

# **Planning Policy Guidance 15: Planning and the historic environment**

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## **Introduction**

**1.** This PPG provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role played by the planning system in their protection. It complements the guidance on archaeology and planning given in *PPG 16*.

**2.** In addition to normal development controls, the Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. In many instances there is a close link between controls over listed buildings and conservation areas and development control decisions. In such cases development and conservation issues will generally need to be considered together.

**3.** This guidance is not only for local authorities, but also for other public authorities, property owners, developers, amenity bodies and all members of the public with an interest in the conservation of the historic environment. It updates the advice in Department of the Environment *Circular 8/87*, within the existing legislative framework. The policy content of *Circular 8/87* is hereby cancelled, along with all of *Circular 18/88*. The directions in *Circular 8/87* will continue in force until new directions have been made. Such directions will be made at the same time as related changes to the Town and Country Planning General Development Order 1988 (the GDO), and the Planning (Listed Buildings and Conservation Areas) Regulations 1990, and will be the subject of a separate Circular.

**4.** The guidance given in this PPG should not involve any significant additional expenditure for local planning authorities. New duties placed on authorities by subordinate legislation - eg. directions, the GDO, and the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 - are the subject of separate consultation with the local authority associations.

## **Structure of the PPG**

**5.** Part 1 of the PPG deals with those aspects of conservation policy which interact most directly with the planning system, whose operation is the responsibility of the Secretary of State for the Environment. Decisions on called-in applications for, and appeals against refusals of, listed building or conservation area consent are the responsibility of the Secretary of State for the Environment because of their frequent close links with issues of development control.

**6.** Part 2 of the PPG deals with aspects of conservation policy which are less directly linked to the planning system, and which are for the most part the responsibility of the Secretary of State for National Heritage.

**7.** There is however no sharp distinction between the two areas of responsibility. For instance, both Secretaries of State have an interest in policies for the designation and protection of conservation areas; and protection of the wider aspects of the historic environment (e.g. historic landscapes) is effected mainly through the operation of the planning system.

**8.** In Part 1 of the PPG and in Annex B, references to 'the Secretary of State' are, unless otherwise stated, references to the Secretary of State for the Environment; in Part 2 and in Annex A, 'the Secretary of State' refers to the Secretary of State for National Heritage.

## **Part 1**

### **1. Planning and Conservation**

**1.1** It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.

#### **The role of the planning system**

**1.2** The function of the planning system is to regulate the development and use of land in the public interest. It has to take account of the Government's objective of promoting sustainable economic growth, and make provision for development to meet the economic and social needs of the community. As *PPGI* makes clear, planning is also an important instrument for protecting and enhancing the environment in town and country, and preserving the built and natural heritage. The objective of planning processes should be to reconcile the need for economic growth with the need to protect the natural and historic environment.

**1.3** The Government has committed itself to the concept of sustainable development - of not sacrificing what future generations will value for the sake of short-term and often illusory gains. This approach is set out in *Sustainable Development: The UK Strategy*. It is also a key element of the development plan system, as set out in *PPG 12*. This commitment has particular relevance to the preservation of the historic environment, which by its nature is irreplaceable. Yet the historic environment of England is all-pervasive, and it cannot in practice be preserved unchanged. We must ensure that the means are available to identify what is special in the historic environment; to define, through the development plan system its capacity for change; and, when proposals for new development come forward, to assess their impact on the historic environment and give it full weight, alongside other considerations.

#### **Conservation and economic prosperity**

**1.4** Though choices sometimes have to be made, conservation and sustainable economic growth are complementary objectives and should not generally be seen as in opposition to one another. Most historic buildings can still be put to good economic use in, for example, commercial or residential occupation. They are a valuable material resource and can contribute to the prosperity of the economy, provided that they are properly maintained: the avoidable loss of fabric through neglect is a waste of economic as well as environmental resources. In return, economic prosperity can secure the continued vitality of conservation areas, and the continued use and maintenance of historic buildings, provided that there is a sufficiently realistic and imaginative approach to their alteration and change of use, to reflect the needs of a rapidly changing world.

**1.5** Conservation can itself play a key part in promoting economic prosperity by ensuring that an area offers attractive living and working conditions which will encourage inward investment - environmental quality is increasingly a key factor in many commercial decisions. The historic environment is of particular importance for tourism and leisure, and Government policy encourages

the growth and development of tourism in response to the market so long as this is compatible with proper long-term conservation. Further advice on tourist aspects of conservation is given in *PPG 21* and the English Tourist Board's publication *Maintaining the Balance*.

### **Stewardship: the role of local authorities and others**

**1.6** The Government urges local authorities to maintain and strengthen their commitment to stewardship of the historic environment, and to reflect it in their policies and their allocation of resources. It is important that, as planning authorities, they adopt suitable policies in their development plans, and give practical effect to them through their development control decisions. As highway authorities too, their policies and activities should reflect the need to protect the historic environment and to promote sustainable economic growth, for roads can have a particular impact at all levels - not only through strategic decisions on the siting of new roads, but also through the more detailed aspects of road building and road maintenance, such as the quality of street furniture and surfaces. Above all, local authorities should ensure that they can call on sufficient specialist conservation advice, whether individually or jointly, to inform their decision-making and to assist owners and other members of the public.

**1.7** However, the responsibility of stewardship is shared by everyone - not only by central and local government, but also by business, voluntary bodies, churches, and by individual citizens as owners, users and visitors of historic buildings. The historic environment cannot be preserved unless there is broad public support and understanding, and it is a key element of Government policy for conservation that there should be adequate processes of consultation and education to facilitate this.

## **2. Development Plans and Development Control**

**2.1** The principal Act (as amended) requires development plans to include policies for 'the conservation of the natural beauty and amenity of the land' and for 'the improvement of the physical environment'. The Town & Country Planning (Development Plan) Regulations 1991 require authorities to have regard to environmental considerations in preparing their plan policies and proposals. The protection of the historic environment, whether individual listed buildings, conservation areas, parks and gardens, battlefields or the wider historic landscape, is a key aspect of these wider environmental responsibilities, and will need to be taken fully into account both in the formulation of authorities' planning policies and in development control.

### **Development plans**

**2.2** Structure, local, and unitary development plans are the main vehicle for ensuring that conservation policies are co-ordinated and integrated with other planning policies affecting the historic environment. Imaginative planning policies can not only reduce threats to it, but increase its contribution to local amenity. By including suitable policies in their plans, local authorities can give encouragement to the satisfactory reuse of neglected historic buildings, particularly where major groups of buildings need to be tackled comprehensively, and where other planning factors, such as traffic problems, may be discouraging reuse.

**2.3** Section 54A of the principal Act provides that where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. It is therefore important that plans include all the criteria on the basis of which planning decisions will be made. Plans should set out clearly all conservation policies relevant to the exercise of an authority's development control functions, and also policies which are relevant to cases where development and conservation issues are linked and will need to be addressed together.

**2.4** The Courts have accepted that section 54A does not apply to decisions on applications for listed building consent or conservation area consent, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, authorities should ensure that aspects of conservation policy that are relevant, directly or indirectly, to development control decisions are included - for instance, policies for alterations or extensions to listed buildings that also constitute development (to which section 54A will directly apply). In view of the statutory requirements that authorities should have special regard to the desirability of preserving any listed building or its setting, or any features of special architectural or historic interest which it possesses, and should pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area in exercising their development control functions, plans should also include policies for works of demolition or alteration which, while not in themselves constituting development, could affect an authority's decision on a related application for planning permission.

**2.5** There may be some detailed conservation policies which have no bearing on issues of development control - for instance, policies for the treatment of some internal features of listed buildings where this would not affect consideration of planning applications but might require listed building consent. Other examples may relate to certain types of alteration, repairs, maintenance or decoration. These policies should be presented as supplementary guidance rather than included in the plan itself. Such guidance will carry greater weight to the extent that it has been the subject of public consultation, has been formally adopted by the authority, and is published in a format which gives clear advice and is readily available to the public. Development

plans should contain a reference to such policies in the reasoned justification, together with a clear indication of where those policies may be seen in full.

**2.6** Full guidance on the preparation of plans is given in *PPG 12*. Structure plans and the first part of unitary development plans provide a statement of the overall strategy for a county, borough or metropolitan district area, and should include conservation of the historic environment as one of their key topics, taking account of any broad strategic objectives or constraints set out in relevant regional planning guidance. The structure plan should provide a broad planning framework, guiding the approach to be adopted in local plans to such issues as the capacity of historic towns to sustain development, the relief of pressure on historic central areas by the identification of opportunities for growth elsewhere, and the provision of transport infrastructure which respects the historic environment.

**2.7** Local plans and the second part of unitary development plans should set out more detailed development control policies for an authority's area: they should include both the policies which will apply over the area as a whole, and any policies and proposals which will apply to particular neighbourhoods. Both policies and proposals should be illustrated on the proposals map (see paragraph 7.14 of *PPG 12*).

**2.8** Local plans should set out clearly the planning authority's policies for the preservation and enhancement of the historic environment in their area, and the factors which will be taken into account in assessing different types of planning application - for example, proposals for the change of use of particular types of historic building or for new development which would affect their setting. It is important that clear policies are formulated for cases where new development is proposed in order to provide income for the upkeep of historic buildings (see Department of the Environment *Circular 16/91*). Plans should also include a strategy for the economic regeneration of rundown areas, and in particular seek to identify the opportunities which the historic fabric of an area can offer as a focus for regeneration. Excessively detailed or inflexible policies concerning individual buildings or groups of buildings should be avoided.

**2.9** Plans should set out authorities' broad criteria for the designation of new conservation areas and for the review of existing conservation area boundaries; and, where possible, which particular areas are in mind for both. The process of assessment, detailed definition or revision of boundaries, and formulation of proposals for individual conservation areas (as required by section 71 of the Act) should involve extensive local consultation and should be pursued separately from the local plan process itself. But the plan should provide a policy framework, making clear to the public how detailed assessment documents and statements of proposals for individual conservation areas relate to the plan, and what weight will be given to them in decisions on applications for planning permission and conservation area consent. (See also paragraphs 4.3-4.7, 4.10 and 4.15). Designation strategies should take account of the fact that authorities now have general powers to control the demolition of dwelling houses outside conservation areas (see Department of the Environment *Circular 26/92*).

**2.10** English Heritage is a statutory consultee on draft plans, but is also able to offer specialist advice at preparation stage. In conjunction with the Countryside Commission and English Nature, it is also issuing guidance on conservation in strategic and local plans. There will often be advantage in consultation at an early stage in plan preparation with other statutory agencies and with the national amenity societies and local conservation bodies, as well as wider public consultation at the formal deposit stage.

## **Development control**

**2.11** The Secretary of State attaches particular importance to early consultation with the local planning authority on development proposals which would affect historic sites and structures, whether listed buildings, conservation areas, parks and gardens, battlefields or the wider historic landscape. There is likely to be much more scope for refinement and revision of proposals if consultation takes place before intentions become firm and timescales inflexible. Local planning authorities should indicate their readiness to discuss proposals with developers before formal planning applications are submitted. They should expect developers to assess the likely impact of their proposals on the special interest of the site or structure in question, and to provide such written information or drawings as may be required to understand the significance of a site or structure before an application is determined. The principle of early consultation should extend to English Heritage and the national amenity societies on cases where a formal planning or listed building consent application would be notifiable to them by direction or under the GDO.

**2.12** It is generally preferable for both the applicant and the planning authority if related applications for planning permission and for listed building or conservation area consent are considered concurrently. Authorities are required by section 66(1) of the Act, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. It is unlikely that they will be able to do so effectively unless the planning application is accompanied by a listed building consent application (where the development in question requires one) or at least contains an equivalent amount of information. If an authority is asked to consider a planning application in isolation, a decision on that application cannot be taken as predetermining the outcome of a subsequent application for listed building consent. Authorities are also required by section 72 of the Act, in the exercise in a conservation area of their powers under the Planning Acts (and Part I of the Historic Buildings and Ancient Monuments Act 1953), to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In the case of unlisted buildings in conservation areas, the Courts have held that consent for the demolition of a building may involve consideration of what is to take its place (see paragraph 4.27).

**2.13** Local planning authorities are urged to ensure that they have appropriately qualified specialist advice on any development which, by its character or location, might be held to have an adverse effect on any sites or structures of the historic environment. The need for environmental assessment of major development proposals affecting historic areas should be considered in the light of the advice given in Department of the Environment *Circular 15/88*. Authorities should ensure that the Royal Fine Art Commission is consulted on all planning applications raising conservation issues of more than local importance, and should take the RFAC's views fully into account in reaching their decisions.

**2.14** The design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community. This can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. This does not mean that new buildings have to copy their older neighbours in detail: some of the most interesting streets in our towns and villages include a variety of building styles, materials, and forms of construction, of many different periods, but together forming a harmonious group. Further general advice on design considerations which are relevant to the exercise of planning controls is given in Annex A to *PPG 1*.

**2.15** Some historic buildings are scheduled ancient monuments, and many which are not scheduled are either of intrinsic archaeological interest or stand on ground which contains archaeological remains. It is important in such cases that there should be appropriate assessment of the archaeological implications of development proposals before applications are determined; and that, where permission is to be granted, authorities should consider whether adequate arrangements have been made for recording remains that would be lost in the course of works for which permission is being sought. Further advice on archaeology and planning is given in *PPG 16*.

### **The setting of listed buildings**

**2.16** Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

**2.17** Local planning authorities are required under section 67 of the Act to publish a notice of all applications they receive for planning permission for any development which, in their opinion, affects the setting of a listed building. This provision should not be interpreted too narrowly: the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it. Even where a building has no ancillary land - for example in a crowded urban street - the setting may encompass a number of other properties. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building. Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building. A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings. If there is doubt about the precise extent of a building's setting, it is better to publish a notice.

### **Changes of use**

**2.18** New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life. The Secretary of State is not generally in favour of tightening development controls over changes of use as a specific instrument of conservation policy. He considers that, in general, the same provisions on change of use should apply to historic buildings as to all others. Patterns of economic activity inevitably change over time, and it would be unrealistic to seek to prevent such change by the use of planning controls.

**2.19** Advice on the planning aspects of re-use and adaptation of rural buildings is given in *PPG 7* (paragraph 2.15 and Annex D). English Heritage has also issued guidance entitled *The Conversion of Historic Farm Buildings*. Special considerations apply in Green Belts (see *PPG 2*).

## **Article 4 directions for listed buildings**

**2.20** Under article 5 of the GDO, directions under article 4 bringing certain categories of permitted development within planning control can be made by local authorities without the need for approval by the Secretary of State if they relate solely to a listed building or to development within the curtilage of a listed building, provided they do not affect the carrying out of development by a statutory undertaker. Authorities are reminded that permitted development rights should not be restricted without good reason; but there will nevertheless be cases where it will be desirable to invoke this power to ensure that the immediate setting of a listed building is protected when minor development is proposed. For example, farm buildings converted to new uses may otherwise generate curtilage developments - such as garages, fuel tanks or fences - that may not be suitable in an agricultural setting.

## **Planning controls and other aspects of the historic environment**

**2.21** Listed buildings and conservation areas are treated in sections 3 and 4 below. Other aspects of the historic environment are considered briefly here.

### **World Heritage Sites**

**2.22** Details of World Heritage Sites in England are given in paragraph 6.35. No additional statutory controls follow from the inclusion of a site in the World Heritage list. Inclusion does, however, highlight the outstanding international importance of the site as a key material consideration to be taken into account by local planning authorities in determining planning and listed building consent applications, and by the Secretary of State in determining cases on appeal or following call-in.

**2.23** Each local authority concerned, taking account of World Heritage Site designation and other relevant statutory designations, should formulate specific planning policies for protecting these sites and include these policies in their development plans. Policies should reflect the fact that all these sites have been designated for their outstanding universal value, and they should place great weight on the need to protect them for the benefit of future generations as well as our own. Development proposals affecting these sites or their setting may be compatible with this objective, but should always be carefully scrutinised for their likely effect on the site or its setting in the longer term. Significant development proposals affecting World Heritage Sites will generally require formal environmental assessment, to ensure that their immediate impact and their implications for the longer term are fully evaluated (see paragraph [2.13](#) above).

### **Historic parks and gardens**

**2.24** Again no additional statutory controls follow from the inclusion of a site in English Heritage's Register of Parks and Gardens of Special Historic Interest (see paragraph 6.38), but local planning authorities should protect registered parks and gardens in preparing development plans and in determining planning applications. The effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application. Planning and highway authorities should also safeguard registered parks or gardens when themselves planning new developments or road schemes.

### **Historic battlefields**

**2.25** A similar non-statutory Register of Historic Battlefields is being prepared by English Heritage (see paragraph 6.39). This will not entail additional statutory controls, but, when consultation with

landowners and others on the content of the Register is complete, it too will need to be taken into account by local planning authorities. The effects of any development on the limited number of registered sites will form a material consideration to be taken into account in determining planning applications.

