

TOWN AND COUNTRY PLANNING ACT 1971

DACORUM BOROUGH COUNCIL

**Repairs Notice Preliminary to Compulsory Acquisition
of Listed Building.**

To: KEVIN REYNOLDS
53 RAYBARN ROAD
HEMEL HEMPSTEAD HERTFORDSHIRE

WHEREAS:

1. You are the owner of the building situate at and known as 1 Roughdown Villas Road Hemel Hempstead Hertfordshire
~~in the~~ which is more particularly delineated on the attached plan and thereon ~~coloured~~ edged red (hereinafter called the "said building")

2. The said building is a listed building as defined in section 54 of the Town and Country Planning Act 1971 (hereinafter called "the Act").

NOW THEREFORE the (hereinafter called "the Council") **HEREBY GIVE YOU NOTICE** pursuant to the provisions of Section 115 of the Act that:—

- (1) The Council consider that reasonable steps are not being taken for properly preserving the said building and that the works specified in the Schedule hereto (hereinafter called "the said works") are reasonably necessary for the proper preservation of the said building.
- (2) If the said works are not carried out within two months from the service of this notice the Council may exercise their powers under Section 114 of the Act to begin proceedings for the compulsory purchase of the said building and any land comprising or contiguous or adjacent to it required for preserving the said building or its amenities or for affording access to the said building or for its proper control or management, and subject to the following provisions a compulsory purchase order may be confirmed by the Secretary of State if he is satisfied that reasonable steps are not being taken for properly preserving the said building and that it is expedient to make provision for the preservation of the said building and to authorise its compulsory acquisition for that purpose.
- (3) If it appears that a building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or re-development of the site or any adjoining site, a compulsory purchase order may include a **direction for minimum**

SCHEDULE

1. Remove slates, provide felt and replace, provide adequate lead flashings where necessary.
2. Overhaul flat roof, check for water tightness and replace flashings in appropriate material.
3. Clear out rain water gutters and replace defective sections in cast iron as necessary.
4. Replace defective downpipes in cast iron. Replace PVC downpipe and hopper in cast iron.
5. Hack off defective rendering and replace with cement/lime/sand rendering to provide proper protection to brickwork.
6. Overhaul windows, replace missing glazing and reputty where defective.
7. Remove defective ceilings to top front room and landing and replace with plasterboard and skim.
8. Clear out cellar.
9. Provide adequate damp proof course to prevent rising damp.
10. Remove hardcore and builders' rubbish from front garden.

DATED this

10th

day of January, 1989

Signed

Keith Hunt.

BOROUGH SECRETARY

(The officer appointed for this purpose)

Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

(Address to which all Communications are to be sent.)

† Insert title of proper officer

YOUR ATTENTION IS DRAWN TO THE STATUTORY PROVISIONS SET OUT OVERLEAF. IT IS IMPORTANT THAT YOU SHOULD READ THEM.

EXTRACTS from the TOWN AND COUNTRY PLANNING ACT 1971

Compulsory acquisition of listed building in need of repair.

114.—(1) Where it appears to the Secretary of State, in the case of a building to which this section applies, that reasonable steps are not being taken for properly preserving it, the Secretary of State may authorise the council of the county, or county district in which the building is situated or, in the case of a building situated in Greater London, the Greater London Council or the London borough council, to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.

(2) Where it appears to the Secretary of State, in the case of a building to which this section applies, that reasonable steps are not being taken for properly preserving it, he may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required for the purpose mentioned in subsection (1) of this section.

(3) This section applies to any listed building, not being an excepted building as defined in section 58(2) of this Act.

(4) The Secretary of State shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.

(5) The Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under this section.

(6) Any person having an interest in a building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required by section 12 of the Acquisition of Land Act 1981, apply to a magistrate's court acting for the petty sessions area within which the building is situated for an order staying further proceedings on the compulsory purchase order; and, if the court is satisfied that reasonable steps have been taken for properly preserving the building, the court shall make an order accordingly.

(7) Any person aggrieved by the decision of a magistrates' court on an application under subsection (6) of this section may appeal against the decision to the Crown Court.

Repairs notice as preliminary to compulsory acquisition.

