

# LISTED BUILDINGS

## A Guide for Owners & Occupiers



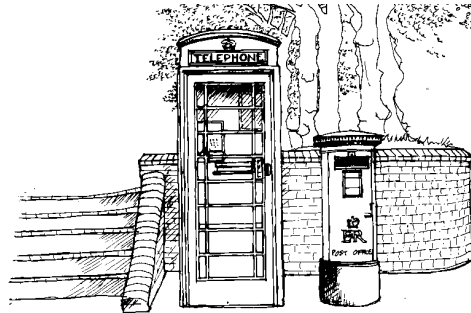
Planning Services



### WHAT IS A LISTED BUILDING?

A Listed Building is defined as one which is of special architectural or historic interest, which has been included in a 'List' compiled by the Government as required by Act of Parliament. The term "building" as used in the Town and Country Planning Acts covers a wide range of man-made structures and can include things such as bridges, walls, gates, telephone boxes, village pumps, and many others.

Once buildings are added to the List they are placed in one of three grades. Grade 1 (1.4% of the total) and Grade II\* (4.1% of the total) are for the most important buildings, nationally. The majority (94.5%) are Listed Grade II.



*Framlingham*

### WHAT IS THE PURPOSE OF LISTING?

Buildings are Listed in order to identify and protect the Country's architectural heritage. Measures to protect ancient monuments and historic buildings originated over a century ago, but it was not until after severe losses both from war damage and postwar development that the present system of Listed building control was introduced in the 1968 Town and Country Planning Act. The current legislation, the Planning (Listed Building and Conservation Areas) Act 1990, is designed to ensure that historic buildings are properly protected from neglect, inappropriate alterations and extensions and that any demolition is allowed only after very careful consideration.

### HOW ARE BUILDINGS LISTED?

Buildings are Listed on behalf of the Government by the Department of Culture, Media and Sport on the advice of English Heritage. The List is compiled mainly by a systematic survey and review, although buildings can be added individually by a Government decision to 'Spot List' them. Anyone can apply to English Heritage to have a building 'Spot Listed' although it is important that requests draw attention to any new evidence which was not available previously to explain why the building's special interest may have been overlooked. There is no statutory right of appeal against a building being Listed but representations can be made to the Department of Culture, Media and Sport if it is felt that a building is not of sufficient architectural or historic interest.

Where an unlisted building is under threat and it is discovered to be of quality it is open to Local Authorities to serve a 'Building Preservation Notice' which has the immediate effect of temporarily 'Listing' the building. However, an Authority may be liable to pay an owner or developer compensation if the Government decides not to permanently List the building.

The current statutory 'List' is available for inspection at the Woodbridge Offices of the District Council.



*Easton*

## HOW ARE THE BUILDINGS CHOSEN?

Buildings are judged according to a set of national standards. The criteria which the Government applies includes: the architectural and historical interest of the building itself, any close historical associations the building has with important people or events, or whether the building forms part of an interesting group (e.g. squares, terraces or 'planned' developments).

Age and rarity are important considerations. In general, the older the building the more likely it is to be eligible for Listing. Thus all buildings built before 1700 which survive in anything like their original condition are Listed. Most of those built between 1700 and 1840 are also included, however, for buildings built since 1840 Listing will depend on definite architectural quality and character or important historical associations.

It should be noted that it is not just large or impressive buildings that are important. The significance of many small, modest structures are of considerable interest as examples of their type and their value should not be underestimated. Modern buildings which are less than 30 years old will only be Listed if their architecture is considered to be of national importance. Buildings which are less than 10 years old are not Listed.



## HOW MUCH OF THE BUILDING IS COVERED BY LISTING?

All of it: outside, inside, later additions and alterations as well as original structure, whether specifically referred to in the List description or not. There is no such thing as just a 'Listed facade' or a 'Listed interior', although many people think this is so. The description of the building on the official 'List' is intended primarily for identification purposes and should not be interpreted as a description of all the important features.

The legislation also states that for the purposes of the Act the Listing extends to "Any object of structure fixed to the building; and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since July 1948". This could, therefore, include such things as out-buildings, garages, barns, stables, green houses, garden walls, ornaments and statues.

Obviously there are sometimes problems with determining the extent of the "curtilage" of a Listed building. Usually three factors are taken into account:

- The physical layout of the site and related structures.
- Ownership past and present.
- The use and function past and present.