### **The wider historic landscape**

**2.26** Conservation of the wider historic landscape greatly depends on active land management, but there is nevertheless a significant role for local planning authorities. In defining planning policies for the countryside, authorities should take account of the historical dimension of the landscape as a whole rather than concentrate on selected areas. Adequate understanding is an essential preliminary and authorities should assess the wider historic landscape at an early stage in development plan preparation. Plans should protect its most important components and encourage development that is consistent with maintaining its overall historic character. Indeed, policies to strengthen the rural economy through environmentally sensitive diversification may be among the most important for its conservation.

### **3. Listed Building Control**

**3.1** Section 1 of the Act imposes on the Secretary of State for National Heritage a duty to compile or approve lists of buildings of special architectural or historic interest. The Secretary of State's policy for the listing of such buildings is set out in paragraphs 6.10-6.16. Once a building is listed (or is the subject of a building preservation notice), section 7 of the Act provides that consent is normally required for its demolition, in whole or in part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent, which should be sought from the local planning authority. This section sets out the main elements of Government policy for listed building controls. Details of the procedures are summarised in Annex B.

**3.2** Controls apply to all works, both external and internal, that would affect a building's special interest, whether or not the particular feature concerned is specifically mentioned in the list description. Consent is not normally required for repairs, but, where repairs involve alterations which would affect the character of the listed building, consent is required. Whether repairs actually constitute alterations which require consent is a matter of fact and degree which must be determined in each case. Where painting or repainting the exterior or interior of a listed building would affect the building's character, consent is required. Further detailed guidance on alterations to listed buildings, prepared by English Heritage, is given in Annex C. The Secretaries of State commend this guidance and ask all local planning authorities to take it into account in their exercise of listed building and development controls. Whether proposed works constitute alterations or a demolition is again a matter of fact and degree. Fixtures and curtilage buildings - ie. any object or structure which is fixed to the building, or is within the curtilage and forms part of the land and has done so since before July 1948 - are also treated as part of the building for the purposes of listed building control (see paragraphs 3.30-3.36 below).

**3.3** The importance which the Government attaches to the protection of the historic environment was explained in paragraphs 1.1-1.7 above. Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities 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' (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

**3.4** Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

#### **General criteria**

**3.5** The issues that are generally relevant to the consideration of all listed building consent applications are:

- i. the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms ('historic interest' is further explained in paragraph 6.11);
- ii. the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (eg. interiors) may come to light after the building's inclusion in the list;
- iii. the building's setting and its contribution to the local scene, which may be very important, eg. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- iv. the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

**3.6** The grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. Grades I and II\* identify the outstanding architectural or historic interest of a small proportion (about 6%) of all listed buildings. These buildings are of particularly great importance to the nation's built heritage: their significance will generally be beyond dispute. But it should be emphasised that the statutory controls apply equally to all listed buildings, irrespective of grade; and since Grade II includes about 94% of all listed buildings, representing a major element in the historic quality of our towns, villages and countryside, failure to give careful scrutiny to proposals for their alteration or demolition could lead to widespread damage to the historic environment.

**3.7** The following paragraphs deal first with alterations and extensions and then with demolitions, though considerations relevant to the two types of case to some extent overlap. For instance, some of the considerations set out in paragraph 3.19, in relation to demolitions, may also be relevant to substantial works of alteration or extension which would significantly alter the character of a listed building. Since listed building consent applications will often raise the issue of the most appropriate use for a building, the question of use is also discussed here.

## **Use**

**3.8** Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question.

**3.9** Judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or area in question. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses. Where a particular compatible use is to be preferred but restoration for that use is unlikely to be economically viable, grant assistance from the authority, English Heritage or other sources may need to be considered.

**3.10** The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. But not all original uses will now be viable or even necessarily appropriate: the nature of uses can change over time, so that in some cases the original use may now be less compatible with the building than an alternative. For example, some business or light industrial uses may now require less damaging alterations to historic farm buildings than some types of modern agricultural operation. Policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.

**3.11** If a building is so sensitive that it cannot sustain any alterations to keep it in viable economic use, its future may nevertheless be secured by charitable or community ownership, preserved for its own sake for local people and for the visiting public, where possible with non-destructive opportunity uses such as meeting rooms. Many listed buildings subsist successfully in this way - from the great houses of the National Trust to buildings such as guildhalls, churches and windmills cared for by local authorities or trusts - and this possibility may need to be considered. The Secretaries of State attach particular importance to the activities of the voluntary sector in heritage matters: it is well placed to tap local support, resources and loyalty, and buildings preserved in its care can make a contribution to community life, to local education, and to the local economy.

### **Alterations and extensions**

**3.12** Many listed buildings are already in well-established uses, and any changes need be considered only in this context. But where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses. In judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious visual features such as a decorative facade or, internally, staircases or decorated plaster ceilings, but the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements are often just as important in simple vernacular and functional buildings as in grander architecture.

**3.13** Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest. Some may be sensitive even to slight alterations; this is especially true of buildings with important interiors and fittings - not just great houses, but also, for example, chapels with historic fittings or industrial structures with surviving machinery. Some listed buildings are the subject of successive applications for alteration or extension: in such cases it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest.

**3.14** As noted above, the listing grade is a material consideration but is not of itself a reliable guide to the sensitivity of a building to alteration or extension. For example, many Grade II buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered examples of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension as can Grade I or II\* structures.

**3.15** Achieving a proper balance between the special interest of a listed building and proposals for alterations or extensions is demanding and should always be based on specialist expertise; but it is rarely impossible, if reasonable flexibility and imagination are shown by all parties involved. Thus, a better solution may be possible if a local planning authority is prepared to apply normal development control policies flexibly; or if an applicant is willing to exploit unorthodox spaces rather than set a standardized requirement; or if an architect can respect the structural limitations of a building and abandon conventional design solutions in favour of a more imaginative approach. For example, standard commercial office floor-loadings are rarely needed in all parts of a building, and any unusually heavy loads can often be accommodated in stronger areas such as basements. The preservation of facades alone, and the gutting and reconstruction of interiors, is not normally an acceptable approach to the re-use of listed buildings: it can destroy much of a building's special interest and create problems for the long-term stability of the structure.

## **Demolitions**

**3.16** While it is an objective of Government policy to secure the preservation of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised before any decision is reached. These controls have been successful in recent years in keeping the number of total demolitions very low. The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development.

**3.17** There are many outstanding buildings for which it is in practice almost inconceivable that consent for demolition would ever be granted. The demolition of any Grade I or Grade II\* building should be wholly exceptional and should require the strongest justification. Indeed, the Secretaries of State would not expect consent to be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable (see paragraph 3.11); or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

**3.18** Where proposed works would not result in the total or substantial demolition of the listed building or any significant part of it, the Secretaries of State would expect the local planning authority to address the same considerations as it would in relation to an application in respect of alterations or extensions (see paragraphs 3.12 to 3.15 above).

**3.19** Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority, in addition to the general considerations set out in paragraph 3.5 above, to address the following considerations:

- i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long-term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Also, they may offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and

inflexible technical specifications that have sometimes shaped new developments. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;

- ii. the adequacy of efforts made to retain the building in use. The Secretaries of State would not expect listed building consent to be granted for demolition unless the authority (or where appropriate the Secretary of State himself) is satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building);
- iii. the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. There may very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the arguments in favour of preservation. Even here, it will often be feasible to incorporate listed buildings within new development, and this option should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them.

### **Called-in applications**

**3.20** The Secretary of State may require applications for listed building consent to be referred to him for decision, but this call-in power has only been exercised in a small number of cases per year in recent years. The policy of the Secretary of State is to be very selective about calling in listed building consent cases.

**3.21** Cases are likely to be called in where the Secretary of State considers that the proposals raise issues of exceptional significance or controversy. It may also happen that an application for listed building consent is received by a local planning authority when a related matter (eg. a planning appeal, a called-in planning application or a compulsory purchase order) is being considered by the Secretary of State. Unless it is clear that the listed building consent application can reasonably be dealt with separately, such an application will normally be called in.

### **Recording buildings**

**3.22** The Royal Commission on the Historical Monuments of England must be notified of all proposals to demolish listed buildings, and allowed access to buildings which it wishes to record before demolition takes place. There are other circumstances where notification may also be appropriate - for instance, where the exterior of a building is likely to be radically changed as a consequence of major repairs, alteration or extension, or where interior work of significance will be lost, affected by subdivision, or substantially rebuilt.

**3.23** Local planning authorities should also consider, in all cases of alteration or demolition, whether it would be appropriate to make it a condition of consent that applicants arrange suitable programmes of recording of features that would be destroyed in the course of the works for which consent is being sought. Authorities should not, however, require applicants to finance such programmes in return for the granting of consent. Nor should applicants expect to be granted consent merely because they have arranged suitable programmes. (For recording of archaeological remains see paragraph 2.15).

**3.24** Hidden features of interest are sometimes revealed during works of alteration, especially in older or larger buildings: chimney pieces, fireplaces, early windows and doors, panelling, wattle-and-daub partitions and even wall-paintings may come to light. Applicants for listed building consent should be made aware of this possibility and should seek the advice of the local planning authority when such things are found. If there is any likelihood that hidden features will be revealed, the local planning authority should attach an appropriate condition to the listed building consent to ensure their retention or proper recording, or should require exploratory opening up, with listed building consent as necessary, before considering consent for the main works.

### **Advice to owners**

**3.25** Owners of listed buildings should be encouraged to seek expert advice on whether proposed works require listed building consent, and on the best way to carry out any such works to their property. Many will need to obtain professional advice anyway, but the Secretaries of State hope that local planning authorities will give owners informal advice where they can or guide them to other sources where they can get advice for themselves. English Heritage publishes much specialist advice on the care of historic buildings and can sometimes give advice on individual cases, especially where unusual problems are encountered. The national amenity societies are willing to offer advice to individual owners whenever possible. The Royal Commission on the Historical Monuments of England may have a record of a building and its reports and photographs may be available for guidance in understanding the structure and its evolution.

### **Building and fire legislation; access for disabled people; house renovation grants**

**3.26** In exercising their responsibilities for the safety of buildings under the building and fire legislation, local planning authorities should deal sympathetically with proposals for the repair or conversion of historic buildings. The Building Regulations should be operated in a way which avoids removal of features which contribute to the character of a listed building and are part of the reason for its being listed. Sufficient flexibility exists within the Building Regulations and Fire Precautions Act systems for authorities to have regard to the possible impact of proposals on the historical or architectural value of a building, and authorities should consult their own conservation officers, or seek expert advice from other sources, when handling difficult situations. It is particularly important that there should be a flexible approach to structural matters, to ensure that any changes are in character with the rest of the building and that there is no unacceptable damage to the fabric. In order to ensure that requirements which are unacceptable in terms of a historic building can be considered as part of a listed building consent application, the precise Building and Fire Regulations requirements should be made explicit before an application has been determined. A successful outcome is more likely to be negotiated if the authorities have been consulted from the outset.

**3.27** For the longer term, local planning authorities should be aware of the *Report of the Review of the Fire Safety Legislation and Enforcement* which was published on 22 June 1994. The scrutiny was asked to review all legislation for which the Home Office, the Department of the Environment and the Health and Safety Executive have policy responsibility in relation to fire safety; to review the arrangements for enforcing the legislation; and to examine the practicability of bringing policy responsibility for fire safety together in a single department. The Report makes 61 recommendations, but Ministers are committed to full consultation before any proposals for changing the existing arrangements are made.

**3.28** It is important in principle that disabled people should have dignified easy access to and within historic buildings. If it is treated as part of an integrated review of access requirements for

all visitors or users, and a flexible and pragmatic approach is taken, it should normally be possible to plan suitable access for disabled people without compromising a building's special interest. Alternative routes or re-organizing the use of spaces may achieve the desired result without the need for damaging alterations.

**3.29** Where a local planning authority proposes to grant-aid renovation work to a listed house or a house in a conservation area, care should be taken to ensure that standard grant conditions (eg. for damp proofing or insulation) are not imposed in a way which would be damaging to the historic character of the building. In such cases housing and environmental health departments should consult with the authority's conservation officer or seek expert advice from other sources. Details of grants available are given in the Department of the Environment publication *House Renovation Grants*.

### **Fixtures and curtilage structures**

**3.30** It is important to know the extent of a listing, not just to determine whether listed building consent is needed for works, but also to determine the payment of VAT and business rates. List descriptions are for the purposes of identification and are not a comprehensive or exclusive record of all features - see paragraph 6.19. Section 1(5) of the Act sets out the meaning of a listed building for the purposes of the Act: 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'. The Courts have considered in a number of cases in this context the meaning of 'any object or structure fixed to the building' and 'curtilage'.

**3.31** The listing of a building confers protection not only on the building, but also on any object or structure fixed to the building which is ancillary to the building. The word 'fixed' has the same connotation as in the law of fixtures. These well-known rules provide that any object or structure fixed to a building should be treated as part of it. It is a test therefore of fact in each case as to whether a structure is free-standing or physically fixed to the building. Generally it would be reasonable to expect some degree of physical annexation, together with indications that the annexation was carried out with the intention of making the object an integral part of the land or building. In the light of this test, items such as chimney-pieces, wall panelling and painted or plastered ceilings will normally be found to be part of the building.

**3.32** It may be difficult in some individual cases to decide whether a particular object or structure is a fixture or not. Free-standing objects, eg. statues, may be fixtures if they were put in place as part of an overall architectural design; this could include objects specially designed or made to fit in a particular space or room. But works of art which were placed in a building primarily to be enjoyed as objects in their own right, rather than forming part of the land or the building, are not likely to be properly considered as fixtures. Each case must be treated in the light of its own facts, and owners who are contemplating works are advised to contact their local planning authority first.

**3.33** The listing of a building confers protection also on any object or structure within its curtilage which forms part of the land and has done so since before 1 July 1948. Following recent case law, the Secretary of State for National Heritage has attempted to consider individually all the structures and buildings on a site which can be construed as separate buildings and to list those which qualify for listing. There will still be circumstances, however, where a structure or building forms part of land which surrounds or is connected to or serves a listed building, and landowners and local planning authorities will need to consider on the facts of each case whether it forms part of the land and falls within the curtilage of the listed building.

**3.34** The principal tests as to whether an object or structure is within the curtilage of a listed building relate to the physical layout of the land surrounding the listed building at the date of the statutory listing and the relationship of the structures on the surrounding land to each other. Changes in ownership, occupation or use after the listing date will not bring about the de-listing of a building which formed part of the principal building at the date of listing. The Courts have held that for a structure or building within the curtilage of a listed building to be part of a listed building it must be ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent time before the date of listing, in a necessary or reasonably useful way and must not be historically an independent building. Where a self-contained building was fenced or walled-off from the remainder of the site at the date of listing, regardless of the purpose for which it was erected and is occupied, it is likely to be regarded as having a separate curtilage. The structure or building must still form part of the land, and this probably means that there must be some degree of physical annexation to the land.

**3.35** Considerations which may assist local planning authorities in forming their own views, or giving advice if requested, include:

- the historical independence of the building;
- the physical layout of the principal building and other buildings;
- the ownership of the buildings now and at the time of listing;
- whether the structure forms part of the land;
- the use and function of the buildings, and whether a building is ancillary or subordinate to the principal building.

**3.36** It is always necessary to recognise, however, that the question of whether a building, structure or object is within the curtilage of, or is fixed to, the principal building, unless specifically included in the listing, is in any particular case a matter of fact and ultimately a matter for the Courts. Great caution must, therefore, be exercised in attempting to extrapolate any general principles from recent decisions and this guidance does not purport to be definitive.

### **Local authority applications**

**3.37** A county council (where not a local planning authority) is required to make its applications for listed building consent to the relevant district planning authority, which should consider them against the normal criteria. Local planning authorities are normally required to make their own applications to the Secretary of State, whether or not they themselves own the listed building in question. The Secretaries of State ask authorities to deal with their own buildings in ways which will provide examples of good practice to other owners. It is particularly important that every effort should be made to maintain historic buildings in good condition, and to find appropriate new uses for buildings in authority ownership which are no longer in active use. Prompt disposal is important: empty buildings should not be retained on a contingency basis, with all the risk of neglect and disrepair that this can create.

**3.38** The Secretary of State will be particularly concerned to ensure that local planning authorities take full account of the policies set out in this PPG, and will not be disposed to grant consent for the demolition of listed buildings in authorities' ownership unless there is clear and convincing evidence that alternative possibilities for new ownership and new uses have been thoroughly explored.

## **Churches and Crown buildings**

**3.39** Special provisions apply to ecclesiastical buildings in use for ecclesiastical purposes, which are in some circumstances exempt from listed building and conservation area controls. Details of the arrangements which apply to such buildings are given in section 8.

**3.40** The Crown is currently exempt from listed building and conservation area controls; but the Government has undertaken that Crown bodies will normally operate as if these controls did apply (see Department of the Environment *Circular 18/84*). English Heritage should be notified of Crown developments on the same basis as normal applications. Proposals have been published for the removal of Crown exemption in planning and conservation matters; pending the necessary legislation, the arrangements in *Circular 18/84* continue to apply.

