STRUCTURAL SURVEY INSPECTION REPORT & DESIGN STATEMENT

35A KING STREET
WHALLEY
LANCS
BB7 9SP

for

KELLIE HUGHES HAIR NAILS & BEAUTY



AUGUST 2026

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[redacted]

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1. INTRODUCTION

I am Paul Derbyshire, an Architectural Building Surveying Technician, with 42 years' experience working in private practice and for construction companies, qualified in a Diploma in Building Surveying from the University College of Estate Management, Reading. I am an Associate member of the Royal Institution of Chartered Surveyors, first qualified in 1998.

The contents of this document are to provide details of defence from prosecution for implementation of emergency demolition work under section 9(3) of The Planning (Listed Buildings and Conservation Areas Act) 1990. The report addresses the following from The Act:

> *a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;*
>
> *b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;*
>
> *c) that the works carried out were limited to the minimum measures immediately necessary; and*
>
> *d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.*

2. PROPERTY DETAILS

The property is a grade II listed, three storey, end terrace building and is located at 35A King Street, Whalley in the designated Whalley Conservation Area. The works relate to the boundary wall between 33 & 35 King Street at the rear of the premises.

3. SURVEY OBSERVATIONS

Survey date: 6th August 2026
Weather conditions: light rain 15°C

A detailed visual, measured and photographic survey inspection of a 3.00m length of the boundary wall was undertaken to ascertain the general overall structural condition.

The wall runs from the rear of the properties, eastwards, with a slight dog-leg approximately halfway along the length of the wall from the building. The wall structure forms the physical boundary between nos. 33 & 35 and is 2.00m in height. The wall has a 50mm thick stone coping made up of cut flags, laid on a one brick thick, handmade, clay brick wall, with lime mortar pointing. The brick wall is built up off a lower section of rough coursed sandstone approximately 300mm high, with lime mortar joints.

There is extensive English Ivy (hedera helix) growth on both sides of the wall. All across the face of the wall the ivy has penetrated the mortar joints and has grown to the top of the wall and beyond, forcing open the mortar joints a displacing and loosening the brickwork and section of the stone coping flags. The lateral stem forcing up the coping is ranges between 200-250mm diameter. The smaller stems growing within the top section of wall range between 50-75mm diameter, and the stems at lower level are around 25-30mm diameter.

The ivy growth has not been trimmed back sufficiently and growth against the wall has gone unchecked and has penetrated the wall structure. The wall has tilted significantly and is severely bulged at 500mm height on the north side of the wall (no.55A). The wall leans from this point leans at an 80° towards the south side of the wall (no.53). There is substantially more growth on the south side of the wall. The wall is currently propped on the south side of the wall by vertical scaffold planks braced at high level using 75 x 75mm timber struts screw fixed to the scaffold boards. This propping is only a temporary solution, and the wall is now showing signs of movement again. The propping is barely adequate and is only providing support in a very localised area, with other parts of the leaning structure unsupported and reliant on the mortar and brick bond to hold the wall stable.

The propped wall is in an unsafe condition as it is currently and is highly susceptible to collapse. The extensive root and stem sections of the ivy are essentially holding the wall loosely together.

4. SURVEY PHOTOGRAPHS



View of wall from south side showing lateral & vertical large stem and extensive ivy growth.



View of wall from north side showing displaced coping & missing brickwork.



View of wall from north side showing displaced coping & vertical ivy stem.



View of wall from north side showing vertical lean to south.



View of wall from north side showing brickwork displaced by ivy.



View of wall from north side showing leaning brickwork.

5. DESIGN STATEMENT & SCHEDULE OF REPAIRS

The damaged, leaning section of brick wall, needs to be taken down and rebuilt off the existing stonework section of wall.

a) Existing stone copings to be removed, cleaned and set aside for refixing.
b) Existing bricks to be carefully removed by hand, cleaned and set aside for re-use.
c) Existing redundant lead flashing to be removed and carted away.
d) Existing ivy to be carefully cut back, removed and carted away.
e) Brick wall to be built up off stonework wall on a level mortar bed.
f) Mortar to be 1 part natural hydraulic lime to 3 parts sharp sand.

