



Historic Towns Forum

Introduction to Heritage Planning

Study toolkit

Listed Buildings and Listed Building Consent

There are approximately 374,000 entries in the Statutory List for England of Buildings of Special Architectural or Historic interest, although as an entry can cover more than one building, e.g. a terrace, the actual number of buildings is much greater. (Scotland, Wales and Northern Ireland have separate lists.)

Listed buildings (or structures) come in all shapes and sizes, from milestones to mansions, cathedrals to cottages, even including some much treasured red telephone boxes. Listing celebrates a building's special architectural and historic interest and helps us acknowledge and understand our shared history. It gives protection to the country's built heritage through the planning system by ensuring that alterations respect the building's special character and that any demolition is only allowed after careful consideration.

In general the older the building, the more likely it is to be listed. All buildings constructed before 1700 which survive in anything like their original condition are listed, as are most built between 1700 and 1840. Approximately 97% of listed buildings were built before 1840. For buildings constructed after 1840, the criteria is more rigorous and listing will depend on definite architectural quality and character, historical associations, the significance of the designer, group value and so on. Recognition is also given to exceptional 20th century buildings, although a building has to

be over 30 years old to be eligible for consideration and these represent a very small percentage of the List.

Listed buildings are categorised in one of three grades according to their relative importance:

- Grade I buildings are of exceptional interest, sometimes considered to be of international importance. Only 2.5% of listed buildings are Grade I
- Grade II* buildings are particularly important buildings of more than special interest; 5.5% of listed buildings are Grade II*
- Grade II buildings are nationally important and of special interest; some 92% of all listed buildings are in this class.

Many listed buildings are relatively ordinary, but they represent England's rich and diverse built heritage in public buildings, small town houses, shops and industrial buildings, which together form a valuable record of how our ancestors lived, worked and constructed their buildings, through the use of local materials, traditional forms of construction and craftsmanship, all making a valuable contribution to the built environment of the nation.

Although local councils generally administer applications for listed building consent, the Secretary of State for Culture, Media and Sport is responsible for compiling the statutory list of buildings of special

architectural or historic interest.

Anyone can apply to have a building listed; applications should be sent to English Heritage who administers the application process and provides expert advice to the Secretary of State on which buildings meet the criteria for listing. Further information can be found on the English Heritage website: www.english-heritage.org.uk/professional/

Regardless of the grade of listing, the whole building is given the same protection under the listing, including the interior and any object or structure fixed to the building itself, or forming part of the land if it has done so since before 1st July 1948.

Most of the current list entries describe the principle elevation of the buildings (often the elevation facing the road) and are purely an aid to identify the building. These entries are not a comprehensive inventory of all the features of importance and the whole building is protected whether or not specifically referred to in the description. Recent additions to the List have more precise descriptions about the special features of the building and it is intended in the long term that more detailed entries will be provided for all listed buildings.

The listing protection covers everything at the time it was listed (and any structures attached since it was listed) in the area of land surrounding a listed building within the property boundaries (often referred to as the

'curtilage'), including outbuildings, walls, gates etc.

The legislative framework

In England and Wales, the legal requirements for the control of development and alterations which affect listed buildings, and the framework by which control is maintained are set out in the primary legislation of the Town & Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act). The former Planning Policy Statement 5 (PPS5) was replaced in March 2012 by the National Planning Policy Framework (NPPF). While further guidance is proposed, the Historic Environment Planning Practice Guide that accompanied PPS5 is still relevant.

The primary legislation for Scotland is the Town & Country Planning (Scotland) Act 1997; and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; with principle statutory guidance on policy contained in the Scottish Historic Environment Policy (SHEP) and supplementary guidance in Historic Scotland's Managing Change leaflets. In Ireland, the principle legislation is the Planning (Northern Ireland) Order 1991.

The Penfold Review of Non-Planning Consents published in July 2010 outlined a number of options for changing the system of listed building consent. Following consultations in 2012, a number of changes to the way in which listed building applications are dealt with are expected to come into force, including the introduction of a system of local and national class consents, and of a Certificate of Lawful Works for certain works.

Listed building consent

Listing is not designed to preserve the building in aspic. It is not a preservation order, preventing all change or freezing a building in time. Listing is an aid to identifying and celebrating a building's special architectural or historic interest. Listed buildings may be altered, extended and sometimes even demolished within Government planning guidance and the local authority uses Listed Building Consent to make decisions that balance the site's historic significance against other issues such as its function, condition or viability.