It is up to the Local Authority to determine whether a building or structure occupies land which forms part of the curtilage of a Listed building.

## HOW IS AN OWNER TOLD THAT A BUILDING IS LISTED?

Once a building has been Listed the Government informs the District Council who then has the responsibility of notifying the owner and occupier. If somebody buys a Listed building, a Solicitor's 'Search' should reveal the fact.

Framlingham



## WHAT IS THE EFFECT OF LISTING?

With certain exceptions the legislation requires that anyone who wants to demolish, alter, or extend a Listed building in any way which would affect its special character should first obtain 'Listed Building Consent' from the Local Planning Authority.

It is therefore always advisable to consult the District Council before starting any work which may be considered to affect the "special character" of the building. Listed Building Consent will be in addition to any Planning Permission needed. It should be noted that some works to

welling houses which do not require Planning Permission will still require Listed Building Consent if the building is Listed.

The fact that a building is Listed does not mean that it can never be altered or extended. What it does mean though, is that care will be taken over decisions affecting its future and that when any changes are undertaken they respect the character and ensure the retention of the building's special interest

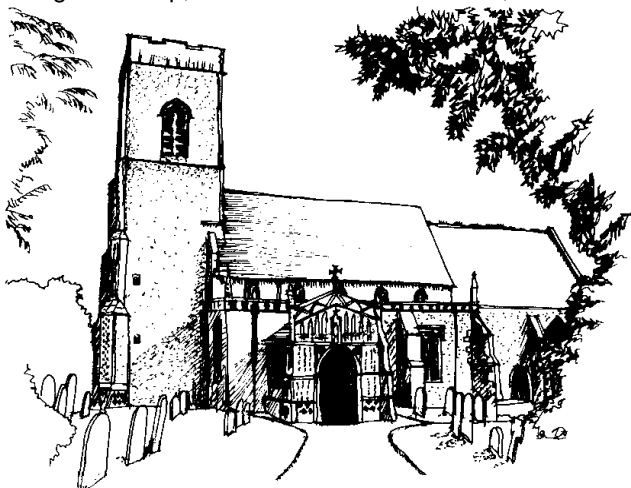
Owners, their agents, builders etc., should all be aware that under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence to undertake works to a Listed building in a way which affects its special character without consent. Prosecution under this legislation can lead to heavy penalties.

## HOW IS LISTED BUILDING CONSENT OBTAINED?

Applications should be made using the appropriate forms and must contain sufficient particulars to identify the building and include plans, specifications and detailed drawings which properly describe and explain the implications of the works. In some instances an applicant may be required to submit an historical analysis of the existing building.

Unlike Planning Applications no fee is required. In most cases it will be in an owner's interest to employ an agent (architect, Surveyor etc.) to act for them who is experienced with working

on historic buildings and good conservation practice. Normally, eight weeks are required in order to process a Listed Building Application, sometimes a longer period will be necessary if the issues are complex. For all Listed Building Applications the Planning Authority is required to consult various organisations, to advertise the application and allow a period of time for comments to be made. Any representations which are relevant must then be taken into account when a decision is made. With some types of application the Planning Authority is required to consult various national organisations including, English Heritage, The Society for the Protection of Ancient Buildings, The Georgian Group, and others. Furthermore, in certain

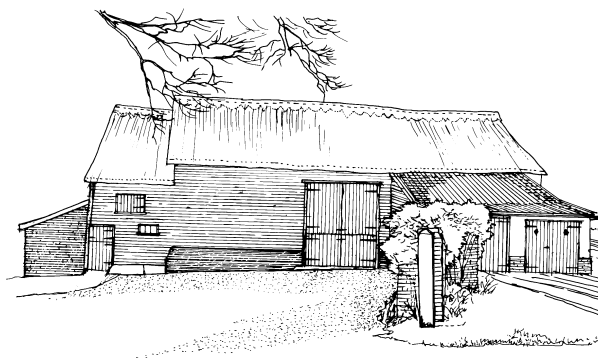


*Huntingfield*

instances Local Authorities have to refer applications to Central Government for a final decision if they are "minded to approve" them. If an application for Listed Building Consent is refused then the applicant has the right to appeal to the Department of the Environment.

It is important that no work is commenced before an application is determined. Not Only are you liable to prosecution but any work not approved may have to be changed or the building may have to be reinstated to its former condition.