**3.41** Works by English Heritage on monuments, buildings or land which are owned by or in the care of the Secretary of State for National Heritage and which they are managing on his behalf are treated as Crown development and the procedures in *Circular 18/84* will apply. If English Heritage wishes to carry out works to other listed buildings, or demolish an unlisted building in a conservation area, it must obtain listed building or conservation area consent. The Secretary of State has directed that all such applications should be referred to him. The authority should advertise such applications as they would any other private application and forward any representations received, together with their own comments, to the appropriate regional Government Office.

## **Listed building consent for works already executed**

**3.42** Section 8(3) of the Act allows listed building consent to be sought even though the works have already been completed. Applications for consent to retain such works should follow the same procedures as other listed building consent applications and should contain sufficient information (see Annex B paragraph B.3). Local planning authorities should not grant consent merely to recognise a *fait accompli*; they should consider whether they would have granted consent for the works had it been sought before they were carried out, while having regard to any subsequent matters which may be relevant. If the work is not of a suitable type or standard, consent should not normally be given, and the risk of prosecution or enforcement action will remain. If consent is granted, it is not retrospective; the works are authorised only from the date of the consent. A prosecution may still be brought for the initial offence.

## **Enforcement**

**3.43** If work is carried out without consent, a local planning authority can issue a listed building enforcement notice (section 38). The notice may (a) require the building to be brought back to its former state; or (b), if that is not reasonably practicable or desirable, require other works specified in the notice to alleviate the effects of the unauthorised works; or (c) require the building to be brought into the state it would have been in if the terms of any listed building consent had been observed. It was held in the case of *Bath City Council v Secretary of State for the Environment* ([1983] JPL 737) that this provision could not be used to secure an improvement to a listed building compared to its state before the unauthorised works were carried out. There is a right of appeal to the Secretary of State against a notice; the appeal procedures are generally similar to those for enforcement of development control following the Planning and Compensation Act 1991, although there are no provisions equivalent to a planning contravention notice, nor is there any limitation on the period within which a listed building enforcement notice must be issued. If works subject to a listed building enforcement notice are later authorised under section 8(3), the enforcement notice will cease to have effect in relation to those works, although the liability to prosecution for an

offence committed before the date of consent remains. Breach of a listed building enforcement notice is itself an offence, with financial penalties parallel to those for a breach of listed building control.

## **Prosecutions**

**3.44** It is a criminal offence to execute, or cause to be executed, without first obtaining listed building consent any works for the demolition, in whole or part, of a listed building or any works of alteration or extension which would affect its special interest, or to fail to comply with the terms of any condition attached to a consent (section 9). This includes the theft of architectural fixtures. The current penalty for conviction in a magistrates' court is a fine of up to £20,000 or imprisonment for up to six months (or both), whilst on conviction in the Crown Court an unlimited fine or a prison sentence of up to two years (or both) may be imposed. In determining the amount of any fine, a magistrates' court or the Crown Court must have regard to any financial benefit which has accrued or may accrue from the offence.

**3.45** In proceedings for an offence under section 9 it is a defence to prove all of the following matters:

- (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;
- (b) that it was not practicable to secure safety or health or, as the case may be, to preserve the building by works of repair or works for affording temporary support or shelter;
- (c) that the works carried out were limited to the minimum measures immediately necessary; and
- (d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

**3.46** Anyone - individuals as well as English Heritage and local planning authorities - can start proceedings. English Heritage and planning authorities can also seek injunctions for breaches of listed building control. A prosecution may also be initiated under section 59 where deliberate damage is caused to a listed building by an owner or his agent, for which financial penalties are provided.

**3.47** Local planning authorities will obviously need to consider, when faced with a breach of listed building control, whether to take enforcement action or to prosecute or both. Enforcement may be intrinsically desirable for the benefit of the building in question, while the work entailed by enforcement may also represent a sufficient response to the offence. However, unauthorised work may often destroy historic fabric the special interest of which cannot be restored by enforcement. Moreover, well-publicised successful prosecutions can provide a valuable deterrent to wilful damage to, or destruction of, listed buildings, and it is the Secretary of State's policy to encourage proceedings where it is considered that a good case can be sustained.

**3.48** Prosecution and enforcement relate to breaches of listed building control that have already occurred. Where such a breach is continuing or there is good reason to suppose it is about to occur, authorities should consider seeking an injunction to stop or prevent it. Since a breach of listed building control (unlike development control) is itself a criminal offence, there is no need or statutory provision for stop notices. Authorities may, of course, find written warnings useful deterrents. Injunctions can be obtained speedily from the Court even where the actual or expected

offender is not present before the Court, or indeed where his or her identity is not known; the essential ingredient is to satisfy the Court that the application is soundly based. In the case of an interim injunction the Court would normally ask the applicant to compensate the restrained party for any costs the latter might incur as a result of the interim injunction if the Court refuse to grant a final injunction. Anyone who refuses to comply with an injunction is in contempt of Court and may be fined or imprisoned (or both).

## **4. Conservation Areas**

**4.1** Section 69 of the Act imposes a duty on local planning authorities to designate as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. There are now more than 8,000 conservation areas in England. Whilst listing procedures are focused on the protection of individual buildings, conservation area designation is the main instrument available to authorities to give effect to conservation policies for a particular neighbourhood or area. Designation introduces a general control over the demolition of unlisted buildings and provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest.

### **Assessment and designation of conservation areas**

**4.2** It is the quality and interest of areas, rather than that of individual buildings, which should be the prime consideration in identifying conservation areas. There has been increasing recognition in recent years that our experience of a historic area depends on much more than the quality of individual buildings - on the historic layout of property boundaries and thoroughfares; on a particular 'mix' of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings; on the quality of advertisements, shop fronts, street furniture and hard and soft surfaces; on vistas along streets and between buildings; and on the extent to which traffic intrudes and limits pedestrian use of spaces between buildings. Conservation area designation should be seen as the means of recognising the importance of all these factors and of ensuring that conservation policy addresses the quality of townscape in its broadest sense as well as the protection of individual buildings.

**4.3** Local planning authorities also have under section 69 a duty to review their areas from time to time to consider whether further designation of conservation areas is called for. In some districts, areas suitable for designation may have been fully identified already; and in considering further designations authorities should bear in mind that it is important that conservation areas are seen to justify their status and that the concept is not devalued by the designation of areas lacking any special interest. Authorities should seek to establish consistent local standards for their designations and should periodically review existing conservation areas and their boundaries against those standards: cancellation of designation should be considered where an area or part of an area is no longer considered to possess the special interest which led to its original designation.

**4.4** The more clearly the special architectural or historic interest that justifies designation is defined and recorded, the sounder will be the basis for local plan policies and development control decisions, as well as for the formulation of proposals for the preservation and enhancement of the character or appearance of an area. The definition of an area's special interest should derive from an assessment of the elements that contribute to (and detract from) it. Conservation areas vary greatly, but certain aspects will almost always form the basis for a coherent assessment: the topography - for example, thoroughfares and property boundaries - and its historical development; the archaeological significance and potential; the prevalent building materials; the character and hierarchy of spaces; the quality and relationship of buildings in the area and also of trees and other green features. The assessment should always note those unlisted buildings which make a positive contribution to the special interest of the area. More detailed advice on assessment and on other aspects of the management of conservation areas is set out in English Heritage's guidance note *Conservation Area Practice*.

**4.5** The principal concern of a local planning authority in considering the designation of a conservation area should be to form a judgement on whether the area is of special architectural or

historic interest the character or appearance of which it is desirable to preserve or enhance. In deciding whether it is desirable to designate, an authority may take into account the resources likely to be required, not only for the administration of conservation area controls, but also for consultation with local residents and formulation of policies for a new area: without follow-up, designation is unlikely to be effective in itself. An authority's justification for designation, as reflected in its assessment of an area's special interest and its character and appearance, is a factor which the Secretary of State will take into account in considering appeals against refusals of conservation area consent for demolition, and appeals against refusals of planning permission (see also paragraph 2.9).

**4.6** Given the nature of conservation area controls - essentially controls over demolition; strengthened controls over minor development; and the protection of trees - designation is not likely to be appropriate as a means of protecting landscape features, except where they form an integral part of the historic built environment and that factor needs to be taken into account in considering any planning applications which would affect them. The Courts have held that it is legitimate in appropriate circumstances to include within a conservation area the setting of buildings that form the heart of that area (*R v Canterbury City Council ex parte David Halford*, February 1992; CO/2794/1991). Designation is clearly not a proper means of controlling activities (eg. agricultural operations) which do not fall within the definition of development. Designation may well, however, be suitable for historic parks or gardens and other areas of historic landscape containing structures that contribute to their special interest and that fall within the categories subject to conservation area controls. Where there are no other reasons for designating a conservation area, trees may instead be protected by means of a tree preservation order.

**4.7** There is no statutory requirement to consult prior to designation or cancellation of designation, but it will be highly desirable that there should be consultation with local residents, businesses and other local interests (eg. amenity bodies), over both the identification of areas and the definition of their boundaries. The greater the public support that can be enlisted for designation before it takes place, the more likely it is that policies for the area will be implemented voluntarily and without the need for additional statutory controls. Local planning authorities should advise English Heritage and the appropriate regional Government Office when conservation areas are designated.

**4.8** English Heritage and the Secretary of State for National Heritage also have powers to designate conservation areas, but look to local planning authorities in the first instance to consider the case for designation. English Heritage's powers relate to London only, where they are required to consult the London borough council concerned and to obtain the Secretary of State's consent to designation. The Secretary of State must also consult the authorities concerned before using his powers of designation. His policy is to use his own powers only in exceptional cases, for instance where an area is of more than local interest; or where there is evidence to suggest that an authority's ownership of important buildings may have influenced a decision not to use its own powers, and there is a clear threat to the character or appearance of the area. The Secretary of State may also apply such criteria when requested to approve the use of English Heritage's powers.

### **Policies for conservation areas**

**4.9** Section 71 of the Act places a duty on local planning authorities to formulate and publish proposals for the preservation and enhancement of conservation areas. It is important that designation is not seen as an end in itself: policies will almost always need to be developed which clearly identify what it is about the character or appearance of the area which should be preserved or enhanced, and set out the means by which that objective is to be pursued. Clear assessment and

definition of an area's special interest and the action needed to protect it will help to generate awareness and encourage local property owners to take the right sort of action for themselves.

**4.10** The Act requires proposals for the preservation and enhancement of a conservation area to be submitted for consideration to a 'public meeting' in the area, but wider consultation will almost always be desirable, both on the assessment of special interest and on proposals for the area. Consultation should be undertaken not only with local residents and amenity societies but also with chambers of commerce, public utilities, and the highway authority. The character and appearance of many conservation areas is heavily dependent on the treatment of roads, pavements and other public spaces (see paragraphs 5.13-5.18). It is important that conservation policies are fully integrated with other policies for the area, eg. for shopping and traffic management. Account should also be taken of wider policies (eg. for house renovation grants) which may affect the area's character or appearance. The preparation of local plans provides the best opportunity for integrating conservation policies with wider policies for the area, though a local planning authority's detailed statement of proposals for the conservation area should not itself be part of the development plan (see paragraphs 2.9 above and 4.15 below). Carefully targeted grant schemes using the authority's powers under section 57 of the Act to help with repair and enhancement should also be considered as part of the policy for an area. In certain cases English Heritage Conservation Area Partnership funding may be available.

### **Vacant premises over shops**

**4.11** Bringing vacant upper floors back into use, particularly residential use, not only provides additional income and security for the shop owner, but also helps to ensure that what are often important townscape buildings are kept in good repair it meets a widespread need for small housing units and helps to sustain activity in town centres after working hours. Local planning authorities are urged to develop policies to secure better use of vacant upper premises, eg. by giving careful consideration to planning applications for shop conversions which would eliminate separate accesses to upper floors; by working with housing associations to secure residential conversions; and through the house renovation grant system.

### **Local information and consultation**

**4.12** Once policies for a particular area have been formulated, they should be made available to local residents and businesses in leaflet form, setting out clearly why the area has been designated; what its specially valuable features are; how individual householders can help to protect its character and appearance; and what additional controls and opportunities for assistance designation brings with it. Without such information, the support of local residents is not likely to be realised to the full. (English Heritage's guidance note on conservation areas gives advice on such publicity.)

**4.13** Local planning authorities are asked to consider setting up conservation area advisory committees, both to assist in formulating policies for the conservation area (or for several areas in a particular neighbourhood), and also as a continuing source of advice on planning and other applications which could affect an area. Committees should consist mainly of people who are not members of the authority; local residential and business interests should be fully represented. In addition to local historical, civic and amenity societies, and local chambers of commerce, the authority may wish to seek nominations (depending on the character of the area) from national bodies such as the national amenity societies and the Civic Trust. Authorities should consider whether there is scope for the involvement of local people on a voluntary basis in practical work for the enhancement of an area.

## **Use of planning powers in conservation areas**

**4.14** Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area. Local planning authorities are required by section 73 to publish a notice of planning applications for development which would in their opinion affect the character or appearance of a conservation area.

**4.15** The status now accorded to the development plan by section 54A of the principal Act makes it particularly important that an authority's policies for its conservation areas, insofar as they bear on the exercise of development controls, should be set out in the local plan. There should also be a clear indication of the relationship between the plan itself and detailed assessment documents or statements of proposals for particular conservation areas, making clear that development proposals will be judged for their effect on the character and appearance of the area as identified in the assessment document.

**4.16** Many conservation areas include the commercial centres of the towns and villages of which they form part. While conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change. Policies will need to be designed to allow the area to remain alive and prosperous, and to avoid unnecessarily detailed controls over businesses and householders, but at the same time to ensure that any new development accords with the area's special architectural and historic interest.

**4.17** Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.

**4.18** Local planning authorities will often need to ask for detailed plans and drawings of proposed new development, including elevations which show the new development in its setting, before considering a planning application. In addition to adopted local plan policies, it may be helpful to prepare design briefs for individually important 'opportunity' sites. Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (eg. the scale and spacing of window openings, and the nature and quality of materials). General planning standards should be applied sensitively in the interests of harmonising the new development with its neighbours in the conservation area.

**4.19** The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

**4.20** As to the precise interpretation of 'preserve or enhance', the Courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

### **Permitted development in conservation areas**

**4.21** The GDO requires planning applications for certain types of development in conservation areas which are elsewhere classified as permitted development. These include various types of cladding; the insertion of dormer windows into roof slopes; the erection of satellite dishes on walls, roofs or chimneys fronting a highway; and the installation of radio masts, antennae or radio equipment housing with a volume in excess of two cubic metres (unless the development is carried out in an emergency). The size of house and industrial extensions that may be carried out without specific planning permission is also more restricted.

**4.22** On 30 March 1994 the Government announced a new proposal to enable local planning authorities to make directions withdrawing permitted development rights for a prescribed range of development materially affecting some aspects of the external appearance of dwellinghouses, such as doors, windows, roofs and frontages. There would be no requirement to obtain the Secretary of State's approval for such directions, but authorities would have to publicise their proposals in advance and have regard to the views of local people. Further details of these new arrangements will be published by circular shortly.

**4.23** The withdrawal of permitted development rights outside these categories will continue to require Article 4 directions for which the Secretary of State's approval is generally needed before they can become effective. The Secretary of State takes the view that permitted development rights should not be withdrawn without clear justification and that, wherever possible, residents in conservation areas should continue to enjoy the same freedom to undertake development as residents elsewhere. He does not consider that the designation of a conservation area in itself automatically justifies making an Article 4 direction. Such directions may, however, have a role to play if they would help to protect features that are key elements of particular conservation areas and do not come within the categories that will be subject to the arrangements set out in paragraph 4.22 above. The Secretary of State will generally be in favour of approving directions in conservation areas where these are backed by a clear assessment of an area's special architectural and historic interest, where the importance to that special interest of the features in question is established, where the local planning authority can demonstrate local support for the direction, and where the direction involves the minimum withdrawal of permitted development rights (in terms of both area and types of development) necessary to achieve its objective.

**4.24** Sections 107 and 108 of the principal Act make provision for the payment of compensation in certain circumstances where permitted development rights have been withdrawn by an Article 4 direction or an amendment to the GDO.

### **Conservation area control over demolition**

**4.25** Conservation area designation introduces control over the demolition of most buildings within conservation areas (section 74 of the Act); exceptions are specified in section 75 and in the relevant direction. Applications for consent to demolish must be made to the local planning authority or, on appeal or call-in, to the Secretary of State. Procedures are essentially the same as for listed building

consent applications. Authorities' own applications must be made to the Secretary of State. Scheduled ancient monuments are exempt from conservation area control: scheduled monument consent for proposed works must be sought from the Secretary of State for National Heritage (see *PPG 16*).

**4.26** In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

**4.27** The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19 above). In less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

**4.28** Section 336 of the principal Act states that a building includes 'any part of a building'. The demolition of part of a building should therefore be regarded as falling within the scope of conservation area control. What constitutes a demolition or demolition of part of a building must be a matter of fact and degree, to be decided in the particular case and ultimately by the Courts. Routine works of repair, maintenance or replacement, including work involving such items as doors or windows, would not in the Secretary of State's view normally constitute demolition. Likewise, the removal of internal features, whether replaced or not, would not usually constitute a demolition and for the purposes of conservation area consent would not, in any event, have a material impact on the building's appearance or affect the character or appearance of the area.

