A guide for owners and occupiers of listed buildings
The historic environment is all around us in the form of buildings, landscapes, archaeology and historic areas. It is a precious and irreplaceable asset; once gone it is gone forever.

The Waveney district is fortunate in having a wealth of buildings of historic or architectural importance, from timber framed farmhouses and modest seaside cottages to handsome Georgian and Victorian town houses, and together these make a fine contribution to the built heritage of Suffolk.

Many of our historic buildings are ‘listed’, and as such are protected from unauthorised change. Listed building consent is required prior to any changes taking place. This is not the same as planning permission or building regulations approval, and in many cases these must also be obtained.

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (referred to as ‘the Act’) states that ‘a listed building is one included in a list compiled or approved by the Secretary of State and includes ‘any object or 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 before 1 July 1948’.

It is important to understand that all listed buildings are protected, both inside and out, from unauthorised change; curtilage structures may also be protected, whether or not they are still in the same ownership as the listed building.

Buildings and structures are listed by government-appointed experts who classify them on their architectural and historic importance to the nation’s heritage. They are graded in one of three categories depending on their significance: Grades I, II* and II respectively. In

Why have listed buildings? What are listed buildings?
general terms, it is safe to assume the following definitions for these categories.

**Grade I**
This is the premier level. Proposed alterations to these structures, and even repairs, will require extensive consultation involving Historic England and other statutory consultees, as well as Waveney District Council, who will be asked for their comments on the proposals. Permission is granted by the Secretary of State through Waveney District Council. In Waveney, there are 50 Grade I structures, of which 42 are churches.

**Grade II* **
This is the next level. These too will require extensive consultations on any proposals to make alterations and, in some cases, even repairs. Permission is granted by the Secretary of State, through Waveney District Council. In Waveney, there are 72 Grade II* structures, of which 48 are churches.

**Grade II**
This is the final level of protection, but includes the vast majority. The importance of the building or structure’s features can vary considerably. Consultations are limited locally and decisions are made by Waveney District Council. In Waveney, there are over 1400 Grade II structures, the vast majority being residential properties.

*Buildings of all grades are continually ‘altered’ and almost all will have been changed to some degree since they were originally constructed. This is part of the development process, and is only to be expected as needs and standards change. Although listed buildings are offered some relaxation from the full force of the current building regulations, it is clear that, for these important elements of our heritage to be preserved, they must be allowed to adapt to modern expectations and design requirements so that they can continue to serve the community for the future. Good design and correct maintenance are critical to the health and future prospects of our listed building heritage.*
The Planning (Listed Buildings and Conservation Areas) Act 1990 protects all listed structures by Act of Parliament. The legislation calls for listed building consent to be obtained prior to any alterations to a listed building taking place. Owners are obligated to look after these structures and keep them in a reasonable state of repair. Failure to do so can result in action being taken by the local planning authority to carry out repairs and charge the owner. Carrying out unauthorised alterations (i.e. without listed building consent) is a criminal offence. However, it is also true to say that just because a building is listed does not mean that it is untouchable. We are here to support you and to help you meet your obligations.

What are my obligations?

Curtilage Issues
This term applies to all listing categories and generally means that other structures within the site boundary or environs are also afforded protection. This does not necessarily mean within the same ownership. Proposals to make changes may affect the setting of the listed building. Alterations to curtilage structures may require listed building consent, and probably also planning permission and building regulations approval.

Buying and selling
When listed buildings change hands, we are often asked to carry out site visits to comment on whether any unauthorised changes have been made. This is because responsibility for unauthorised changes passes from one owner to the next. If there have been any unregulated works, this could delay or even prevent the sale, and may cost you money.

Remember that many alterations to the outside of a property or structure may also require planning permission. This is a separate process and listed building consent is not the same thing.
Owners should:

- Take an interest in the history of the building and understand why it has been listed.
- Look after the building with appropriate maintenance. Remember, your building is special.
- Find out about materials compatibility. Use of incorrect materials can cause damage to your property. If you are in doubt, we can help.
- Never remove fabric without consulting the Waveney design & conservation team.
- Always ask us if you are unsure of what requires permission, or which permissions are required.