Existing brick quantities to be assessed prior to construction phase of work to determine if there are sufficient numbers of usable bricks to re-build the wall.
Any shortfall of existing bricks shall be made up by using reclaimed clay bricks to match, as near as possible, the existing bricks. The additional bricks shall be laid first in the lower courses of the wall, with the existing bricks used at higher level.

6. CONSTRUCTION METHOD STATEMENT

A. Erect adjustable, stable working platform complete with handrail edge protection
B. Carefully cut back all surface ivy from both walls.
C. Carefully remove existing stone copings and set aside for re-use.
D. Carefully remove using hand tools only loose bricks and mortar in a maximum 4no courses in one operation to expose ivy growing within the walls structure. Bricks to be set aside for cleaning and re-use.
E. Carefully cut back all exposed ivy and cart away.

Repeat stages D & E until the lower stone wall at ground level is exposed.

F. Clean exposed stone bed and lay 1 part natural hydraulic lime (NHL2.5) to 3 parts sharp sand level mortar bed for laying brickwork.
G. Re-build wall using existing cleaned bricks taken from site store in stretcher bond pattern to match existing wall. Include for fitting 175mm width stainless steel horizontal bed reinforcement mesh every 3no vertical courses. Bricks to be laid in 1 part natural hydraulic lime (NHL2.5) to 3 parts sharp sand level mortar. With struck joints to match existing.
H. Existing stone copings to be taken from site store and bedded on top of new wall in 1 part natural hydraulic lime (NHL2.5) to 3 parts sharp sand level mortar.
I. Existing stone wall to be pointed with 1 part natural hydraulic lime (NHL2.5) to 3 parts sharp sand level mortar with recessed brushed joints.

4. SUMMARY

The existing leaning section of brickwork boundary wall is unsafe and temporarily propped. The propping is not a long-term solution. The coping stones are loose and liable to fall if there is any more movement in the wall. The ivy will continue to grow which will exacerbate the ongoing problem.

The materials from the existing wall are to be re-used and traditional lime mortar used in keeping with the grade II listing of the premises.

The section of wall needs to be rebuilt to ensure a safe environment to both properties.