**4.29** It will often be appropriate to impose on the grant of consent for demolition a condition under section 17(3) of the Act, as applied by section 74(3), to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted. In the past, ugly gaps have sometimes appeared in conservation areas as a result of demolition far in advance of redevelopment.

### **Leasehold reform**

**4.30** The extended arrangements for leasehold enfranchisement under the Leasehold Reform, Housing and Urban Development Act 1993 included wider provisions for estate management schemes aimed at maintaining the appearance and amenity of areas currently under a single landlord's control. Schemes can be applied for by landlords or representative bodies such as residents' associations up to 30 October 1995 (in some exceptional cases later with the Secretary of State's agreement) and, when approved, transferred to local planning authorities or specially constituted bodies. Within conservation areas, schemes can by default be promoted by authorities or English Heritage between that deadline and 30 April 1996. The costs of management under such schemes fall to be met by the freeholders. In considering whether to approve a scheme the leasehold valuation tribunal is required to have regard inter alia to the past development and present

character of the area and to architectural or historical considerations. Moreover, in conservation areas, applicants for schemes are required to notify English Heritage and the local planning authority and invite them to make representations to the tribunal. These provisions should enable authorities in appropriate cases to help maintain the appearance of an architecturally unified estate through regulation of the development, use and appearance of property beyond what can be enforced under the planning system (eg. by regulating external decoration and cleaning), and through being able to require proper maintenance and repair of the structure and external elements of the buildings. Further information is available from English Heritage.

### **Advertisement control**

**4.31** All outdoor advertisements affect the appearance of the building or the neighbourhood where they are displayed. The main purpose of the advertisement control system is to help everyone involved in the display of outdoor advertising to contribute positively to the appearance of an attractive and cared-for environment. So it is reasonable to expect that the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area will result in practice in applying more exacting standards when the authority consider whether to grant consent for a proposed advertisement in such an area.

**4.32** In conservation areas it is important for local planning authorities to be sensitive in the use of their powers under the Town & Country Planning (Control of Advertisements) Regulations 1992, because many areas include retail and commercial premises, ranging from small corner-shops to thriving commercial centres. Outdoor advertising is essential to commercial activity in a free and diverse economy, and the success of local businesses will usually help owners and tenants of commercial premises to maintain buildings in good repair and attractive appearance.

**4.33** Local planning authorities may wish to adopt advertisement control policies as part of their duty to formulate and publish proposals for the preservation and enhancement of conservation areas. Such policies can inform prospective advertisers about the type of displays likely to prove acceptable in an area; and they should provide a rational and consistent basis for decision-making on all advertisement control matters, including the serving of discontinuance notices.

**4.34** Because of the special interest of most conservation areas, certain categories of 'deemed consent' advertisements which may have a significant visual impact are not permitted for display in a conservation area without the local planning authority's specific consent. But a general prohibition of the display of certain classes of advertisement, or the withdrawal or limitation of those which may be displayed with deemed consent, is not usually justified solely because of designation.

**4.35** Attention is drawn to the value of education and co-operation to help prevent unsympathetic advertisements. Local planning authorities may wish to consider mounting programmes, in association with local businesses, to promote advertisement policies by providing advice about the design and siting of suitable displays which respect the character and appearance of an area (either by the publication of design guidelines, the mounting of exhibitions, the setting-up of an advisory service in a Planning Department, or a combination of these approaches).

**4.36** Where a local planning authority has pursued this approach, but considers that it has not prevented unsuitable or harmful advertisement displays, the Secretary of State will be prepared to consider making a direction under regulation 7 of the 1992 Regulations referred to above, if the authority can justify it. In seeking such additional control, authorities will be expected to show that they have well-formulated policies for the display of advertisements in the area and that the vigorous use of normal powers of control has proved inadequate. Similarly, when considering

whether an advertisement is causing 'substantial injury to amenity', so that its display should be discontinued, the Secretary of State will particularly consider any evidence, on appeal, that the authority have acted in accordance with a well-formulated advertisement control policy.

**4.37** Further advice on outdoor advertisement control, including in conservation areas, is given in *PPG 19*.

### **Trees in conservation areas**

**4.38** Trees are valued features of our towns and countryside and make an important contribution to the character of the local environment. Under Part VIII of the principal Act, local planning authorities have a power to protect trees and woodlands in the interests of amenity by making tree preservation orders. In addition to this general power, authorities are under a duty to make adequate provision for the preservation and planting of trees when granting planning permission for the development of land. They do this by a combination of planning conditions and tree preservation orders.

**4.39** Many trees in conservation areas are the subject of tree preservation orders, which means that the local planning authority's consent must be obtained before they can be cut down, topped or lopped. In addition to these controls, and in view of the contribution that trees can make to the character and appearance of a conservation area, the principal Act makes special provision for trees in conservation areas which are not the subject of tree preservation orders. Under section 211, subject to a range of exceptions, (including small trees and ones that are dead, dying or dangerous), anyone proposing to cut down, top or lop a tree in a conservation area is required to give six weeks' notice to the local planning authority. The purpose of this requirement is to give the authority an opportunity to consider bringing the tree under their general control by making a tree preservation order in respect of it. Penalties for contravention, which may include a requirement to replant, are similar to those for tree preservation orders. For guidance on these matters see Department of the Environment *Circular 36/78*.

**4.40** When considering whether to extend protection to trees in conservation areas, local planning authorities should always take into account the visual, historic and amenity contribution of trees. In some instances new plantings or re-plantings may be desirable where this would be consistent with the character and appearance of the area.

## **5. Transport and Traffic Management**

**5.1** The Government's commitment to sustainable development entails greater integration of transport with other aspects of land-use planning in order to reduce the need for travel, to moderate future traffic growth, and to minimise the environmental impacts of transport. This may lead to a greater concentration of development on existing centres, including historic towns. In developing policies and projects it is essential, therefore, that local highway and planning authorities take full account of the wider costs of transport choices, including impact on the historic environment.

**5.2** Major new transport infrastructure developments can have an especially wide-ranging impact on the historic environment, not just visually and physically, but indirectly, for example, by altering patterns of movement or commerce and generating new development pressures or opportunities in historic areas. Local highway and planning authorities should therefore integrate their activities and should take great care to avoid or minimise impacts on the various elements of the historic environment and their settings.

**5.3** The Secretaries of State also attach particular importance to early consultation on traffic management and highway maintenance schemes, and associated development proposals which would affect listed buildings or conservation areas or parks, gardens or battlefields and their settings. Local highway and planning authorities should take great care to assess the impact on existing roads of new projects, eg. for the rerouting of traffic or for pedestrianisation. They are urged to seek the advice of English Heritage, where appropriate, before determining any such proposals.

### **New traffic routes**

**5.4** When contemplating a new route, authorities should consider whether the need for it, and any impact on the environment, might be obviated by an alternative package of transport management such as parking and charging policies, park-and-ride schemes, and public transport priority. New roads should not be built just to facilitate more commuting into already congested areas. This is especially true in historic towns where the character and layout cannot easily absorb radical changes such as new roads.

**5.5** If a new route is unavoidable, authorities should initially identify any features of the historic environment - including parks, gardens, battlefields and archaeological sites as well as buildings and areas - and evaluate their importance. Wherever possible, new roads (and any other transport infrastructure) should be kept away from listed buildings, conservation areas and other historic sites. However, in each case a suitable balance has to be struck between conservation, other environmental concerns, economics, safety and engineering feasibility. Highway and planning authorities should set common objectives wherever possible and are advised to consult each other about transport proposals affecting historic areas. Such proposals are subject to the same constraints as other major development proposals in areas of protection, and authorities will have to obtain listed building consent or conservation area consent where appropriate. Further advice is given in *PPG 13* on how authorities should seek to manage demand and improve the attractiveness of local centres through their transport and planning policies.

**5.6** Where work to listed structures or those in conservation areas, such as historic bridges, is needed to meet new national or European requirements, this should be carried out with great care. Many bridges are of considerable age and represent important features of the cultural heritage. Their survival to this day owes a great deal to the care of past generations, and, where remedial or strengthening works are found to be necessary, proposals should seek to retain the character of

these structures for the benefit of future generations. Traditional materials should only be replaced where it can be proved that this is essential in the interests of structural stability. Sympathetic remedial measures, which restore the carrying capacity and extend the life of these structures while retaining their character, are preferable to complete reconstruction, and will normally prove more cost-effective. Authorities are urged to consider sympathetic alterations where necessary to carry heavier traffic, or, where new construction is the only realistic course, to retain and restore the old structure for use by pedestrians and cyclists. Authorities are also urged to exercise flexibility over the design of parapets on historic bridges.

**5.7** When the opportunity occurs, the possibility of reusing structures for new transport schemes should always be examined. Disused railway viaducts and bridges provide an environmentally advantageous solution for such schemes, in both rural and urban areas, especially in environmentally sensitive areas. The restoration and conversion of historic structures such as these can be a positive benefit from a transport scheme.

### **Schemes promoted under the Transport and Works Act 1992**

**5.8** Since 1 January 1993, when Part I of the Transport and Works Act 1992 came into force, proposals which would have previously been authorised under private Bill procedure have instead had to be authorised by Orders made under that Act. Such proposals include the construction or operation of railways, tramways, trolley vehicle systems, other guided transport systems, inland waterways, and structures interfering with rights of navigation. The Act brings the procedures for authorising such schemes more into line with those which have applied for years to highways projects. If the relevant Secretary of State decides to make an Order under the Act, he may at the same time direct that planning permission be deemed to be granted for the proposal, to the extent to which it involves carrying out any development.

**5.9** Where the proposal involves works to a listed building, or demolition of an unlisted building in a conservation area, a separate application must be made to the local planning authority for listed building consent or conservation area consent respectively. The regulations which normally apply to such consent applications are subject to minor modifications so that they may more easily be progressed in parallel with the application for the related order. These changes are set out in the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedures) Regulations 1992. An application for listed building or conservation area consent made concurrently with an application for an order under the 1992 Act will automatically be referred by the local planning authority to the Secretary of State for the Environment for his decision, without the need for any specific direction. Where there is need for a public local inquiry, the related applications will be considered at a concurrent inquiry. This means that one Inspector will be able to make mutually compatible recommendations about the different applications.

**5.10** A fuller description of these concurrent procedures (together with the procedure for applications under the 1992 Act generally) is set out in the Department of Transport publication *Transport and Works Act 1992: A Guide to Procedures*.

### **Roads in centres or settlements**

**5.11** Local highway authorities should take measures to protect the historic environment from the worst effects of traffic. They have powers to create vehicle-restricted areas or pedestrian zones and to introduce traffic-calming measures where appropriate. However, there is increasing recognition that in some historic areas the total exclusion of traffic combined with extensive pedestrianisation can create sterile precincts, particularly at night. In some cases, it may be preferable to consider limited access at selected times for all traffic or particular classes of traffic (eg. buses, trams,

service vehicles), or shared streets and other spaces designed to encourage motorists to modify their driving behaviour when mixing with pedestrians. Park and Ride schemes may also have a part to play in areas where it is desirable to limit car access to historic centres and conservation areas. Advice is available in the English Historic Towns Forum publication *Park and Ride Good Practice Guide*. All these measures, together with encouraging a variety of uses on the ground floors of developments, can help to increase the attractiveness of town centres, and will also help to meet the policy objectives of *PPG 6* and *PPG 13*, and Department of the Environment *Circular 5/94*.

**5.12** Vehicle restrictions and traffic-calming measures can often be effective in reducing the speeds at which people choose to drive. The Department of Transport issues advice on pedestrianisation and a range of traffic-calming features which may be introduced. The Highways (Traffic Calming) Regulations 1993 give authorities the flexibility to use a wide variety of traffic-calming features, in addition to road humps, which can constrain vehicle speeds. These include chicanes, build-outs, pinch points, gateways, rumble devices, islands and overrun areas. However, some designs can be difficult to integrate into an older streetscape and there can be no standard solution. Each feature or device should relate in its design and materials to the overall townscape to ensure that traffic-calming reinforces rather than diminishes local character. Traffic-calming measures using a combination of traditional materials and devices may help to secure the right balance. For instance, the use of traditional cobbles or stone setts may prove effective in keeping down traffic speeds, though they are likely to increase levels of road surface noise; they will also not always find favour with cyclists and disabled people. Authorities should also consult with the emergency services before laying such surfaces to ensure that their response times are not unduly increased. Advice is available to local authorities in the English Historic Towns Forum publication *Traffic Measures in Historic Towns*. Authorities should consider the extent to which these different kinds of traffic-calming measures need to be signed, and ensure that signing is kept to the minimum necessary to ensure safety and comply with legal requirements.

### **Floorscape and street furniture**

**5.13** Floorscape and street furniture often make a vital contribution to the appearance of a conservation area. Traditional stone, or in some cases brick, surfaces and layouts should be retained wherever possible, or re-introduced where there is historical evidence for them. In particular, where there is a tradition of rectangular slab paving, small block pavements and arbitrary new patterns should be avoided. In many small towns and villages, rammed earth, hoggin or aggregate, in modern times finished with tarmac, was always the traditional surface. Tarmac, preferably dressed with a suitable local aggregate, remains an appropriate and inexpensive finish for many conservation areas. Wherever practical, natural earth, hoggin or aggregate footpaths or drives should be retained and protected for their semi-rural character. If a street is to be pedestrianised, it is important to retain the traditional relationship between footways and carriageway, including kerb lines. Wall-to-wall surfaces are often unsuitable and the scale, texture, colour and laying patterns of any new materials should be sympathetic to the area's appearance.

**5.14** In certain circumstances grants may be available from English Heritage towards the cost of street improvement schemes which incorporate the use of traditional paving features. English Heritage's publication *Street Improvements in Historic Areas* offers guidance on the treatment of streets and public open spaces in historic areas, to encourage wider recognition of the important contribution they make to townscape quality. The New Roads and Street Works Act 1991 makes statutory undertakers responsible for carrying out the permanent reinstatement of the highway where they disturb it. They are now required to reinstate the same materials as previously existed, or the closest possible match if the materials cannot be reused. Local authorities play an important

role in ensuring that statutory undertakers and their contractors carry out reinstatement to an appropriate specification and timetable.

**5.15** Even the smallest towns contain a wealth of street furniture of historic or architectural interest, such as pillar boxes, telephone kiosks, drinking fountains, railings, clocks and many others, often of local distinctiveness. The appearance of historic streets can be improved by preserving or reinstating such items where appropriate (see *Street Improvements in Historic Areas*). Authorities contemplating modern tramway systems should consider the effects that catenary supports and other associated street furniture and electrical equipment may have on historic streetscapes.

**5.16** Road signs and markings can also have a significant impact on a street's appearance. These should be of an appropriate character and quality, without unnecessary duplication of signs and posts. Wherever possible signs should be fixed to existing posts or street furniture. Traffic signs are only needed to direct drivers to their desired destinations or to particular facilities, warn them of hazards and indicate mandatory requirements. Signs which do none of these things may not be necessary at all, and much can be done to eliminate sign clutter simply by removing redundant signs, or by combining separate signs onto a single backing board. Regular 'street audits' are valuable and local amenity societies may be able to help with these. Further advice is available in *Traffic Measures in Historic Towns*. Where the Traffic Signs Regulations and the Department of Transport's *Traffic Signs Manual* provide for some degree of flexibility in size, siting and colour, authorities should take advantage of this in historic areas. Parking restriction signs in particular can be sited on buildings where appropriate, thus eliminating the need in many cases for a pole with a single sign. Authorities' attention is drawn to the flexibility permitted in respect of no-waiting lines: a narrower line of a different colour is permitted in environmentally sensitive areas. Consideration should be given to applying waiting restrictions to areas, where appropriate, and removing yellow lines.

**5.17** Authorities should seek advice on the selection and positioning of street lighting equipment appropriate to the age and character of the surrounding area. The Department of Transport publication *Road Lighting and the Environment*, for example, provides helpful advice. High pressure sodium lamps (with controlled light spillage) may be preferable in environmentally sensitive areas as they provide a whiter light with a more natural rendition of colour. Off-the-peg 'period' columns and lanterns are not universally appropriate in historic areas. Special designs reflecting established local styles or motifs, or simple modern designs, may be preferable.

**5.18** The effects of road works and other transport projects on trees in conservation areas, or trees which form part of the setting of listed buildings, can be particularly damaging. Authorities should stress the need for statutory undertakers and others to take care when excavating, or diverting services, near existing trees in order to avoid damage to roots. Where root damage occurs, this may not show in a tree's health for several years.

## **Part 2**

### **6. Identifying and Recording the Historic Environment**

**6.1** In its broadest sense, the historic environment embraces all those aspects of the country that reflect the shaping hand of human history. Scarcely any part of England is untouched by the interaction between people and nature which has taken place over thousands of years. Some of the most obvious features of this environment are historic buildings. England is exceptionally rich in these - great churches, houses, and civic buildings - but our understanding of the historic environment now encompasses a much wider range of features, and in particular stresses the relationship between individual buildings, and also the value of historic townscape and landscape as a whole.