If an application is approved for the demolition of a Listed building the Legislation requires the applicant to notify the Royal Commission on the Historical Monuments of England in order to enable them to record the building if they so wish.



## IS CONSENT REQUIRED FOR MAINTENANCE OR REPAIRS?

Repairs will require consent if they affect the character of the building as one of special architectural or historic interest. There is often confusion over just what can be classed as a 'repair'. A repair not requiring consent should be looked at as minor works of routine maintenance and could include splicing in a new section of timber

into a defective window, renewing a defective length of guttering or replacing rotten fascias and bargeboards in exactly the same material and design.

On the other hand, works which can affect the character of a building and therefore require Listed Building Consent are wide ranging and can include:

- replacing an existing window or door with a new one;
- changing the sort of tile or type of thatch on a roof;
- painting or rendering over facing brickwork;
- sandblasting as a method of cleaning old timbers or brickwork;
- changing the external paint colour if it is considered that it affects the character of the building.

## IS CONSENT REQUIRED TO ALTER OR REMOVE INTERNAL FEATURES?

The Listing of a building confers protection not only of the building but also any object or structure fixed to the building. Under normal circumstances, fixtures

which were put in place as part of an overall architectural design, including objects specifically designed or made to fit a particular space or room, are treated as being part of the building. Listed Building Consent would therefore be required for removing or altering them. Items such as fireplaces, staircase balustrades, panelling, wall paintings and decorative plasterwork will normally be found to be part of the building.



*Brandeston*

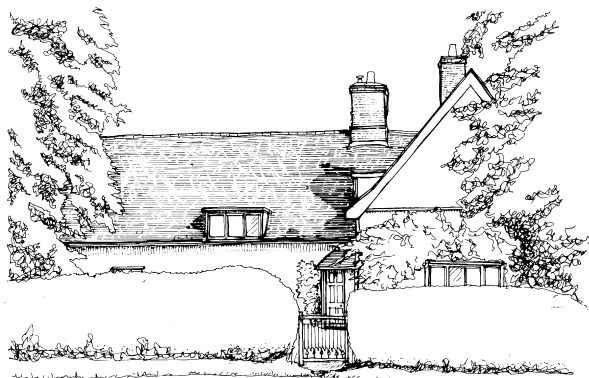
## WHAT IS TAKEN INTO ACCOUNT WHEN LISTED BUILDING APPLICATIONS ARE BEING CONSIDERED?

The Local Planning Authority is required by law to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Government provides detailed advice in the form of published guidance and Planning Authorities are obliged to take this into account when making decisions (Planning Policy Guidance 15: Planning and the Historic Environment, HMSO publications). The guidance makes it clear that there should be a general presumption in favour of the preservation of Listed buildings and any of the architectural or historic qualities which justified the building being Listed in the first place.



## WHAT IF UNAUTHORISED WORKS HAVE OCCURRED?

Any unauthorised works to a Listed building which affect its character can result in the offender being liable to prosecution. Local Planning Authorities are also empowered to issue a 'Listed Building Enforcement Notice' which would require the owner of the building to restore it to its former condition. There is the right of appeal against such a Notice being issued.



## CAN AN OWNER BE MADE TO REPAIR A LISTED BUILDING?

If reasonable steps are not being taken to properly preserve a Listed building, the Local Authority can serve the owner with a 'Repairs Notice' requiring a schedule of permanent repairs to be undertaken. Failure to comply could result in compulsory purchase. Again, owners have the right of appeal to the Department of the Environment if they consider that the Authority has acted unreasonably.

A Council is also empowered to carry out urgent temporary repairs to an unoccupied Listed building and to recover the costs from the owner.



## ADVICE

Most owners are pleased that their property has been Listed and recognised as part of the Nation's heritage. Furthermore in many instances the distinction of being Listed may add to the value of a property. However, some owners may be a bit apprehensive about the implications of what Listing actually involves.

If you have other, more detailed questions, please contact the Design & Conservation Section, in Planning Services, at Suffolk Coastal District Council, Melton Hill, Woodbridge, Suffolk, IP12 1AU, who are pleased to help and advise on all aspects of Listed Building legislation, Tel (01394) 383789.

## FUTHER INFORMATION ON REPAIRS, ALTERATIONS AND EXTENSIONS

More detailed information can be found in the Councils' publication, Supplementary Planning Guidance SPG No.13: Historic Buildings: Repairs, Alterations and Extensions. This is available at cost price from the Council.