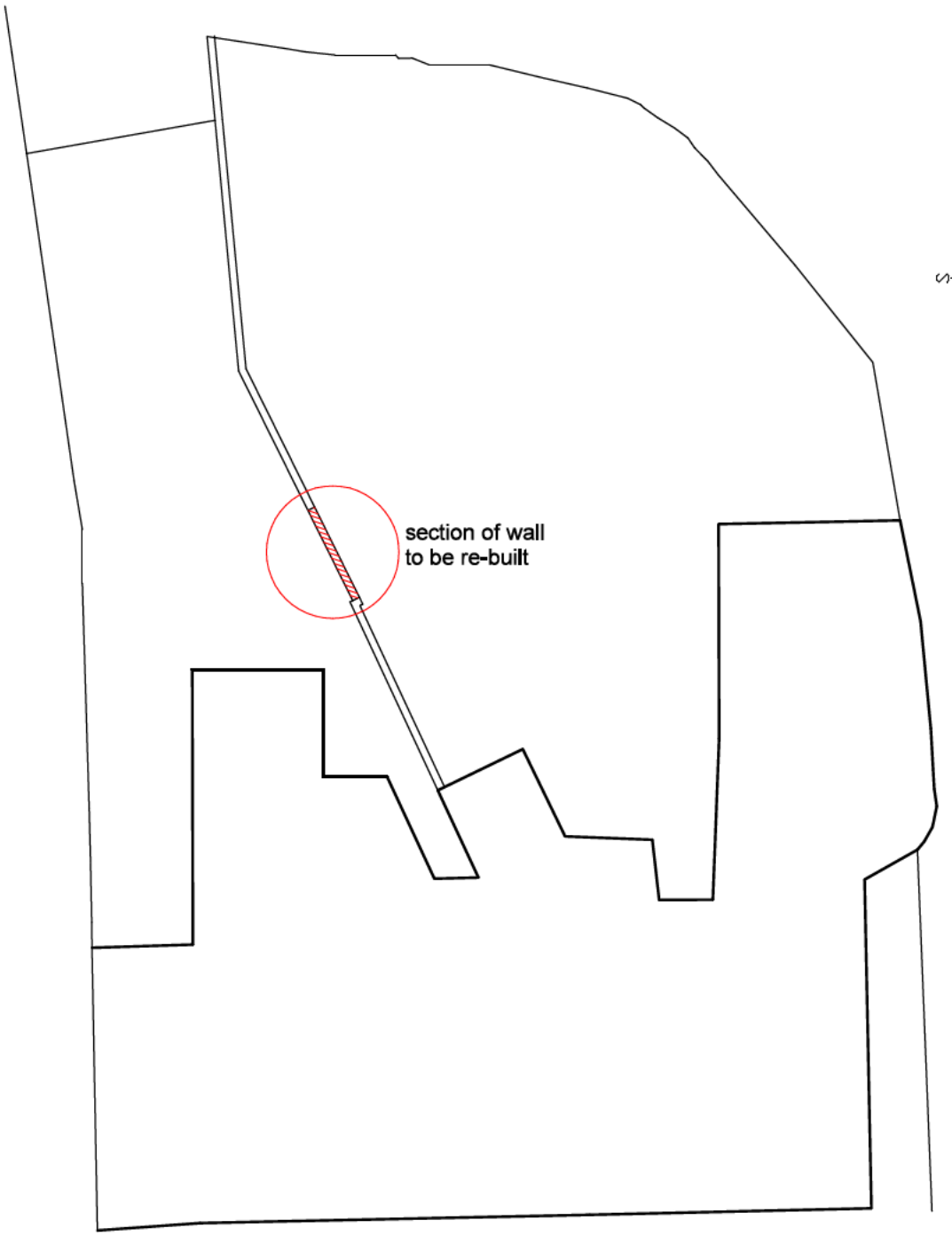
Signed:



Paul Derbyshire

Dip.Surv. AssocRICS

Date: 6th August 2026



Client: Kellie Hughes Hair Nails & Beauty		
Project: Boundary Wall Repairs 35A King Street Whalley		
Dwg title: Site Plan		
Scale @ A4: 1:200	Date: 06.08.26	Drawn by: PD
Drawing no.: 1834 - 101		Rev.: -

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APPENDIX 1

INSTITUTE OF HISTORIC BUILDING CONSERVATION
GUIDANCE NOTES FOR EMERGENCY WORKS



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IHBC GUIDANCE NOTES

Emergency Works

GN2024/1-Feb 2024

Application of s.9 (3) of the Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Similar provisions are provided in s.8 (3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, s.117 (4) of the Historic Environment (Wales) Act 2023 and s.85 (7) of Planning Act (Northern Ireland) 2011. This guidance note is relevant to all these provisions.

This is one of a series of occasional Guidance Notes published by The Institute of Historic Building Conservation (IHBC). IHBC Guidance Notes offer current and recent guidance into topics that we consider crucial to the promotion of good built and historic environment conservation policy and practice. The Notes necessarily reflect knowledge and practice at the time they were developed, while the IHBC always welcomes new case examples, feedback and comment to research@ihbc.org.uk *for future revisions and updates.*

Introduction

1. This guidance note has been prepared in response to questions about the status of emergency works, undertaken to listed buildings, as follows:

- can they remain indefinitely if the owner chooses, rather than being re-built, if appropriate, providing they have complied with the statutory criteria;
- can a Local Planning Authority (LPA) require a subsequent Listed Building Consent, to retrospectively approve the emergency works and, where appropriate, ensure subsequent reinstatement to regularise the works;
- could enforcement measures be taken by the LPA to require reinstatement?

Legislation

2. Section 9 of the Planning (Listed Buildings and Conservation Areas Act) 1990, establishes that unauthorised works to a listed building or failing to comply with any conditions attached to a Listed Building Consent when executing authorised works are criminal offences.