**6.2** There is growing appreciation not just of the architectural set pieces, but of many more structures, especially industrial, agricultural and other vernacular buildings that, although sometimes individually unassuming, collectively reflect some of the most distinctive and creative aspects of English history. More than this, our understanding and appreciation of the historic environment now stretches beyond buildings to the spaces and semi-natural features which people have also moulded, and which are often inseparable from the buildings themselves. For example, the pattern of roads and open spaces and the views they create within historic townscapes may be as valuable as the buildings. In the countryside, the detailed patterns of fields and farms, of hedgerows and walls, and of hamlets and villages, are among the most highly valued aspects of our environment. England is particularly rich in the designed landscapes of parks and gardens, and the built and natural features they contain: the greatest of these are as important to national, and indeed international, culture as are our greatest buildings.

**6.3** Processes of classification are necessary for the practical purposes of identifying and protecting individual sites and areas. This is achieved through the statutory systems for scheduling ancient monuments, listing historic buildings and designating conservation areas. Scheduling and listing are undertaken by the Secretary of State; designation of conservation areas is the responsibility of local planning authorities. In addition, English Heritage compiles registers of parks and gardens of special historic interest, and of historic battlefields. Identified in these ways, the historic environment may be protected through the development control system and, in the case of listed buildings and conservation areas, through the complementary systems of listed building and conservation area control.

**6.4** The first part of this PPG explained how these control systems work, and how they relate to the broader planning system for development control. This part of the PPG sets out Government policy for the listing of historic buildings, and for the identification of certain other aspects of the historic environment. It also gives guidance on the upkeep of historic buildings, and on the powers available to local authorities and to the Secretary of State to secure repairs to neglected historic buildings.

**6.5** Archaeology plays an essential role in informing and widening our understanding of the historic environment. Many important sites and structures of archaeological interest are identified and protected through the statutory schedule of ancient monuments maintained by the Department of National Heritage. The principles of selection are set out in *PPG 16*. Other known sites are included in the National Monuments Record of the Royal Commission on the Historical Monuments of England, and in county sites and monuments records.

## Historic buildings

**6.6** Historic buildings listed by the Secretary of State under section 1 of the Act are placed in one of three grades to give an indication of their relative importance. The current listing position in England is (to the nearest thousand):-

### *List Entries (England, 1993)*

Grade I	9,000 (2%)
Grade II*	18,000 (4%)
Grade II	416,000 (94%)

443,000

About 500,000 individual buildings are estimated to be protected: some list entries cover several buildings. Some churches in older lists are still Grades A, B and C (which in the context of planning and listed building consent applications should all be treated in the same way as Grade I and II\* buildings). Gradings can be changed following revaluation after damage or alteration, or as more evidence of a building's history comes to light.

## Identification of buildings for listing

**6.7** Buildings are added to the statutory lists in two main ways:-

- i. as a result of systematic resurvey or review of particular areas or building types; or
- ii. following proposals from local authorities, amenity societies or other bodies or individuals that particular buildings should be added to the list ('spot listing').

**6.8** Before including buildings in the statutory lists the Secretary of State is required to consult English Heritage and such other persons as he may consider appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest. Expert advisers appointed by English Heritage normally visit and report on buildings before they are listed. In the case of systematic resurveys and reviews there will normally be close consultation between English Heritage and the local planning authority before recommendations for listing are submitted to the Secretary of State. Wherever possible the Secretary of State will consider the views of others, but it is not his practice to advertise proposals for new listings.

**6.9** The number of listed buildings has increased fourfold since 1970 as a result of 24 years' work to resurvey England's built heritage. Some of the lists deriving from the earlier years of the resurvey are currently being reviewed, but the priority in future will be on more precisely targeted, research-based studies of particular building types which are known to be under-represented in the lists, rather than area surveys.

## Principles of selection

**6.10** The following are the main criteria which the Secretary of State applies as appropriate in deciding which buildings to include in the statutory lists:-

- **architectural interest:** the lists are meant to include all buildings which are of importance to the nation for the interest of their architectural design, decoration and

craftsmanship; also important examples of particular building types and techniques (eg. buildings displaying technological innovation or virtuosity) 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 associations** with nationally important people or events;

- **group value**, especially where buildings comprise an important architectural or historic unity or a fine example of planning (eg. squares, terraces or model villages).

Not all these criteria will be relevant to every case, but a particular building may qualify for listing under more than one of them.

**6.11** Age and rarity are relevant considerations, particularly where buildings are proposed for listing on the strength of their historic interest. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have historic importance. Thus, all buildings built before 1700 which survive in anything like their original condition are listed; and most buildings of about 1700 to 1840 are listed, though some selection is necessary. After about 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, greater selection is necessary to identify the best examples of particular building types, and only buildings of definite quality and character are listed. For the same reasons, only selected buildings from the period after 1914 are normally listed. Buildings which are less than 30 years old are normally listed only if they are of outstanding quality and under threat. Buildings which are less than ten years old are not listed.

**6.12** The approach adopted for twentieth century listing is to identify key exemplars for each of a range of building types - industrial, educational, residential, etc. - and to treat these exemplars as broadly defining a standard against which to judge proposals for further additions to the list. This approach has already been successfully applied to the inter-war period, and English Heritage is now engaged on a three-year research programme to extend it to the post-war period (subject to the '30 year rule' mentioned above). Proposals for listings in each building type will be made as each stage of the research is completed.

### **Selectivity**

**6.13** Where a building qualifies for listing primarily on the strength of its intrinsic architectural quality or its group value, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. But, as noted above, the listing of buildings primarily for historical reasons is to a greater extent a comparative exercise, and needs to be selective where a substantial number of buildings of a similar type and quality survive. In such cases the Secretary of State's aim will be to list the best examples of the type which are of special historic interest.

### **Aesthetic merits**

**6.14** The external appearance of a building - both its intrinsic architectural merit and any group value - is a key consideration in judging listing proposals, but the special interest of a building will not always be reflected in obvious visual quality. Buildings which are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may well have little external visual quality.

## **Historical associations**

**6.15** Well-documented historical associations of national importance will increase the case for the inclusion of a building in the statutory list. They may justify a higher grading than would otherwise be appropriate, and may occasionally be the deciding factor. But in the Secretary of State's view there should normally be some quality or interest in the physical fabric of the building itself to justify the statutory protection afforded by listing. Either the building should be of some architectural merit in itself, or it should be well preserved in a form which directly illustrates and confirms its historical associations (eg. because of the survival of internal features). Where otherwise unremarkable buildings have historical associations, the Secretary of State's view is that they are normally best commemorated by other means (eg. by a plaque), and that listing will be appropriate only in exceptional cases.

## **National and local interest**

**6.16** The emphasis in these criteria is on national significance, though this cannot be defined precisely. For instance, the best examples of local vernacular building types will normally be listed. But many buildings which are valued for their contribution to the local scene, or for local historical associations, will not merit listing. Such buildings will often be protected by conservation area designation (see paragraphs 4.2 ff). It is also open to planning authorities to draw up lists of locally important buildings, and to formulate local plan policies for their protection, through normal development control procedures. But policies should make clear that such buildings do not enjoy the full protection of statutory listing.

## **Notifying owners and occupiers**

**6.17** When a building is included in the statutory list, the Department notifies the appropriate local planning authority. That authority must then notify the owner and occupier of the building. As it is a criminal offence to carry out any works (either to the exterior or interior) which would affect the character of a building once it is listed (unless listed building consent has been obtained), notice of listing must be given to the owner as soon as possible. The statutory notice is prescribed in the Planning (Listed Buildings and Conservation Areas) Regulations 1990. Owners and occupiers are also notified by the Department and sent a copy of the Department's leaflet *What Listing Means*.

## **Public access to the lists**

**6.18** A complete set of lists for the whole country is kept available for the public to inspect without charge at the National Monuments Record of the Royal Commission on the Historical Monuments of England. Each local authority also keeps available for inspection (without charge) the lists relating to its own area.

## **List descriptions**

**6.19** The lists include a description of each building. This is principally to aid identification. While list descriptions will include mention of those features which led English Heritage to recommend listing, they are not intended to provide a comprehensive or exclusive record of all the features of importance, and the amount of information given in descriptions varies considerably. Absence from the list description of any reference to a feature (whether external or internal) does not, therefore, indicate that it is not of interest or that it can be removed or altered without consent. Where there is doubt, the advice of the local planning authority should be sought.

## **Spot listing**

**6.20** Requests for individual buildings to be spot listed can be made to the Secretary of State at any time. Where the area in question has recently been the subject of resurvey or review, it is important that requests for spot listing draw attention to any new evidence which may not have been available to English Heritage previously, or otherwise explain why the building's special interest may have been overlooked. The Secretary of State recognises that there may be cases where new evidence justifies reconsideration of a previous decision not to list, but he will not generally be disposed to review earlier decisions unless such evidence is provided.

**6.21** Difficulties can arise where proposals for spot listing are made at a very late stage of redevelopment proposals, when buildings are under imminent threat of demolition. Spot listing in such cases can often mean delay, sometimes with serious practical and financial consequences for the developer. The Department will consider all requests for spot listing, but it is preferable from all points of view that buildings should be assessed for possible listing before planning permission has been granted for redevelopment. Local planning authorities should draw the Department's attention at the earliest possible stage to any buildings affected by redevelopment proposals (including their own) which appear to them to merit listing. A building preservation notice served by the authority may be a quicker means of protecting a threatened building than a request for spot listing (see paragraph 6.23 below).

**6.22** Requests to list buildings should be sent to the Listing Branch, Department of National Heritage, 2-4 Cockspur Street, London SW1Y 5DH. Those sent to English Heritage will be forwarded to the Department. Requests should be accompanied by a justification for adding the building to the list; a location plan (such as an Ordnance Survey map extract) showing, wherever possible, the position of any other listed buildings nearby; clear up-to-date photographic prints of the main elevations of the building; any information about the building (eg. its date); details of specialised function (eg. industrial building); historical associations; the name of the architect (if known); its group value in the street scene; and details of any interior features of interest.

## **Building preservation notices**

**6.23** Under Section 3 of the Act district planning authorities and national park authorities have the power to serve building preservation notices in respect of buildings which are not listed, but which they consider are of special architectural or historic interest and are in danger of demolition or alteration in such a way as to affect their character as buildings of such interest. A building preservation notice applies to the building all the provisions of the Act relating to listed buildings (except section 59). It takes effect immediately it is served, and is often a quicker and so more expedient short-term measure than asking the Department to spot list a building.

**6.24** A copy of the building preservation notice, a location plan and photographs of the building should be sent to the Department as soon as the notice has been served. The notice remains in force for up to six months, but will lapse if within that period the Department either includes the building in the statutory list or notifies the authority in writing that it does not intend to do so. The authority must notify the owner and occupier if the Department decides not to list the building, and may not serve another building preservation notice in respect of that building within 12 months of the Department's notification.

**6.25** In deciding whether to serve a building preservation notice, authorities will realise that they become liable to pay compensation for any loss or damage resulting from the service of a notice which the Secretary of State does not uphold by listing. Neither the Department nor English Heritage can indicate in advance whether the service of a notice in a particular case is likely to

result in a listing, though obviously the same general principles of listing, set out above, will apply in these cases as in others. It should not however be assumed that listing will automatically follow the inclusion of a building by English Heritage in a draft list, since that list may be corrected or amended before it is approved.

### **Requests to de-list buildings**

**6.26** The Secretary of State is prepared to review listings in the light of new evidence. There is no formal appeal procedure, but owners or others who believe that a listing should be reconsidered should send the evidence to the Department's Listing Branch, together with photographs of the building and a location plan. The evidence must relate to the special architectural or historic interest ascribed to the building: if the objection to listing is (for instance) related to a building's condition and the cost of repairing or maintaining it, or to plans for redevelopment, the appropriate application should be made under the listed building consent procedures described in Annex B. The local authorities concerned and the national amenity societies (listed in Annex A) will be notified by English Heritage of any requests the Department receives to de-list buildings.

**6.27** The Secretary of State will not generally entertain an application for de-listing if the building is the subject of an application for listed building consent, or an appeal against refusal of consent, or if action by a local planning authority is in hand because of unauthorised works or neglect. Both listed building consent and enforcement appeal procedures give appellants the right to argue that a building is not of special interest and should be removed from the list. The issue of de-listing should normally be addressed in this way, rather than regarded as a means of avoiding the need for enforcement action.

### **Certificates of immunity from listing**

**6.28** Provided that planning permission is being sought or has been obtained, any person may ask the Secretary of State to issue a certificate stating that he does not intend to list the building or buildings involved in the planning application. Once a certificate is issued, the building cannot be listed for five years, nor may the local planning authority serve a building preservation notice during that time. However, if he does not grant a certificate, the Secretary of State will normally add the building to the statutory list, and listed building controls will then apply. This procedure gives greater certainty to developers proposing works which will affect buildings which may be eligible for listing: they will know either that they must seek listed building consent in the normal way, or that they have five years to carry out their development without the possibility of disruption by spot listing.

**6.29** Because a certificate of immunity is valid for five years, a building is normally completely reassessed when an application for a certificate is made: an earlier assessment might have been based on a restricted inspection, or new information may have come to light since then. It should not be assumed, therefore, that even a recent decision by the Secretary of State not to list a building necessarily means that he will grant a certificate of immunity.

**6.30** Even if a certificate of immunity is granted, a building in a conservation area will still normally need consent for demolition. It is not practicable to extend the certificate procedure to provide immunity from the effects of conservation area designation (but conservation area consent is not required where planning permission was granted prior to designation).

**6.31** Applications for certificates of immunity should be made to the Department's Listing Branch. There is no application form and no charge. Applicants should supply a copy of the planning

application or planning permission, as well as the information requested for spot listing applications (paragraph 6.22).

**6.32** Applicants are required to notify the local planning authority in whose area the building is situated of the application at the same time as it is submitted to the Department. In London, applicants must notify English Heritage as well as the London borough council. Applicants should confirm that they have notified these authorities.

**6.33** When a certificate is issued, the Department will notify English Heritage and both the district and county council (in London, the London borough council or, if appropriate, the London Docklands Development Corporation). The existence of a certificate and its expiry date should be disclosed in response to enquiries by prospective purchasers of the building or land, together with other information relating to planning matters.

### **Relationship between listing and scheduling**

**6.34** Some buildings are scheduled as ancient monuments as well as listed. These are for the most part unoccupied buildings, such as medieval barns or dovecotes, some bridges, and some urban buildings (eg. guildhalls) and industrial monuments. Some areas of overlap reflect the fact that scheduling pre-dated the listing legislation. Where a building is scheduled and listed, scheduling - which introduces closer controls (eg. over repairs) than does listing - takes priority and listed building controls do not apply. For the future, the policy will be to accord buildings and monuments the type of protection which is most appropriate to them, and where possible to avoid overlaps between listing and scheduling. The overlap is being addressed in the current national survey of archaeological sites (the Monuments Protection Programme) being carried out by English Heritage, to evaluate all known archaeological sites in England, review existing schedulings, and identify further sites and monuments which may be suitable for scheduling.

### **World Heritage Sites**

**6.35** The World Heritage Convention (adopted by UNESCO in 1972) was ratified by the United Kingdom in 1984. The Convention provides for the identification, protection, conservation and presentation of cultural and natural sites of outstanding universal value, and requires a World Heritage List to be established under the management of an inter-governmental World Heritage Committee, which is advised by the International Council on Monuments and Sites (ICOMOS) and the World Conservation Union (IUCN). Individual governments are responsible for the nomination of sites, and for ensuring the protection of sites which are inscribed in the List. There are, at present, ten World Heritage Sites in England :

- Durham Cathedral and Castle
- Fountains Abbey, St. Mary's Church and Studley Royal Park
- Ironbridge Gorge
- Stonehenge, Avebury and associated sites
- Blenheim Palace and Park Palace of Westminster and Westminster Abbey
- City of Bath
- Hadrian's Wall Military Zone
- The Tower of London
- Canterbury Cathedral (with St. Augustine's Abbey and St. Martin's Church).

**6.36** Full details of the operation of the World Heritage Convention, including the selection criteria for cultural and natural sites, are contained in the *Operational Guidelines for the Implementation of the World Heritage Convention*.

**6.37** The significance of World Heritage designation for local authorities' exercise of planning controls is set out in section 2 (paragraphs 2.22-2.23). Local planning authorities are also encouraged to work with owners and managers of World Heritage Sites in their areas, and with other agencies, to ensure that comprehensive management plans are in place. These plans should:

- appraise the significance and condition of the site;
- ensure the physical conservation of the site to the highest standards;
- protect the site and its setting from damaging development;
- provide clear policies for tourism as it may affect the site.

ICOMOS can provide advice and assistance in carrying forward this work.