115.—(1) Neither a council nor the Secretary of State shall start the compulsory purchase of a building under section 114 of this Act unless at least two months previously they have served on the owner of the building, and not withdrawn, a notice under this section (in this section referred to as a "repairs notice")—

- (a) specifying the works which they consider reasonably necessary for the proper preservation of the building; and
- (b) explaining the effect of sections 114 to 117 of this Act.

(2) Where a council or the Secretary of State have served a repairs notice, the demolition of the building thereafter shall not prevent them from being authorised under section 114 of this Act to acquire compulsorily the site of the building, if the Secretary of State is satisfied that he would have confirmed or, as the case may be, would have made a compulsory purchase order in respect of the building had it not been demolished.

(3) A council or the Secretary of State may at any time withdraw a repairs notice served by them; and if they do so, they shall forthwith give notice of the withdrawal to the person who was served with the notice.

(4) For the purposes of this section a compulsory acquisition is started when the council or the Secretary of State, as the case may be, serve the notice required by section 12 of the Acquisition of Land Act 1981.

Compensation on compulsory acquisition of listed building.

116.—Subject to section 117 of this Act, for the purpose of assessing compensation in respect of any compulsory acquisition of land including a building which, immediately before the date of the compulsory purchase order, was listed, it shall be assumed that listed building consent would be granted for any works for the alteration or extension of the building, [or for its demolition*.] other than works in respect of which such consent has been applied for before the date of the order and refused by the Secretary of State, or granted by him subject to conditions, the circumstances having been such that compensation thereupon became payable under section 171 of this Act.

Minimum compensation in case of listed building deliberately left derelict.

117.—(1) A council proposing to acquire a building compulsorily under section 114 of this Act, if they are satisfied that the building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or re-development of the site or any adjoining site, may include in the compulsory purchase order as submitted to the Secretary of State for confirmation an application for a direction for minimum compensation; and the Secretary of State, if he is so satisfied, may include such a direction in the order as confirmed by him.

(2) Subject to the provisions of this section, where the Secretary of State acquires a building compulsorily under section 114 of this Act, he may, if he is satisfied as mentioned in subsection (1) of this section, include a direction for minimum compensation in the compulsory purchase order.

(3) The notice required to be served in accordance with section 12 of the Acquisition of Land Act 1981 (notices stating effect of compulsory purchase order or, as the case may be, draft order) shall, without prejudice to so much of that paragraph as requires the notice to state the effect of the order, include a statement that the authority have made application for a direction for minimum compensation or, as the case may be, that the Secretary of State has included such a direction in the draft order prepared by him in accordance with Schedule 1 to the said Act of 1981 shall in either case explain the meaning of the expression "direction for minimum compensation".

(4) A direction for minimum compensation, in relation to a building compulsorily acquired, is a direction that for the purpose of assessing compensation it is to be assumed, notwithstanding anything to the contrary in the Land Compensation Act 1961 or this Act, that planning permission would not be granted for any development or re-development of the site of the building and that listed building consent would not be granted for any works for the demolition, alteration or extension of the building other than development or works necessary for restoring it to, and maintaining it in, a proper state of repair; and if a compulsory purchase order is confirmed or made with the inclusion of such a direction, the compensation in respect of the compulsory acquisition shall be assessed in accordance with the direction.