The Waveney design & conservation team will:

- Give you advice on what is ‘special’ about your building.
- Give you ‘best practice’ advice on repairs and maintenance.
- Advise on alterations to a listed building or structure, or on new construction within the curtilage of a listed building. Pre-application advice prior to making an application is recommended (particularly if any building fabric is to be removed).
- If we cannot help, we always know of someone who can.

Conservation:

‘Retention of existing buildings or groups of buildings, taking care not to alter or destroy character or detail, even though repairs or changes may be necessary. Sensitive conservation is concerned to preserve as much original fabric as possible, and make overt what is new and what is old. Conservation does not necessarily mean preservation; it can involve considerable intervention, even much new building, but the key to success is in respecting existing character, and even enhancing it’.

How to make an application

We advise you to contact us in the first instance to determine the significance of the ‘alteration’. Remember that some repairs (if they involve removal or replacement of fabric), and work that may be required by others (for example, mortgage or insurance companies) may require listed building consent.

Where relevant, some works of a minor nature can be dealt with by an exchange of letters and supporting evidence with the Waveney design & conservation team, alleviating the application process.

Our typical concerns will be historic precedent, inappropriate previous work, effect on historic fabric and so on.

When an application is required, you should:

- Read the guidance notes carefully.
- Prepare plans and a written justification (design statement) for your proposals. Most applications will require technical drawings to scale. In complicated proposals involving significant alterations or extensions, seeking the advice of an experienced consultant is recommended.
- Check your proposals with the design & conservation team.
- Check whether other types of permission are required, such as planning, building regulations, advertisement consent, etc. Some buildings may also be associated with ancient monuments, and will need scheduled monument consent.
- Remember that, when changes to a listed building consent are required by other regulatory processes, for example building regulations approval, this may nullify your existing approval, so please contact us.
- A standard condition placed on most consents for significant alterations is for a pre-contract site meeting with the contractor to discuss appropriate construction techniques and materials.

Your design & conservation officer will be able to advise on all these matters.
The application process

For the majority of cases, this should take place within eight weeks. The better you prepare your case, the better the chances of having a smooth application process. This is why pre-application discussions are so important. Applications on grade I and II* buildings are decided by the Secretary of State, advised by Historic England. This process may take longer.

Members of the design & conservation team are here to help if your original ideas are unworkable. They will try to offer alternative suggestions that may be more likely to succeed.

Successful applications (the majority) will almost always contain conditions to the approval, which will be listed on the consent document. It is important to be aware of these, some of which will need to be ‘discharged’ formally by the local authority, for the consent to be valid. Failure to comply with conditions can invalidate a consent, making the works then ‘unauthorised’. If in doubt, please contact us.

Glossary of terms:

**Repair**
This is where part of the element remains in situ. Only damaged fabric should be replaced.

**Replacement**
This is where the whole element is removed and a new one substituted. In general, the only justification for removing whole elements of historic fabric is extensive rot or other damage, although there are exceptions to this rule. Listed building consent is always required.

**Like-for-like**
This is a term which we avoid using, as it means one thing to one person and something else to another. We recognise only ‘repair’ or ‘replacement’.
How to contact us

**www.eastsuffolk.gov.uk**

**Design and conservation**
Telephone: (01502) 562111
Email: pbc@eastsuffolk.gov.uk

**Planning and Building Control**
Telephone: (01502) 523072
Email: pbc@eastsuffolk.gov.uk

If you would like to make a comment about the design & conservation service, please refer in the first instance to:

Planning Development Manager
Waveney District Council
Riverside
4 Canning Road
Lowestoft
Suffolk
NR33 OEQ
Telephone (01502) 562111

Other sources of information

**Useful websites**

- www.historicengland.org.uk
- www.ihbc.org.uk
- www.spab.org.uk
- www.c20society.org.uk
- www.victoriansociety.org.uk
- www.georgiangroup.org.uk

Legislation

  - Chapter 7: Requiring good design
  - Chapter 12: Conserving and enhancing the historic environment