### **Historic parks and gardens**

**6.38** The Register of Parks and Gardens of Special Historic Interest in England is maintained by English Heritage, to whom all enquiries about its compilation should be made. Sites of exceptional historic interest are assessed as grade I, those of great historic interest as grade II\* and those of special historic interest as grade II. The grading of these sites is independent of the grading of any listed building which falls within the area. The Register is under review, with the aim of extending its coverage of parks and gardens deserving protection. (See also paragraph 2.24.)

### **Historic battlefields**

**6.39** English Heritage's draft Register of Historic Battlefields, which will be comparable in status with the Parks and Gardens Register, is shortly to be the subject of public consultation. The proposed Register identifies a limited number of areas of historic significance where important battles are sufficiently documented to be located on the ground. They will not be graded. The Register will be periodically reviewed by English Heritage, to whom all enquiries about compilation and content should be addressed. (See also paragraph 2.25.)

### **The wider historic landscape**

**6.40** Suitable approaches to the identification of the components and character of the wider historic landscape are being developed by the Countryside Commission (see its *Landscape Assessment Guidance*) and English Heritage (as part of current research on methodology for historic landscape assessment). Appraisals based on assessment of the historic character of the whole countryside will be more flexible, and more likely to be effectively integrated with the aims of the planning process, than an attempt to define selected areas for additional control. It is unlikely therefore to be feasible to prepare a definitive register at a national level of England's wider historic landscape. The whole of the landscape, to varying degrees and in different ways, is an archaeological and historic artefact, the product of complex historic processes and past land-use. It is also a crucial and defining aspect of biodiversity, to the enhancement of which the Government is committed. Much of its value lies in its complexity, regional diversity and local distinctiveness, qualities which a national register cannot adequately reflect.

## **7. The Upkeep and Repair of Historic Buildings**

**7.1** Regular maintenance and repair are the key to the preservation of historic buildings. Modest expenditure on repairs keeps a building weathertight, and routine maintenance (especially roof repairs and the regular clearance of gutters and downpipes) can prevent much more expensive work becoming necessary at a later date. It is a common misunderstanding that historic buildings have a fixed lifespan, and that gradual decay of their fabric is inevitable. On the contrary, unless there are intrinsic defects of design or materials, the lifespan of a historic building may be indefinite provided that timely maintenance, and occasional major repairs such as the renewal of roof coverings and other features, are regularly undertaken. Major problems are very often the result of neglect and, if tackled earlier, can be prevented or reduced in scale. Regular inspection is invaluable.

**7.2** The effective use of local planning authorities' controls set out in Part 1 is essential, but it will not of itself prevent historic buildings falling into neglect or disuse. The timely use of urgent works and repairs notice powers, described below, should always be considered, but authorities' resources for conservation will be used to best effect if some are devoted to identifying buildings at risk - from neglect or inappropriate changes - as early as possible and providing advice, encouragement and (where appropriate) grants to owners. Monitoring listed buildings, and unlisted buildings which make a positive contribution to conservation areas, by means of simple, regularly updated condition surveys is a valuable element of this approach. Dated photographs will provide a record of changes (and useful evidence in the event of statutory action being needed). Positive involvement of this kind by authorities will help prevent unnecessary loss of historic fabric, not to mention the probable cost and discord of action at a later stage.

**7.3** The theft of architectural features, statuary, monuments and specialist materials has increased in recent years, and local authorities and owners are recommended to take precautions to safeguard them, especially when historic buildings are vacant or being refurbished. This may involve careful removal for safe and secure storage on site. Theft is a criminal offence and adequate records and photographs of vulnerable items will help the police recover them if stolen.

### **Repair**

**7.4** There is no specific duty on owners to keep their buildings in a good state of repair (though it will normally be in their interests to do so), but local authorities have powers to take action where a historic building has deteriorated to the extent that its preservation may be at risk. These powers take two forms.

### **Urgent works**

**7.5** Section 54 of the Act enables a local authority (or English Heritage in London) to carry out urgent works for the preservation of listed buildings in their area after giving notice to the owner. These powers can be used only in respect of an unoccupied building, or the unused part of a partly occupied building. Section 76 of the Act enables the Secretary of State to direct (after consulting English Heritage) that the powers shall apply to an unlisted building in a conservation area if it appears to him that its preservation is important for maintaining the character or appearance of that area. The Secretary of State will consider sympathetically the making of such a direction in respect of an unlisted building which makes a positive contribution to a conservation area. Authorities or members of the public may ask the Secretary of State to make such a direction; such requests should be supported by evidence confirming the importance of the building.

**7.6** The Secretary of State can also exercise these powers himself, but under the terms of the legislation he must authorise English Heritage to give notice and carry out the works on his behalf. His policy is to use his powers only in exceptional cases, for instance where a building is of exceptional interest or is in local authority ownership; or where a conservation area is of more than local interest and either the building in question is so important to the area that failure to carry out urgent works to it would seriously damage the character or appearance of the area, or the building, as well as meeting the basic section 76 criterion, is in local authority ownership. In all such cases he would normally only consider the use of his own powers where the local authority concerned has decided not to take action itself.

**7.7** Authorities will note that these powers are confined to *urgent* works: in the Secretary of State's view, their use should be restricted to emergency repairs, for example works to keep a building wind- and weather-proof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be the minimum consistent with achieving this objective, and should not involve an owner in great expense. English Heritage has published *Emergency Repairs - A Handbook* which includes advice on methods of temporary repair.

**7.8** Local authorities (or English Heritage in London, or the Secretary of State) may recover from owners the cost of urgent works carried out under these provisions, subject to the owner's right to make representations to the Secretary of State. Representations may be made on the grounds that some or all of the works were unnecessary; that temporary arrangements have continued for an unreasonable length of time; or that amounts are unreasonable or their recovery would cause hardship. The Secretary of State will take all such representations into account before determining the amount to be recovered, and will be particularly concerned to establish whether the works carried out were the minimum required to secure the building's preservation and prevent further deterioration. If an authority intends to attempt to recover the cost of the works, the financial circumstances of the owner should be taken into account at the outset and any sums the authority wishes to recover from an owner should not be unreasonable in relation to his or her means.

### **Repairs notices**

**7.9** If a local planning authority (or English Heritage in London) considers that a listed building is not being properly preserved, it may serve a repairs notice on the owner (under section 48 of the Act). This notice must specify the works which the authority considers reasonably necessary for the proper preservation of the building, and must explain the relevant provisions of the legislation, which are described briefly below. These powers are not confined to urgent works or to unoccupied buildings, and authorities should consider their use in cases where protracted failure by an owner to keep a listed building in reasonable repair places the building at risk.

**7.10** A House of Lords judgment (*Robbins v Secretary of State for the Environment* ([1989] 1 All E.R.878) has provided guidance on the nature of the works which may properly be specified in a repairs notice. The judgment held that, while the definition of works reasonably necessary for the proper preservation of the building will always relate to the circumstances of the individual case, and involve judgments about what is reasonable, the word 'preservation' has to be given its ordinary meaning in contrast to 'restoration', and this imposes an objective limitation which must be applied in considering the scope of works to be specified in a notice. The judgment also made clear that a notice can include works for the preservation of a building having regard to its condition at the date when it was listed: in other words, where a building has suffered damage or disrepair since being listed, the repairs notice procedure can be used to secure the building's preservation as at the date of listing, but should not be used to restore other features. If, however, repairs are necessary to

preserve what remains of the rest of the building - for example, to a roof that was defective at the time of listing - it is legitimate, in the Secretary of State's view, to include them in a repairs notice.

**7.11** Repairs notice powers may also be exercised by the Secretary of State, but, as with urgent works, his policy is to treat these powers essentially as reserve powers, and to use them only in exceptional circumstances. It is not open to the Secretary of State to authorise the use of repairs notices in respect of unlisted buildings in conservation areas.

### **Compulsory acquisition of listed buildings in need of repair**

**7.12** If at least two months have elapsed following the service of a repairs notice, and it appears to the body who served the notice that reasonable steps are not being taken for the proper preservation of the building, they may begin compulsory purchase proceedings. Compulsory purchase orders (CPOs) made by a local planning authority or by English Heritage require the Secretary of State's confirmation, and the Secretary of State must consult English Heritage before making an order himself or confirming an authority's order. In making or confirming an order, the Secretary of State must be satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose. The Secretary of State will also need to be satisfied that the means and the resources necessary for securing the building's repair will be available. A listed building CPO may also include land which an authority wishes to acquire for the purposes of access, amenity or management in connection with the building ('relevant land' in the Act).

**7.13** The Secretary of State considers that privately owned historic buildings should, wherever possible, remain in the private sector. Local planning authorities are encouraged to identify a private individual or body, such as a building preservation trust, which has access to funds to carry out the necessary repairs and to which the building will be sold on as quickly as possible. Suitable covenants should be negotiated to ensure that repairs will be carried out by a purchaser. Authorities should be aware that where they wish to acquire a listed building and pass it on, 'back to back' deals are possible. These are explained in Department of the Environment *Circular 11/90* and are set out in regulation 15 of the Local Authorities (Capital Finance) Regulations 1990 as amended. Authorities are reminded that where a historic building is disposed of (either by freehold sale or long lease) within two years of its acquisition (or, where disposal was contracted for, but not implemented, in that period, within three years of acquisition), and the price received on resale is no more than the price paid, use of the capital receipt is unrestricted. Acquisitions under arrangements for immediate onward sale should, therefore, have no adverse financial implications for the authority, though there will clearly be other resource costs involved in securing confirmation of a CPO.

**7.14** Any person who has an interest in a listed building which a local planning authority wishes to acquire compulsorily, and who has been served with a notice under the Acquisition of Land Act 1981, may apply to a magistrates' court for an order staying further proceedings on the compulsory purchase order. If an applicant is aggrieved by the decision of the magistrates' court, he or she may appeal to the Crown Court. Authorities should also be aware that where a compulsory purchase order is objected to, and a local public inquiry held (and also where representations against the recovery of expenses for works carried out under section 54 are heard as part of a related planning matter), the Secretary of State may make an order as to the costs of the parties at the inquiry (see Department of the Environment *Circular 8/93*).

## General considerations

**7.15** The possible need to follow up with a CPO is clearly something which local planning authorities should take into account when contemplating repairs notice action. But the following are also relevant considerations:

- a recent study (*Listed Building Repairs Notices*) has shown that in over 60% of cases authorisation or formal service of a notice was itself sufficient to prompt owners either to begin repairs or to sell the building in question on to a third party: in only 13% of cases did the matter reach a CPO inquiry;
- the purpose of compulsory purchase is to ensure that reasonable steps are taken for properly preserving a listed building: it is not a requirement that the local authority should itself carry out the repairs or pay for them. Indeed in the Secretary of State's view it is preferable, as stated in paragraph 7.13 above, for the authority to obtain a firm commitment from a private purchaser to repair the building and meet the costs (perhaps with the assistance of any relevant grant-aid available);
- the Act contains provisions for minimum compensation where an owner has deliberately allowed a building to fall into disrepair in order to justify its demolition and secure permission for redevelopment of the site (section 50 of the Act); minimum compensation should however be sought only where there is clear evidence of such an intention;
- where the minimum compensation provisions do not apply, normal market value rules apply (as laid down in the Land Compensation Act 1961); but even here, high costs of repair, combined with limited possibilities for development, may indicate a very low or even nominal value.

Authorities also have powers under section 52 of the Act to acquire land and buildings by agreement.

## **8. Churches and the Ecclesiastical Exemption**

**8.1** Ecclesiastical buildings are fully subject to planning control, but ecclesiastical buildings which are for the time being used for ecclesiastical purposes are exempt from listed building and conservation area controls, except in so far as the Secretary of State provides otherwise by Order under section 60(5) and 75(7) of the Act. Ecclesiastical exemption does not apply to the residences of ministers of religion (section 60(3)).

**8.2** The context of the exemption is provided by an undertaking by the Church of England that its historic buildings would be subject to a separate Church system of control which took account of the historical and architectural importance of churches. This system, known as faculty jurisdiction, has developed over time, in particular in a series of ecclesiastical measures passed by the General Synod and approved by Parliament, and in subordinate arrangements approved by the General Synod; a separate system covers Church of England cathedrals<sup>1</sup>. The exemption has, however, extended to ecclesiastical buildings of all denominations, not just those of the Church of England.

**8.3** Following public consultation in 1992 the Secretary of State, in conjunction with the Secretary of State for Wales, announced that an Order would be made to provide that the exemption would in future apply only to the Church of England and to other denominations and faiths which set up acceptable internal systems of control embodying the principles set out in the Government's code of practice. The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 has now been made and is due to come into force on 1 October 1994.

### **Code of practice for denominations' internal control systems**

**8.4** The Government's code comprises the following points:

1. proposals for relevant works<sup>2</sup> should be submitted by the local congregation or minister for the approval of a body independent of them;
2. that body should include, or have arrangements for obtaining advice from, people with expert knowledge of historic church buildings;
3. the decision-making process should provide for:
  - a. consultation with the local planning authority, English Heritage and national amenity societies, allowing them (except in cases of emergency) 28 days to comment;
  - b. the display for the same 28-day period of a notice in a prominent position outside the building describing the proposed works and similarly inviting comments;

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<sup>1</sup> The Faculty Jurisdiction Measure 1964, the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, the Faculty Jurisdiction Rules 1992, and the Faculty Jurisdiction (Injunctions and Restoration Orders) Rules 1992; and, for cathedrals, the Care of Cathedrals Measure 1990, the Care of Cathedrals (Supplementary Provisions) Measure 1994, and the Care of Cathedrals Rules 1990.

<sup>2</sup> ie. works for the demolition of a listed ecclesiastical building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest; or works for the demolition of an unlisted ecclesiastical building in a conservation area

- c. the publication of a similar notice in a local newspaper;
  - d. in cases of demolition, notification of the Royal Commission on the Historical Monuments of England (see also paragraph 3.22).
4. the decision-making body should be required, in considering proposals submitted to it, to take into account any representations made and, along with other factors, the desirability of preserving historic church buildings and the importance of protecting features of architectural merit and historic interest (including fixtures - see paragraphs 3.13 and 8.11);
  5. there should be a clear and fair procedure for settling all disputes between the local congregation or minister and the decision-making body as to whether proposals should proceed;
  6. there should be procedures for dealing with any breach of the control system, including provision for reinstatement where works to historic church buildings have been carried out without consent;
  7. there should be arrangements for recording how the above procedures were implemented in each case and the nature of the decision taken; for making such records available for public inspection during reasonable hours; and for notifying the decision to the above consultees;
  8. there should be arrangements to ensure the proper maintenance of historic church buildings including thorough inspections on a fixed cycle of not more than five years. So far as a denomination's circumstances permit, these points should be incorporated in legally binding procedures.

**8.5** In considering proposals for such works, any effects on the archaeological importance of the church or archaeological remains existing within it or its curtilage should be taken into account along with other relevant factors. Where works of repair or alteration are to be carried out which would affect the fabric of listed churches or churches in conservation areas, denominations should attach any necessary conditions for proper recording in accordance with the principles set out in paragraphs 3.22-3.24 and, in respect of archaeological remains, in paragraph 2.15.

### **Future scope of the exemption**

**8.6** For those denominations and faiths which retain the exemption, its scope is reduced by the Order to the following:

- any church building;
- any object or structure within a church building;
- any object or structure fixed to the exterior of a church building, unless the object or structure is itself a listed building;
- any object or structure within the curtilage of a church building which, although not fixed to that building, forms part of the land, unless the object or structure is itself a listed building.

('Church building' is defined as a building whose primary use is as a place of worship.)

**8.7** The Order provides continued exemption on this reduced basis (to the extent specified in it) for the Church of England and also for 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 Reformed Church. Ecclesiastical buildings of these denominations are covered by acceptable internal systems of control broadly conforming to the principles in the Government's code of practice. It is intended to monitor these arrangements and review them after two years. (Further Orders can be made if any other denominations or faiths are subsequently accepted as qualifying.)

**8.8** Details of these denominations' arrangements will be published in a separate leaflet circulated to all local authorities. This will include the special arrangements made for Church of England cathedrals where all buildings, objects or structures within an area designated by the Secretary of State for National Heritage, after consulting the Cathedrals Fabric Commission for England, and places of worship and unlisted tombstones and other monuments elsewhere within the cathedral precinct, are exempt. A list of addresses for the denominations concerned, and related bodies, is included in Annex A.

**8.9** The Order also provides continued exemption for ecclesiastical buildings of these denominations in various categories where insufficient information is currently available (eg. buildings of Church of England 'peculiar', viz those outside the faculty jurisdiction system; Church of England and Roman Catholic religious communities; and school and other institutional chapels). The intention is that by the end of a limited period all buildings within these categories will either become subject to the normal local authority controls or be included within the scope of an exempted denomination's internal system of control. The bodies concerned have been notified of the order and invited to consider what future arrangements would be appropriate for them.