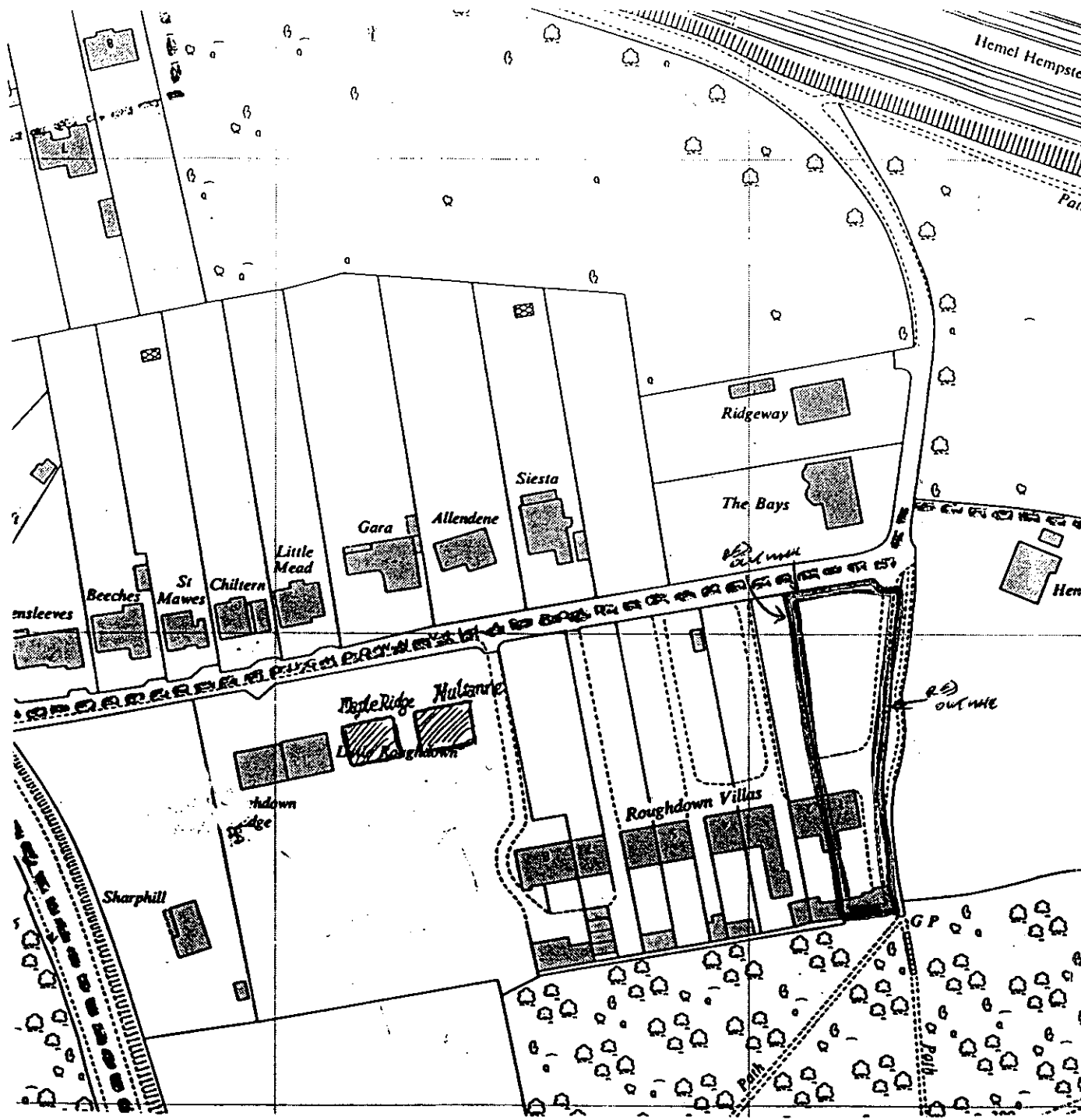
(5) Where the local authority include in a compulsory purchase order made by them an application for a direction for minimum compensation, or the Secretary of State includes such a direction in a draft compulsory purchase order prepared by him, any person having an interest in the building may, within twenty-eight days after the service of the notice required by section 12 of the Acquisition of Land Act 1981, apply to a magistrates' court acting for the petty sessions area in which the building is situated for an order that the local authority's application for a direction for minimum compensation be refused or, as the case may be, that such a direction be not included in the compulsory purchase order as made by the Secretary of State; and if the court is satisfied that the building has not been deliberately allowed to fall into disrepair for the purpose mentioned in subsection (1) of this section, the court shall make the order applied for.

(6) A person aggrieved by the decision of a magistrates' court on an application under subsection (5) of this section may appeal against the decision to the Crown Court.

(7) The rights conferred by subsections (5) and (6) of this section shall not prejudice those conferred by section 114(6) and (7) of this Act.

LOCATION

No 1 Roughdown Villas,
Hemel Hempstead



PROPERTY SUBJECT OF NOTICE UNDER S.115
OF TOWN AND COUNTRY PLANNING ACTS.

C.G.B. Barnard
Chief Planning Officer
Dacorum Borough Council
Hemel Hempstead

Scale 1/1250
Plan no. 4/0699/88