3. S.9(3) and of the English Act and the commensurate provisions within Scotland, Wales and Northern Ireland identifies defences to prosecution where emergency works are carried out in the interests of health and safety or the preservation of the building. This Guidance Note focuses on issues around these sections with respect to legitimising the works undertaken, and whether a

retrospective Listed Building consent can be sought to regularise the works, after the event, and possibly cover any reinstatement.

4. S.9 (3) of P(LBCA) Act 1990 provides:

> **'S.9 Offences**
> *S.9 (3) In proceedings for an offence under this section it shall be a defence to prove the following matters:*
>
> *a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;*
> *b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;*
> *c) that the works carried out were limited to the minimum measures immediately necessary; and*
> *d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.*
>
> *Near identical provisions are provided by s.8 (3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, s.117 (4) of the Historic Environment (Wales) Act 2023 and s.85 (7) of Planning Act (Northern Ireland) 2011.'*

5. In many cases harm to health and safety can often be prevented simply by preventing access to the site, therefore, it should be very rare that undertaking significant works without consent relying on these grounds and Local authorities should be consulted even in urgent cases.

Establishing the defence

6. To benefit from the defence in respect of emergency works to a listed building it is necessary to meet all four tests, as follows:

- the works are essential to the preservation of the building or in the interests of health and safety;
- it is not possible to secure the building by temporary support measures;
- the works undertaken are the minimum immediately necessary; and
- that the local planning authority have been notified of the detail of the works and the justification for undertaking them.

7. These provisions provide a defence to criminal charges, where brought under, under s.9 (1) of Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), s.8 (1) the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, s.117 (1) of the Historic Environment (Wales) Act 2023 and s.85 (1) of the Planning Act (Northern Ireland) 2011. However, even if an owner successfully invokes a statutory defence, it does not provide authorisation of the works by effectively granting retrospective Listed Building Consent, nor does it necessarily indicate that the Local Planning Authority considers the works acceptable. Furthermore, paragraph 196 of the National Planning Policy Framework in England provides that 'where there is evidence of deliberate

neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'. If all the four tests were not met the defence cannot be relied on and the perpetrator remains potentially liable to a criminal prosecution.

Subsequent Approval

8. The works, even if they fall within s.9(3) et al, still need authorisation. Section 8 of English Act (as amended) and similar provisions in the other acts are clear that works of alteration to a listed building can only be authorised by 'written consent' by means of a Listed Building Consent granted by the LPA or Secretary of State. Therefore, the owner needs to apply for Listed Building Consent if he wishes to regularise the works. Conditions can be imposed in the usual way. Alternatively, the LPA can issue a listed building enforcement notice under s.38 of the English Act and similar sections in the other Acts.

9. There is no power in the legislation that enables a local planning authority to insist on an application for listed building consent. If the owner chooses not to make an application and the LPA does not consider it expedient to serve an enforcement notice, then the works remain unauthorised. It may be helpful for a LPA to point out to an owner that failure to obtain listed building consent in such a situation may well result in problems in a subsequent sale of the property, should the lack of consent be revealed in the legal search process.

Subsequent Enforcement Action

10. The defence against proceedings for an offence under Section 9(3) also does not provide immunity from a listed building enforcement action should the owner fail to regularise them through a subsequent Listed Building Consent. Should a local planning authority consider the urgent works carried out to be unacceptable and harmful to the special interest of the listed building in question, the authority retains the option to serve a listed building enforcement notice under section 38 of the English Act and the corresponding home nations legislation.

11. In cases where it has not been possible to negotiate a solution to regularise the works undertaken, it may be expedient for a LPA to issue a Listed Building Enforcement Notice (LBEN) to provide a clear route to regularisation as consent can be secured by means of a successful appeal against the LBEN.

Preventative measures

12. It is also important to note that while there is no statutory duty to maintain a listed building in good repair Local Authorities have powers to intervene where the condition of a building is allowed to deteriorate under Ss 47 (compulsory Purchase, 48 (Repairs Notices) and 54 (Urgent Works), for information on these powers see IHBC Guidance Note Urgent works in advance of a Listed Building Consent.