### **Exercise of controls over non-exempt church buildings**

**8.10** For denominations, faiths and independent congregations not listed in the Order, their places of worship will be fully subject to listed building and conservation area control from 1 October 1994. For non-exempt denominations works begun or contracted for before 1 October 1994 are exempt. Conservation area control will extend to memorials, monuments and tombstones of whatever size erected prior to 1925, in order to bring authorities' controls into alignment with those which will be operated by the denominations listed in the Order; this will be done by a direction made under section 75(2) by the Secretary of State.

**8.11** Much of the architectural character and historic interest of places of worship lies in the arrangement and furnishing of their interiors. The great majority of furnishings are likely to be fixed and so form part of the listed building (paragraphs 3.30-3.32), and their architectural coherence and quality will need to be taken into account when considering any proposals for re-ordering. It is probable that some changes have taken place in the past, and before considering further alterations the chronology and completeness of the existing arrangements should be carefully assessed. It is particularly important to identify, and where possible retain, the spatial arrangements and fixtures that belong to the principal period of building. When considering proposals for creating cleared areas for multi-purpose use, the possibility of making fixed seating capable of being dismantled or moved should be investigated. Proper recording in accordance with the principles set out in paragraphs 3.22-3.24 and, in respect of archaeological remains, paragraph 2.15, should always be considered. Where extensive re-ordering takes place, some examples of the replaced furnishings should be retained wherever possible and, where appropriate, materials such as panelling should be re-used within the building or offered for re-use in a similar context, rather than destroyed.

**8.12** In considering applications for consent relating to buildings used for worship authorities are advised that, in addition to the general considerations set out in section 3, the following matters

(mainly relating to interiors) should be given due weight as material considerations, viz whether the changes proposed:

- i. are necessitated by a change in the worship needs of the congregation;
- ii. are necessitated by an increase or a reduction in congregation size;
- iii. are directed at accommodating other activities within the building to help ensure its continued viability primarily as a place of worship;
- iv. would involve substantial structural changes, eg subdivision of important existing spaces;
- v. would involve the removal or destruction of important fixtures and fittings, or are more in the nature of a reversible re-ordering of internal features;
- vi. would involve disturbance of archaeologically important remains below ground.

**8.13** English Heritage has published guidance entitled *New Works to Historic Churches* which local planning authorities may find useful in respect of buildings of all denominations. The Church of England has published a *Code of Practice on the Care of Churches and Ecclesiastical Jurisdiction Measure* which gives detailed guidance on many of the procedures to be followed and recommended practice under its own system of control (other than for cathedrals).

**8.14** The Secretary of State will continue to have the power to bring within normal listed building or conservation area controls by a further Order any individual ecclesiastical building where it seems likely that potentially damaging works will be carried out without the necessary authorisation having been obtained under an exempt denomination's procedures, and without legal sanctions being available to the denomination internally.

### **Buildings no longer in ecclesiastical use**

**8.15** In the case of the Church of England total or partial demolitions of a redundant building in pursuance of a pastoral or redundancy scheme under the Pastoral Measure 1983 are exempt from listed building control by virtue of section 60(7) of the Act, and from conservation area control by a direction under section 75(2). The Church Commissioners have, however, agreed to ask the Secretary of State for the Environment whether he wishes to hold a non-statutory public local inquiry into any such proposal for total or partial demolition (which would otherwise fall within the scope of those controls) where English Heritage, the Advisory Board for Redundant Churches, the local planning authority or a national amenity society have lodged reasoned objections. The Church Commissioners have also undertaken to accept a recommendation from the Secretary of State for the Environment following such an inquiry that the church is of sufficient importance to be vested in the Churches Conservation Trust (formerly the Redundant Churches Fund) or, in cases where the recommendation was not that the building should go to the Trust, to make further efforts to find an alternative use and to engage in further consultation with the Secretary of State for the Environment before using the Pastoral Measure powers to demolish. In considering what recommendation he will make, following a non-statutory inquiry, the Secretary of State for the Environment will take into account the financial implications of retaining a church building as well as the architectural and historic interest of the church and other planning and social factors, and will consult the Secretary of State for National Heritage.

**8.16** Total demolition by faculty is not exempt but would require listed building and conservation area consent in the normal way, as would total demolition by exempt denominations other than the Church of England. This is because the exemption only applies to a building in ecclesiastical use,

and the view of the Courts has been that a building cannot be considered to be in such use if it is being totally demolished. Denominations have been asked to notify the local authority concerned when a church building covered by the exemption ceases to be used primarily for worship. Where total demolition is proposed, denominations may find it useful, before applying to the local planning authority for consent, to see that the proposal has been scrutinised through their normal procedures where these apply.

**8.17** Except as mentioned above, Church of England buildings which are no longer in regular ecclesiastical use are fully subject to the normal listed building and conservation area controls once a declaration of redundancy under the Pastoral Measure comes into operation. These controls also cover buildings vested in the Churches Conservation Trust, in most of which church services are still held on an occasional basis. During the waiting period between a declaration of redundancy under the Pastoral Measure and the coming into operation of a redundancy scheme authorities are advised to discuss the application of the controls with the diocesan or parish bodies concerned where the authority is considering taking action under the urgent works provisions of section 54 of the Act or where the diocesan board of finance considers it necessary to remove fixtures for safe keeping under section 49(2) of the Pastoral Measure.

**8.18** Many churches, of all denominations, when no longer required for worship may nevertheless have a continuing and valuable contribution to make to the community in terms of architecture, art, social and local or national history. They often occupy central and convenient positions in villages and towns and can, therefore, offer suitable venues for a variety of social and community purposes, such as meetings, concerts, exhibitions, indoor sports and evening classes. Even where the building itself is not worthy of individual listing as of architectural or historic interest, it may nevertheless be a familiar and important feature of an urban or rural landscape - while a surrounding churchyard may possess considerable ecological interest. It is important that once a church becomes redundant no unnecessary delay should occur in finding an alternative use for it. Conversion to another use which preserves the most interesting elements, internal and external, is to be preferred to demolition.

## **Annex A - The Legislation and the Main Heritage Bodies**

**A.1** The provisions relating to listed buildings and conservation areas are set out in the Act (as amended) augmented by the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and directions and notifications. Further provisions relating to grants by English Heritage (formally known as the Historic Buildings and Monuments Commission for England) are set out in sections 3A-6 of the Historic Buildings and Monuments Act 1953 (as amended) and paragraph 3(1) of Schedule 2 to the Local Government Act 1985.

### **Central and Local Government**

**A.2** The Secretary of State for National Heritage is responsible for the general legislative and policy framework; for the listing of buildings of special architectural or historic interest; for the exercise of statutory powers to secure repairs to historic buildings and to designate conservation areas; for the scheduling of ancient monuments and for deciding applications for scheduled monument consent; and for the funding of the main heritage agencies.

**A.3** Because of their close links with development control, the Secretary of State for the Environment is responsible for deciding called-in applications and appeals against refusals of listed building or conservation area consent, in consultation with the Secretary of State for National Heritage. Further details of the division of responsibility between the two Departments are given in Department of the Environment *Circular 20/92*.

**A.4** Local planning authorities (primarily district and borough councils) have the crucial leading role in securing the conservation of the historic environment in their areas. They are responsible for the integration of conservation policy with wider planning policy for their areas, and for the designation of conservation areas. They exercise controls over works to listed buildings and over demolitions in conservation areas. They have powers to secure the repair of listed buildings which have been allowed to fall into disrepair, and to make grants towards the cost of repairing historic buildings (whether or not listed).

**A.5** Authorities should have adequate specialist expertise available to them for the discharge of their responsibilities for listed buildings and conservation policy generally. The availability of advice from English Heritage, and from the national amenity societies on certain categories of listed building consent application, does not relieve authorities of the need to ensure that they have their own expert advice suitably deployed to enable them to deal both with day-to-day casework and with longer-term policy formulation. Whether this expertise should take the form of full-time conservation staff, or the use of consultancy expertise, is a matter for individual authorities to consider. The Secretary of State may direct a district planning authority to submit for approval the arrangements which the authority propose to make to obtain specialist advice in connection with their conservation functions (paragraph 7 of Schedule 4 to the Act).

### **English Heritage**

**A.6** English Heritage was established under section 32 of the National Heritage Act 1983. Its general duties under the Act are:-

- a. to secure the preservation of ancient monuments and historic buildings situated in England;
- b. to promote the preservation and enhancement of the character and appearance of conservation areas situated in England;

- c. to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.

**A.7** English Heritage's specific functions involve giving advice in relation to ancient monuments, historic buildings and conservation areas situated in England, including advice to the Secretary of State on the inclusion of buildings in the statutory list of buildings of special architectural or historic interest and the scheduling of ancient monuments; it may make grants and loans in relation to historic buildings, land and gardens, conservation areas, and ancient monuments, and in respect of archaeological investigation. It also compiles registers of parks and gardens of special historic interest, and of historic battlefields, and sponsors surveys of listed buildings at risk.

**A.8** With the consent of the Secretary of State, English Heritage may acquire historic buildings, land or gardens, and acquire or become the guardian of ancient monuments. It manages about 400 sites and monuments on behalf of the Secretary of State.

**A.9** English Heritage gives advice to local planning authorities on certain categories of listed building consent application which have to be notified to English Heritage, and similarly advises both Secretaries of State on planning and listed building consent applications and appeals and on other matters generally affecting the historic environment.

#### **Royal Commission on the Historical Monuments of England (RCHME)**

**A.10** The RCHME is the national body of survey and record. Its aim is to compile and make available a basic national record of England's historic buildings and ancient monuments for use by individuals and bodies concerned with understanding, conserving and managing the built environment; this information is held in the National Monuments Record.

**A.11** The RCHME has a specific responsibility to consider the need for recording and to record listed buildings threatened with total or partial demolition (section 8 of the Act). Works for such demolition are only authorised under the Act if the RCHME has been afforded reasonable access to the building in order to record it.

#### **Royal Fine Art Commission (RFAC)**

**A.12** The RFAC advises Government departments, local planning authorities and other bodies in England and Wales on mainly architectural, town planning and landscape matters. It does so primarily by means of comment on individual major development proposals which are submitted for scrutiny (see paragraph 2.13 above).

#### **National Heritage Memorial Fund (NHMF)**

**A.13** The NHMF was established to give financial assistance towards the cost of acquiring, maintaining or preserving land, buildings, works of art and other objects of outstanding interest which are also of importance to the national heritage. The Fund is in the control of independent trustees, and was intended as a memorial to those who have died for the United Kingdom. The Fund operates throughout the United Kingdom and concentrates its activities on securing, through co-operation with other heritage agencies and funding bodies, the retention or preservation of outstanding heritage entities which are perceived to be at risk in some way.

**A.14** The NHMF will have responsibility for distributing that part of the proceeds of the National Lottery which will be made available for heritage purposes. It will do so in consultation with other

heritage bodies, including English Heritage. Separate guidance on applications etc will be issued in the autumn.

### **The National Amenity Societies**

**A.15** The six national amenity societies aim to protect different aspects of the built heritage. The societies are:

- a. the Ancient Monuments Society, which is concerned with historic buildings of all ages and types, but with a particular interest in churches;
- b. the Council for British Archaeology, which is concerned with all historic buildings, but with a particular interest in the archaeology of subterranean and standing structures;
- c. the Society for the Protection of Ancient Buildings, which is concerned mainly with structures constructed before 1700, but also with philosophical and technical aspects of conservation;
- d. the Georgian Group, which is concerned with architecture and architecture-related arts between 1700 and 1840;
- e. the Victorian Society, which is concerned with Victorian and Edwardian architecture and architecture-related arts between 1840 and 1914; and
- f. the Twentieth Century Society (formerly the Thirties Society), which is concerned with architecture of the twentieth century in all decades except the first.

The first five of these are required to be notified by local authorities of applications to demolish listed buildings, either in whole or in part; the Twentieth Century Society receives relevant notifications via the Victorian Society.

**A.16** The Garden History Society was closely involved in setting up the Register of Historic Parks and Gardens, now maintained by English Heritage. Its work, however, is analogous to that of the national amenity societies mentioned above and it has more experience of dealing with planning applications affecting parks and gardens than any other body.

**A.17** Many local amenity societies affiliated to the Civic Trust, and local branches of the national societies, work closely with their local authorities to secure conservation objectives. The Secretaries of State attach particular importance to the activities of the voluntary sector in heritage matters, and hope that local authorities will work in close co-operation with national and local amenity bodies and draw on their expertise to the full.

### **Architectural Heritage Fund (AHF)**

**A.18** The AHF is a national conservation fund established to give local non-profit-making building preservation trusts access to working capital at favourable rates of interest. Such trusts play a particularly valuable role in renovating and finding new uses for historic buildings at risk from neglect and disrepair. The AHF also gives grants for feasibility studies on potential projects. Its entire capital is at all times available for low-interest loans on a 'revolving fund' basis, since running costs and all non-loan activities to help trusts are paid for out of interest earnings, with some assistance from grants from the Department of National Heritage. The AHF has played a leading part in establishing the United Kingdom Association of Building Preservation Trusts.

## **Church Bodies**

**A.19** This annex also contains addresses for the Church of England and the four other denominations for which exemption is to be continued in England (see paragraph 8.7).

**A.20** So far as the Church of England is concerned, the Church Commissioners for England have administrative and quasi-judicial duties in connection with pastoral reorganisation and redundant churches (see paragraph 8.15). Where there are plans to demolish a redundant church, the Commissioners must consult the Advisory Board for Redundant Churches (which grants the appropriate certificate). Where the Board advises against demolition, a non-statutory public inquiry may be held. The Council for the Care of Churches has certain statutory responsibilities under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Pastoral Measure 1983 and a significant grant allocating function concerned with the conservation of furnishings and works of art in churches. The Cathedrals Fabric Commission for England gives advice on the care and conservation of cathedrals and determines applications for the approval of proposed works to cathedrals under the Care of Cathedrals Measure 1990 (see paragraph 8.8). The Churches Conservation Trust (formerly the Redundant Churches Fund) is the trustee body for the preservation, in the interests of the nation and of the Church of England, of churches vested in it on account of their historic, archaeological and architectural interest (paragraphs 8.15 and 8.17); it is grant-aided by the Church Commissioners (30%) and the Department of National Heritage (70%).

**A.21** The Historic Chapels Trust was set up in 1993 to preserve by acquisition redundant chapels and other places of worship of outstanding architectural or historic interest belonging to Free Church, Roman Catholic, Jewish and other religious bodies. It will normally receive 70% grants from English Heritage for the repair and maintenance of its buildings, raising the remainder privately. The Department of National Heritage also provided support for its setting up.

## **Addresses of Key Bodies and Organisations**

1. ***Department of National Heritage***

*2-4 Cockspur Street  
London SW1Y 5DH*

*Tel: 071-211 6000  
Fax: 071-211 6382*

2. ***Department of the Environment***

*2 Marsham Street  
London SW1P 3EB*

*Tel: 071-276 3000  
Fax: 071-276 3936*

3. ***English Heritage***

*23 Savile Row London W1X 1AB*

*Tel: 071-973 3000  
Fax: 071-973 3001*

4. ***Royal Commission on the Historical Monuments of England***

*Alexander House  
19 Fleming Way  
Swindon SN1 2NG*

*Tel: 0793 414100*

*Fortress House  
23 Savile Row  
London W1X 2JQ*

*Tel: 071-973 3500*

*Shelley House  
Acomb Road  
York YO2 4HB*

*Tel: 0904 784411*

**5. *Royal Fine Art Commission***

*7 St James's Square  
London SW1Y 4JU*

*Tel: 071-839 6537*

**6. *National Heritage Memorial Fund***

*10 St James's Street  
London SW1A 1EF*

*Tel: 071-930 0963*

**7. *Local Authority Associations***

**i. *Association of District Councils***

*Chapter House  
26 Chapter Street  
London SW1P 4ND*

*Tel: 071-233 6868*

**ii. *Association of County Councils***

*Eaton House  
66a Eaton Square  
London SW1W 9BH*

*Tel: 071-235 1200*

**iii. *Association of London Authorities***

*36 Old Queen Street  
London SW1H 9JF*

*Tel: 071-222 7799*

**iv. *Association of Metropolitan Authorities***

*35 Great Smith Street  
London SW1P 3BJ*

*Tel: 071-222 8100*

- v. **London Boroughs Association**  
College House  
Great Peter Street  
London SW1P 3LN  
  
Tel: 071-799 2477
8. **Association of Conservation Officers**  
PO Box 301  
Brighton  
Sussex BN2 1BQ
9. **Association of County Archaeological Officers**  
Planning Department  
Essex County Council  
County Hall  
Chelmsford  
Essex CM1 1LF  
  
Tel: 0245 492211
10. **English Historic Towns Forum**  
The Huntingdon Centre  
The Vineyards  
The Paragon  
Bath BA1 5NA  
  
Tel: 0225 469157
11. **Joint Committee of the National Amenity Societies**  
St. Ann's Vestry Hall  
2 Church Entry  
London EC4V 5AB  
  
Tel: 071-236 3934

*including:*

- i. **Ancient Monuments Society**  
St. Ann's Vestry Hall  
2 Church Entry  
London EC4V 5AB  
  
