



## Listed Buildings

### What is a listed building?

A "Listed Building" is one which has been formally declared to be of 'special architectural or historic interest' by being placed on statutory lists compiled by the Secretary of State for Culture, Media and Sport under the Planning (Listed Buildings and Conservation Areas) Act 1990. Listing ensures that the architectural and historic interest of the building is carefully considered before any alterations, either outside or inside, are agreed.

The lists are therefore registers recording the best buildings but they comprise a wide variety of structures from castles to milestones. Listed buildings are an important part of our local and national heritage and provide a unique link with the past; they bring history alive. They are limited in numbers and irreplaceable, deserving special care and attention.

### How are buildings listed?

Most buildings were listed in the national re-survey of listed buildings which began in 1970, and has just been completed. Additions to the list can still be made to take account of buildings or structures that may have been overlooked. This process can take several weeks, or, in an emergency, less than a day. The procedure is known as "Spot Listing" and these buildings have the same status as other listed buildings.

Anyone can apply to have a building spot listed, although this is usually done by the District Council.

### How are buildings chosen for listing?

The main criteria used are:

- **Architectural interest:** all buildings which are nationally important for the interest of their architectural design, decoration and craftsmanship;

also important examples of particular building types and techniques, and significant plan forms

- **Historic interest:** this includes buildings which illustrate important aspects of the nation's social, economic, cultural or military history
- **Close historical association** with nationally important buildings or events
- **Group value**, especially where buildings comprise an important architectural or historic unity or are a fine example of planning (such as squares, terraces and model villages)

The older and rarer a building is, the more likely it is to be listed.

All buildings built before 1700 which survive in anything like their original condition are listed, as are most built between 1700 and 1840. After that date the selection criteria becomes much more stringent with time. This is because of the increased number of buildings erected and the much larger numbers which have survived, so that post-1945 buildings have to be exceptionally important to be listed.

Buildings less than 30 years old are very rarely listed, and only if they are of outstanding quality and under threat.

## What is the effect of listing?

When a building is listed, it is recognised as being of special architectural or historical interest or both, and its details become part of a public record. Most significantly, the building is immediately protected by law, and any changes including demolition, alterations and extensions to it must first receive listed building consent.

Even relatively minor works like painting may affect the character of a listed building and it is therefore advisable to contact the conservation section at the Borough Council before starting any works.

All of the building inside and out is listed. There is no such thing as just a 'listed facade' or 'listed interior' - although many people think this is the case. The description in the official list is not intended to provide a comprehensive record of all the features of importance - but primarily to identify the building.

Anything fixed to a listed building is also listed. Any structure in the grounds which was there before 1948 (even if not fixed to the listed building) is itself listed as a curtilage structure. This includes boundary walls, gates and garden walls.

The setting of a listed building is often an important factor when new development or extensions are being considered.

Listing does not mean that a building is mothballed. What it does seek to do is ensure that any alterations respect the character of the building, and that the case for its preservation is fully taken into account when any redevelopment proposals are considered. The system of listed building consent is a flexible one: over 90% of applications result in permission being granted.

Under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence to demolish, alter or extend a listed building without consent and the penalties for this can be heavy.

It is punishable by a fine or a prison sentence and you can be required to undo harmful alterations. The Council will take any unauthorised works to a listed building very seriously and will pursue prosecution where appropriate.

## **When is listed building consent required?**

You will need to get listed building consent from the Borough Council if you want to demolish a listed building or any part of it, or alter it in any way which would affect its character, inside or out. Repairs which match the existing historic fabric exactly may not need consent, but the Planning Control section will advise you on this as the effect of any repairs is not always straightforward. Examples of work which may need consent include changing windows and doors, painting over brickwork or removing external surfaces, putting in dormer windows or rooflights, putting up aerials, satellite dishes and burglar alarms, changing roofing materials, moving or removing internal walls, making new doorways, and removing or altering fireplaces, panelling or staircases.

## **Making an application for listed building consent?**

Your first step should be to contact the Planning Control Team of the Borough Council before you make an application. Council officers can advise you informally whether your proposals are likely to be accepted. This could save you time and money.

It is nearly always best to employ an architect who is used to working with listed buildings at an early stage for work on extensions and alterations involving historic fabric.

He or she will have the necessary skills to be aware of where likely difficulties and sensitive areas will be and can draw up sketch proposals, if necessary, for discussion with officers before hard and fast decisions are taken.

The Borough Council deal with the majority of listed building consent cases and will give you the appropriate form for making your application (there is no fee for such applications). Your application will need to include enough information to show clearly what you intend to do, with detailed scaled drawings and photographs. For further information on submitting a listed building consent application please see the relevant validation document and checklist.

Sometimes planning permission is needed for building work as well as listed building consent, for instance for building an extension or converting a building into a new use. The Planning Control section can advise you about this.

## **Assessment of applications**

The fact that a building is listed does not necessarily mean that it must be preserved intact for all time; the main purpose of listing is to ensure that care is taken over decisions affecting its future, that any alterations respect the particular character and interest of the building, and that the case for its preservation is taken fully into account in considering the merits of any redevelopment proposals.

Applications are advertised and comments are invited from various bodies and in some cases the Department for Communities and Local Government and English Heritage are also consulted. Applications are considered with the specific aim of preserving the historic building in its setting. In cases where demolition is approved, English Heritage must be given the opportunity to record the building if it so wishes.

It will usually take at about eight weeks after you send in your application form for a decision to be sent to you.

If consent is refused you have six months in which you can appeal to the Planning Inspectorate.

## **What happens if a listed building deteriorates?**

Owners have the most important role in looking after historic buildings, and many take great pride in the care of their property and in preserving its character and atmosphere. Owners have a legal responsibility to look after listed buildings properly.

Modest expenditure on regular maintenance and minor repairs can prevent very serious problems such as dry rot from developing. It is particularly important to check rainwater disposal systems every winter as this can save you a lot of expense and prevent escalating deterioration from occurring.

There are cases however, where, for various reasons, a listed building falls into serious disrepair. In these situations the Borough Council has, as a last resort, powers to require owners to carry out repairs using a Repairs Notice. The notice specifies what works need to be done and if they are not carried out the Council can seek to acquire the property compulsorily.

Where a listed building is unoccupied, the Council can serve an Urgent Works Notice and carry out emergency works themselves to make the building wind and weather proof. They can then recover the costs, through the Courts if

necessary, from the owner.

The council uses these powers reluctantly, but is prepared to do so if necessary to ensure the long term survival of any listed building in its area.

For further information on listed buildings please see PPG15 published by the Department for Communities and Local Government.

To view the Local Development Plan Policies please use the link on the main Planning Overview page.

To discuss any specific issues with a council officer see Planning Control Contact Details.