

Guidance Notes for:

Application for Listed Building Consent for Alterations, Extension or Demolition of a Listed Building

Planning (Listed Building and Conservation Areas) Act 1990

The Application for Listed Building Consent Form for Alterations, Extension or Demolition of a Listed Building form should be used for proposals requiring listed building consent.

What is a listed building?

A 'listed building' is a building, object or structure that has been judged to be of national importance in terms of architectural or historic interest and included on a special register, called the List of Buildings of Special Architectural or Historic Interest.

Compiled by the Department for Culture, Media and Sports (DCMS), under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the list includes a wide variety of structures, from castles and cathedrals to milestones and village pumps.

What part of the building is listed?

When a building is listed, it is listed in its entirety, which means that both the exterior and the interior are protected. In addition, 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, are treated as part of the listed building.

Listed building consent

Listed building control is a type of planning control, which protects buildings of special architectural or historical interest. These controls are in addition to any planning regulations which would normally apply. Listed building status can also result in the requirement for planning permission where it wouldn't ordinarily be required - for example, the erection of means of enclosure.

This special form of control is intended to prevent the unrestricted demolition, alteration or extension of a listed building without the express consent of the local planning authority or the Secretary of State.

The controls apply to any works for the demolition of a listed building, or for its alteration or extension, which is likely to affect its character as a building of special architectural or historical interest.

The control does not depend upon whether the proposed activity constitutes development under Section 55 of the 1990 Act. It extends to any works for the demolition of a listed building or for its alteration or extension in any manner likely to affect its character as a building of special architectural or historical interest.

Section 7 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA Act) provides that, subject to the following provisions of the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. (Section 9 of the 1990 Act provides that if a person contravenes Section 7 he/she shall be guilty of an offence.)

It is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand.

Tip Box: It is not possible to make an application for "outline" listed building consent. Any application must give sufficient detail; including a plan and other drawings necessary, to allow the impact of the works on the building to be properly assessed.

Section 16(1) of the LBCA Act 1990 provides that listed building consent may be granted subject to conditions.

Section 17(1) provides that without prejudice to this general power, listed building consent may be granted subject to conditions with respect to:

- preservation of particular features of the building, either as part of it or after it is removed
- making good of any damage caused to the building by the works after work is completed
- reconstruction of the building or any parts of it following the proposed works, using the original materials as far as possible, and any alterations within the building as laid down in the conditions

In addition, Section 17(3) provides that listed building consent for demolition of a listed building may also be granted, subject to a condition that the building shall not be demolished before an agreement outlining how the site will be redeveloped is made, and planning permission has been granted for such a redevelopment, has been granted.

Section 8(3) of the LBCA Act 1990 enables an application for listed building consent to be made after work to a listed building has taken place. However, work is only authorised from the actual date the consent is given, so anyone carrying out the demolition of a listed building, or altering or extending in a way which would affect its character prior to this can still be prosecuted.

Types of building works which would normally require listed building consent include:

- demolition of a listed building
- alteration or extension of a listed building in any manner (including internal) which would affect its character as a building of special architectural or historic interest

It is important to note that the term 'listed building' includes:

- the building itself
- any object or structure fixed to it
- any object or structure that has been within the curtilage of the building since 1948

Planning permission may also be required for works involving the external alteration/extension of the listed building, where works affect the character of the building. In this situation, the full application or householder application and listed building consent should be submitted.

Why are buildings listed?

Buildings are listed to help protect the physical evidence of our past, including buildings, which are valued and protected as a central part of our cultural heritage and our sense of identity. Historic buildings also add to the quality of our lives, being an important aspect of the character and appearance of our towns, villages and countryside.

What are the criteria for a building having listed status?

The Department of Culture Media and Sport (DCMS) uses the following criteria to decide which buildings to include on the list of protected buildings:

- **architectural interest:** buildings of importance because of their design, decoration and craftsmanship
- **historic interest:** buildings which illustrate an aspect of the nation's social, economic, cultural or military history
- **historic association:** buildings that demonstrate close historical association with nationally important people or events
- **group value:** buildings that form part of an architectural ensemble, such as squares, terraces or model villages

In broad terms, buildings that are eligible for listed status are as follows:

- all buildings built before 1700 that survive in anything like their original condition
 - most buildings of 1700-1840, although selection is necessary
 - between 1840 and 1914 only buildings of definite quality and character; the selection is designed to include the major works of principal architects
 - between 1914 and 1939 selected buildings of high quality or historic interest
- a limited number of outstanding buildings after 1939, but at least ten years old, and usually more than 30 years old

Grades of listed buildings

Listed buildings are classified into grades as follows:

- **Grade I** - buildings of exceptional interest (approximately 2 per cent of all listed buildings)
- **Grade II*** - particularly important and more than special interest (approximately four per cent)
- **Grade II** - buildings of special interest, warranting every effort being made to preserve them (94 per cent)

How buildings are listed

Although the majority of listings have resulted from survey work conducted by English Heritage <http://www.english-heritage.org.uk> (or its predecessors) on behalf of the Secretary of State, anyone is allowed to request the listing of a building by contacting DCMS. When considering additions to the list, the Secretary of State for Culture, Media and Sport <http://www.culture.gov.uk/default.htm> receives guidance from English Heritage.

It is often helpful to discuss your proposal with your local authority before you send in your application – this is known as 'pre-application advice'. Your local authority will normally have details of how to go about this on its website.

For more information about planning controls imposed on listed buildings, refer to *Planning Policy Guidance Note 15: Planning and the historic environment* (http://www.communities.gov.uk/index.asp?id=1144046#P166_70246)