Listed building consent is required for any works to listed buildings which may affect their character (whether or not they are acceptable) as buildings of special architectural or historic interest, including partial or complete demolition, extension or alterations (internal or external) of a listed building, or any object or structure within or fixed to the exterior of a listed building or within the curtilage of the building which, although not fixed to the building, forms part of the property. Carrying out such works without consent is an offence, punishable by a fine or term of imprisonment.

The procedure for gaining Listed Building Consent is similar to obtaining Planning Consent, except that no fee is required. Application forms and checklists can usually be downloaded from the website of the relevant Local Planning Authority and most local councils will also be able to supply paper copies of the documents.

Issues to be considered when applying for Listed Building consent

Owners are only custodians of his-

toric buildings for a relatively short period of time in the life of a building. Any alterations should respect the special character of the building and seek to retain as much historic fabric as possible. The more period features a building retains, the more it will retain its value.

Proposal options

Before making a Listed Building application all the options should be carefully considered. Clearly some proposals will have far more serious consequences for the building than others and it is important to identify what is needed, rather than just what may be desirable. The way in which a building is used can often be more flexible than the nature of the building itself. For example, flexibility in the way rooms or spaces are used may avoid making changes to the building.

Background research:

- The grade of the listed building and a copy of its list description. This may give some information about its history and special character, although some older list entries merely serve to identify the property.
- Information about the history and development of the building. An understanding and appreciation of the historic building is essential to a successful application. Information about the occupants of the building, whilst interesting is not usually relevant in this situation.
- Advice leaflets or guidance notes from the Local Planning Authority or other sources such as English Heritage, SPAB and so on, will give information about issues to take into account when alterations are being considered.
- The planning history of the

building, such as Listed Building consents or appeals. Recent planning history will usually be available on the local council's website.

- Policies in the local councils local development plan and Government guidance will give useful background information to policies and good practice and are usually available on the internet.

Informal advice from the local Planning Authority

Early dialogue with the local Conservation Officer will clarify which work needs consent and help to identify any issues with a particular building, such as building regulation implications, which may influence the viability of the scheme. A subsequent discussion with a Building Control Officer may also be needed to clarify certain points that may have been raised, eg: sound and fire insulation or means of escape.

These discussions can also establish the type of supporting information required to help the Council and other groups, such as the Town or Parish Council, to assess the application. In certain circumstances such when dealing with Grade I or Grade II* buildings or a listed building in some London Boroughs, English Heritage will also be involved in the process. The local Conservation Officer will be able to advise on this.

Information for the application

It is important that as much relevant information as possible is included with the application, as when the local authority is considering the application it must have special regard to the desirability of preserving the

Listed Building, any features of special architectural or historic interest which it possesses, together with its setting.

In order to assist the local authority in this task, in addition to the appropriate forms and drawings, a Heritage Statement and a Design and Access Statement will need to be submitted with the application. These can sometimes be combined in one document. Obviously the scope and complexity of these statements will vary enormously, depending on the extent of the proposals and the importance of the building. The Conservation Officer or local Planning Officer will be able to advise on the level of information required for an individual building.

- Heritage Statement – this should explain the significance and development of the listed building through:
 1. a brief outline of the history of the building and its site, its importance, how it has evolved and any special features it may possess;
 2. an architectural description of the building.
- Design and Access Statement – this should detail the thinking behind the proposed alterations or extensions and what impact they will have on the character of the listed building including:
 1. An explanation of what the proposed changes are, why they are desirable and necessary, and how they are the minimum necessary to meet the needs of the scheme;
 2. A statement on exactly what the impact of your proposals will be on the character of the Listed Building.

These documents should include a clear explanation of:

- Loss or changes to any historic fabric such as walls, windows, doors, timber framing or architectural features such as cornices, fireplaces, panelling, historic shopfronts etc;
- Changes to the shape of rooms and spaces within the building, layout and plan form;
- The impact of any extension on the appearance, character and setting of the building, including changes to the roofscape;
- The materials proposed and how they will be used;
- A statement that Building Regulations have been taken into account in formulating the proposals and comply with their requirements. For example, covering issues such as fire protection, means of escape, thermal insulation or improving accessibility for people with disabilities.

These statements should be a culmination of the earlier stages in the process which can be amended as the proposals are developed. They will need to be submitted in support of the Listed Building application, where they will play an important part in the assessment of the scheme and the decision-making process. They should show clearly that all the relevant issues have been considered and that they seek to preserve the special character of the building.

