred to the Executive from West Craven Area Committee in December 2014 with a request to CPO the building. The resolution of the Executive was:  
  
"That subject to further investigation into the possibility of serving a Section 79 Notice under the Building Act 1984 or any other appropriate statutory notice, a report on the condition of the building be submitted to a future meeting."
- 3** The property is not registered in the land registry. Efforts have been made to try and ascertain who owns it but despite significant effort no owner has been identified.

## Issue

- 4 The repair of the building would normally be pursued through a notice under section 79 of the Building Act 1980. This would require the repair or demolition of the ruinous/dilapidated building. At present there is no known owner of the site. We have pursued several lines of inquiry to try and find who owns the property. No details of ownership have emerged. We are now trying to establish if it is subject to any form of probate. Without details of ownership no one can be compelled to carry out works to the building. The Council would need to do that and then place a charge against the property.
- 5 Schedules of work and associated costs are currently being drawn up to inform us of the likely costs involved. The work will involve the replacement of the roof on the extension which has fallen through. Gutters will also need replacing.
- 6 Concerns have been raised that the non-use of the building is leading to damp being found in the adjoining terrace. Environmental Health has investigated this but has not found that there is a direct link at this moment in time.

## IMPLICATIONS

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|--------------------------------|--|
| <b>Policy:</b>                 | None   |
| <b>Financial:</b>              | Costs of repairing the building are being prepared by Liberata. A valuation is also being prepared.  |
| <b>Legal:</b>                  | None   |
| <b>Risk Management:</b>        | The property is Cleary falling into disrepair. There are minimal risks associated with pursuing a CPO. The risks about undertaking repair work is that we may not recover the costs. |
| <b>Health and Safety:</b>      | None   |
| <b>Sustainability:</b>         | None   |
| <b>Community Safety:</b>       | None   |
| <b>Equality and Diversity:</b> | None   |