Plans, drawings and supporting information

To avoid complications and to make sure the application is dealt with quickly, it is essential that the your proposals are presented fully, clearly and accurately. The submission of good quality and accurate drawings

is crucial to the determination of your application. They should enable a person who is not familiar with the building to understand the proposals and to assess their impact on the property. All applications will be advertised for a defined period to enable the Town and Parish Councils, residents and amenity groups to comment on the application.

Drawings showing the building as existing and as proposed i.e. a 'before and after', both internal and external need to be submitted. It can be helpful to highlight the proposed changes by the use of colour or hatched lines, depending on how obvious they are.

If the proposed works are internal and are confined to a small part of the building, then it may be sufficient to show the floor plan of this part only, rather than for the whole floor of the building. However, if the proposals have an impact on the external appearance and composition, then elevational drawings must be given. For example a small side extension may create an imbalance in the appearance of the building, and the impact of this can only be assessed if all the affected elevations are shown.

If the proposals have implications for the roof structure, for example with a loft conversion, the plans must show clearly the full structure of the roof and identify any timbers that may be cut or removed, or any proposed rooflights or dormers. Similarly with timber framed buildings, the drawings must identify any timbers that will be affected by the work.

Relatively minor changes such as the provision of vents, flues, meter boxes, air conditioning units and signs, can have a significant impact on the character and appearance of

a Listed Building. These should be included on the drawings and must be carefully considered, in order to minimise their impact.

All drawings must be to a recognised metric scale eg, 1:50 or 1:100 for elevations, floor plans and sections, and 1:200 or 1:500 for a layout of the site. Applications must also include a site plan to a scale of either 1:1250 or 1:2500 and all plans must have a north point.

Larger scale drawings showing construction details, such as joinery details for windows, doors, paneling, architraves etc, may also be required, and whilst it helps if this information can be submitted at the initial application stage, provided the local authority has sufficient information to assess the application, these details may be submitted later, as a condition of any consent.

Depending on the nature of the proposals, it may be helpful to submit additional information, such as an axonometric drawing of a proposed extension, or photographs, both recent and historic. Specification notes for the works, for example details of a mortar or render mix, should also be included.

The local planning department can advise on the number of copies of the plans, application forms and supporting documentation which will be required with the application.

Religious Buildings.

Although no listed building in religious use is exempt from the need to obtain permission for work affecting its special architectural or historic character, many (but not all) go through a different application process. Under the Ecclesiastical

Exemption (Listed Buildings and Conservation Areas) Order 1994 the certain denominations have approved alternative regimes and applications are made direct to the church authorities. Those denominations are the Church of England, the Church in Wales, the Roman Catholic Church, the Methodist Church, the Baptist Union of Great Britain, the Baptist Union of Wales and the United Reform Church. Although generally similar in form to the secular process, each denomination has its own procedure with individual requirements for documentation. A common thread is the 'Statement of Need' which sets out the religious or pastoral reasons for the proposed work and compliments the Statement of Significance which is similar to that required by local authorities. The exemption relates solely to the listed building aspect of any work; ecclesiastical buildings are fully subject to Planning Control, (for example external alterations or change of use).

All other denominations are subject to the same processes as any other listed building, with applications made to the relevant local planning authority.

Useful websites:

English Heritage (including Images of England): www.english-heritage.org.uk

Listed Buildings Online: www.british-listedbuildings.co.uk

Heritage Gateway: www.heritagegateway.org.uk

The Planning Portal
www.planningportal.gov.uk
(where applications for permission can be made online.)

Department for Communities and
Local Government:
www.communities.gov.uk

Department for Culture, Media and
Sport: www.dcms.gov.uk
The Royal Institute of British Archi-
tects (RIBA): www.architecture.com

Royal Institute of Chartered Survey-
ors (RICS): www.rics.org.uk

Royal Town Planning Institute (RTPI):
www.rtpi.org.uk

Institute of Historic Building Conser-
vation (IHBC): www.ihbc.org.uk

The Society for the Protection of An-
cient Buildings: www.spab.org.uk

The Ancient Monuments Society:
www.ancientmonumentsociety.org.uk

The Georgian Group:
www.georgiangroup.org.uk

The Victorian Society:
www.victorian-society.org.uk

The Twentieth Century Society:
www.c20society.org.uk

Design Council, including The Com-
mission for the Built Environment
(CABE): www.designcouncil.org.uk/

Building Conservation Website:
www.buildingconservation.com