Tel: 071-236 3934
- ii. **Council for British Archaeology**  
Bowes Morrell House  
111 Walmgate  
York YO1 2UA  
  
Tel: 0904 671417

- iii. ***Society for the Protection of Ancient Buildings***  
*37 Spital Square*  
*London E1 6DY*  
  
*Tel: 071-377 1644*
  - iv. ***Georgian Group***  
*37 Spital Square*  
*London E1 6DY*  
  
*Tel: 071-377 1722*
  - v. ***Victorian Society***  
*1 Priory Gardens*  
*Bedford Park*  
*London W4 1TT*  
  
*Tel: 081-994 1019*
  - vi. ***Twentieth Century Society***  
*58 Crescent Lane*  
*London SW4 9PU*  
  
*Tel: 071-793 9898*
12. **Garden History Society**  
*Station House*  
*Church Lane*  
*Wickwar*  
*Wotton-under-Edge*  
*Gloucestershire GL12 8NB*  
  
*Tel: 0454 294888*
13. **Civic Trust**  
*17 Carlton House Terrace*  
*London SW1Y 5AW*  
  
*Tel: 071-930 0914*
14. **Architectural Heritage Fund**  
*27 John Adam Street*  
*London WC2N 6HX*  
  
*Tel: 071-925 0199*
15. **United Kingdom Association of Building Preservation Trusts**  
*c/o The Architectural Heritage Fund*  
*27 John Adam Street*  
*London WC2N 6HX*  
  
*Tel: 071-930 1629*
16. **Theatres Trust**  
*Doric House*

*22 Charing Cross Road  
London WC2H 0HR*

*Tel: 071-836 8591*

**17. *International Council on Monuments And Sites***

*10 Barley Mow Passage  
Chiswick  
London W4 4PH*

*Tel: 081-994 6477*

**18. *Religious Denominations Exempted***

**i. *General Synod of the Church Of England***

*Church House  
Great Smith Street  
London SW1P 3NZ*

*Tel: 071-222 9011*

**ii. *Methodist Church***

*Property Division  
Central Buildings  
Oldham Street  
Manchester M1 1JQ*

*Tel: 061-236 5194*

**iii. *United Reformed Church***

*c/o Towns, Needham and Co, Solicitors  
6/8 Albert Road  
Levenshulme  
Manchester M19 3PJ*

*Tel: 061-225 0040*

**iv. *Roman Catholic Church***

*Catholic Bishops' Conference of England & Wales  
Allington House (1st floor)  
136/147 Victoria Street  
London SW1E 5LD*

*Tel: 071-630 8221*

**v. *Baptist Union of Great Britain***

*c/o Baptist Union Corporation Ltd  
Baptist House  
PO Box 44  
129 Broadway  
Didcot  
Oxfordshire OX11 8RT*

*Tel: 0235 512077*

**19. Other Relevant Church of England Bodies**

- i. *Council For The Care Of Churches*  
83 London Wall  
London EC2M 5NA  
  
Tel: 071-638 0971
- ii. *Cathedrals Fabric Commission for England*  
83 London Wall  
London EC2M 5NA  
  
Tel: 071-638 0971
- iii. *Church Commissioners for England*  
1 Millbank  
London SW1P 3JZ  
  
Tel: 071-222 7010
- iv. *Advisory Board for Redundant Churches*  
Fielden House  
Little College Street  
London SW1P 3SH  
  
Tel: 071-222 9603
- v. *Churches Conservation Trust*  
89 Fleet Street  
London EC4Y 1DH  
  
Tel: 071-936 2285

**20. Historic Chapels Trust**

29 Thurloe Street  
London SW7 2LQ

Tel: 071-584 6072

## **Annex B - Listed Building Control Procedures**

**B.1** The procedures for listed building control are set out in Part I Chapter II of the Act (as amended), the 1990 Regulations, and directions and notifications.

**B.2** Guidance on particular detailed points is given below, followed by a summary of the procedures. However, where statutory procedures are involved, the text of the Act and other statutory documents should also be consulted.

### **I. Guidance on Particular Points**

#### **Applications**

**B.3** Applications must be made in triplicate on a form issued by the local authority. Section 10(2) of the Act requires that they include sufficient particulars, including a plan, to identify the building in question and such other plans and drawings as are necessary to describe the works for which consent is sought. For all but the simplest work this should normally mean measured drawings of all floor plans and external or internal elevations affected by the work proposed. There should be two sets of such drawings showing the structure before work and the altered structure or new development to replace it after the proposed work. The inclusion of photographs can be particularly helpful - of all elevations in demolition cases, or of the part of the building affected (interior or exterior) in alteration and extension cases. The Act empowers an authority to seek such particulars as it requires and an authority should certainly seek any particulars necessary to ensure that it has a full understanding of the impact of a proposal on the character of the building in question. An authority should not accept an application for consideration until it has sufficient information to provide such understanding.

#### **Granting of consents: demolition**

**B.4** Section 8(1)-(2) of the Act requires the Royal Commission on the Historical Monuments of England (RCHME) to be allowed at least one month to record a listed building before demolition takes place (unless they indicate that they do not wish to record it). Authorities should make sure that applicants are aware of this requirement. It is helpful if authorities can draw attention to the provisions of the relevant sections in their application forms for listed building consent. All decisions granting consent for demolition should draw attention to the provisions of section 8(1)-(2), and enclose form RCHME (E) for applicants to use to notify RCHME of their proposals (copies are available from RCHME) : the decision must also be copied to RCHME themselves.

**B.5** Local authorities should avoid authorising demolition to make way for new development unless it is certain that the new development will proceed. This can be done by imposing a condition on the grant of consent providing that demolition shall not take place before a contract for carrying out the works of redevelopment on the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

**B.6** Listed buildings acquired for demolition and redevelopment, whether by private owners or local authorities, should be kept in use for as long as possible, or at least kept weather- and vandal-proof until work actually starts. If plans subsequently change, urgent action should be taken to ensure that the building is put into good repair and brought back into suitable use.

**B.7** Granting a consent for demolition does not always mean that it will be implemented. But when local authorities know that total demolition has taken place, they should notify the Listing Branch of the Department of National Heritage so that the building can be removed from the list.

### **Conditions**

**B.8** The power to impose conditions on a listed building consent is wide, but the Act specifically empowers certain types of condition (section 17). All conditions should of course be necessary, relevant, enforceable, precise and reasonable in all other respects.

**B.9** A listed building consent must always be granted subject to a condition that the work to which it relates must be begun not later than five years (or whatever longer or shorter period is considered appropriate in a particular case) from the date on which the consent is granted (section 18). If any consent is granted without a time limit, the five year period will automatically apply. Conditions requiring the preservation of particular features, or the making good of damage caused by works, or the reconstruction of the building (with the use of original materials so far as practicable) may also be imposed. A listed building consent will normally enure for the benefit of the building regardless of ownership, but where appropriate a condition limiting the benefit of the consent to a specified person or persons may be imposed. See also the conditions recommended for restricting premature demolition (paragraph B.5 above) and for recording features or buildings due to be altered or demolished (paragraphs 3.22-3.24).

### **Later approval of details**

**B.10** The authority must always be satisfied that it has adequate information to assess the effect of proposed works on the listed building before granting consent: the extent of the work, the method to be used, and the materials involved are all important. However, section 17(2) of the Act permits authorities to impose conditions requiring the subsequent approval of specified details of the works (whether or not these had been set out in the application). This provision is not in any sense an 'outline' listed building consent: it is simply intended to speed up the consideration of applications. It avoids the need for the authority to refuse consent if it is satisfied that the remaining details can safely be left for subsequent approval; but it should never be used unless authorities are satisfied that they have enough details to assess the impact of the proposals on the building as a whole.

### **Applications for the discharge or variation of a condition**

**B.11** Conditions should not be varied or discharged lightly. Frequently consent would not be given at all without conditions to safeguard the treatment of the building or to require works to be carried out in a certain way. Nevertheless, occasionally it may become clear that a condition is no longer appropriate (eg. because genuine structural problems arise, or better solutions for the treatment of the building are devised, or other features of interest are revealed once work has started). Section 19 of the Act therefore enables an application to be made by persons with a legal interest in the building which simply seeks a change in the conditions without re-opening the entire question of whether consent should have been granted. In dealing with such an application it is also open to the authority (or the Secretary of State) to add consequential new conditions to the consent.

### **Appeals**

**B.12** The procedure for appeals broadly follows that for ordinary planning appeals. There is, however, provision for one additional ground of appeal, namely that the building does not merit its listed status (section 21(4)). Where this argument is advanced the Secretary of State for National Heritage will be consulted.

## **Purchase Notices**

**B.13** When listed building consent is refused or granted subject to conditions, any owner of the land may serve a listed building purchase notice on the local authority requiring it to purchase his interest in the land if he can establish that because of the refusal or conditions the land has become 'incapable of reasonably beneficial use' (sections 32-37). The authority must respond within three months; where it proposes not to accept such a notice it must first refer it to the Secretary of State who must give the parties the opportunity of being heard and may then confirm the notice or take other action (see Department of the Environment *Circular 13/83* for more detailed advice.)

## **Revocation of listed building consent**

**B.14** An authority may make an order revoking or modifying a listed building consent if it appears expedient to do so, having regard to the development plan and any other material considerations (sections 24-26). Such an order must be advertised; the owner and occupier of the land and all persons who, in the authority's opinion, will be affected by the order must be notified. If all those persons notify the authority in writing that they do not object to the order, it can take effect (unless it relates to a consent granted by the Secretary of State); but in all other circumstances the order must be sent to the Secretary of State for confirmation. He also has default powers to make such orders. Compensation may be payable for abortive expenditure or other loss or damage caused by the order (section 28).

## **Compulsory purchase orders which include listed buildings and buildings in conservation areas**

**B.15** Appendix H to Department of the Environment *Circular 6/85* gives general guidance on the submission of compulsory purchase orders which include listed buildings or buildings in conservation areas. *Circular 5/93* summarises the provisions on compulsory purchase orders made under Housing Act powers.

## **Dangerous structures**

**B.16** Local planning authorities may not take any steps with a view to making a dangerous structures order for listed buildings, buildings subject to building preservation notices or buildings in conservation areas without first considering whether they should instead exercise their powers under section 47, 48 or 54 of the Act relating to repairs (section 56). Even when they consider that a dangerous structures order is appropriate, the works specified in such an order relating to such buildings still require listed building consent, except for emergency works authorised under section 78 of the Building Act 1984. Authorities should consider the extent of such an order and in particular whether a building can be made safe with no, or minimal, demolition. Authorities making dangerous structures orders should remind owners of the need to obtain listed building consent - or fulfil the requirements of section 9(3) which provides a defence in the event of prosecution.

## **II. Summary of the Procedures**

**B.17** The various steps relevant to authorities' handling of listed building consent applications are summarised below. References are to the Act or the 1990 Regulations or to directions made under powers contained in the Act. Authorities should note that some of the steps apply in certain cases only (eg. in relation to Grade I and Grade II\* buildings only).

*Procedure*

*Statutory  
basis*

## A. Initial advertisement and notification of application

(1) Advertise in local newspaper Regulation

(2) Display a notice on or near building concerned Regulation

(3) Notify English Heritage Direction

Supporting information (plans, photographs and other relevant documents) should be included and 28 days allowed for comment.

(4) Notify RCHME and national amenity societies Direction

The relevant extract from the list description, and appropriate supporting information should be included. Where partial demolition is involved please indicate whether the case will be notified to DOE if the authority propose to grant consent (see step 8 below). 28 days should be allowed for comment.

## B. Consideration of application

(5) Any comments received must be taken into account. Regulation

(6) Authorities should decide applications as soon as possible after the statutory periods for representations have expired, normally within 8 weeks from receiving a valid application. If they wish to seek the applicant's agreement to an extension of time, they should make clear that he has a right of appeal against failure to take a decision within 8 weeks.

(7) Authorities are free to refuse any application without further reference to any other body.

## C. Where authority wish to grant consent

(8) If outside London, notify DOE Regional Office. Authorities are asked to use the attached proforma for this notification. Normally the Secretary of State will aim to decide within 28 days of notification and after consulting English Heritage whether to call in a case but he may extend that time if necessary (under section

13(2)). The authority may wish to ask the applicant whether he is willing to extend the 8 week decision period.

- (9) If inside London, notify English Heritage
- English Heritage will notify DOE where it proposes to authorise the granting of consent so that the Secretary of State may consider call-in. Where English Heritage direct the authority to refuse the application, the authority may within 28 days notify DOE to enable the Secretary of State to consider call-in. The Secretary of State will normally aim to reach a decision within 28 days but may extend the time.
- Sections 14(1), (2)-(7), Direction

D. Issue of decision

- (10) The authority has no further jurisdiction if the Secretary of State decides to call in the application
- Section 12
- (11) Otherwise the authority is free to determine the application (subject in London to any direction given by English Heritage)
- (12) Issue reasoned decision in prescribed form.
- Regulation
- (13) If consent is given for demolition, warn applicant that RCHME must have opportunity to record building.
- Section 8 (2) (b) and (c)
- (14) Copy decision letter to bodies consulted under directions.
- Direction

Proforma

**Planning (listed Buildings And Conservation Areas) Act 1990  
Listed Building Consent Applications: Notification To The Secretary Of State For The Environment Under Section 13(1) Of The Act**

1. Name of local planning authority:
2. Name and address of listed building:
3. Grade of listed building: I/II\* /II
4. This application relates to (please delete whatever does not apply):

Grade I/II* :	alteration/extension/total demolition/partial demolition of principal
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	building only/curtilage building(s) only/both principal and curtilage buildings.
Grade A/B/C Churches:	alteration/extension/total demolition/partial demolition of principal building only/curtilage building(s) only/both principal and curtilage buildings.
Grade II:	total demolition of a principal building/Demolition of substantially all of an external elevation of a principal building/demolition of substantially all of the interior of a principal building.

5. The local planning authority resolved to grant consent on .....(date)  
subject to the following conditions:

for the following reasons:

6. To assist the Department's consideration of the case the following are attached (please tick boxes as appropriate):

- (a) Copy of the application
- (b) Copy of accompanying plans and drawings
- (c) Copies of representations received
  - i. from the public
  - ii. from national amenity societies, English Heritage or the Royal Commission on the Historical Monuments of England
- (d) Photographs
- (e) Copy of Council's resolution
- (f) Other supporting information (specify)

7. In case of queries please contact:

.....(name)

.....(tel no)

8. Name and position of local planning officer notifying case

9. Signature:

10. Date:

## **Annex C - Guidance on Alterations to Listed Buildings**

### **General Principles**

**C.1** These guidelines are concerned principally with works that affect the special interest and character of a building and require listed building consent. The range of listed buildings is so great that they cannot be comprehensive, but they do summarise the characteristics and features which make up the special interest of most listed buildings and which should be given full weight in the process of judging listed building consent applications, alongside other considerations - in particular the importance of keeping listed buildings in viable economic use whenever possible (see paragraphs 3.8 ff). Much of what they advise also applies to repairs; they are not however a manual of repair - for which attention is drawn to *The Repair of Historic Buildings: Advice on Principles and Methods* published by English Heritage.

**C.2** Each historic building has its own characteristics which are usually related to an original or subsequent function. These should as far as possible be respected when proposals for alterations are put forward. Marks of special interest appropriate to a particular type of building are not restricted to external elements, but may include anything from the orientation, the plan or the arrangement of window openings to small internal fittings. Local planning authorities should attempt to retain the characteristics of distinct types of building, especially those that are particular to their area. The use of appropriate local materials is very desirable. Local planning authorities should encourage their production, and may wish to build up banks of materials to assist appropriate alteration or repair.

**C.3** Alterations should be based on a proper understanding of the structure. Some listed buildings may suffer from structural defects arising from their age, methods of construction or past use, but can still give adequate service provided they are not subject to major disturbance. Repairs should usually be low-key, re-instating or strengthening the structure only where appropriate; such repairs may sometimes require listed building consent. New work should be fitted to the old to ensure the survival of as much historic fabric as is practical. Old work should not be sacrificed merely to accommodate the new.

**C.4** Information about the history and development of a building will be of value when considering proposed alterations. This may be gained from the physical evidence in the building itself - ghosts of lost features in plaster, rough edges where features have been cut away, empty peg-holes and mortices - which can elucidate the original form or construction. There may also be documentary information, such as early photographs, drawings, written descriptions, or other documents relating to its construction or use.

**C.5** Subsequent additions to historic buildings, including minor accretions such as conservatories, porches, balconies, verandas, door dressings, bargeboards or chimneys, do not necessarily detract from the quality of a building. They are often of interest in their own right as part of the building's organic history. Generally, later features of interest should not be removed merely to restore a building to an earlier form.

**C.6** In general the wholesale reinstatement of lost, destroyed or superseded elements of a building or an interior is not appropriate, although, where a building has largely retained the integrity of its design, the reinstatement of lost or destroyed elements of that design could be considered. In such cases there should always be adequate information confirming the detailed historical authenticity of the work proposed. Speculative reconstruction should be avoided, as should the reinstatement of features that were deliberately superseded by later historic additions.

**C.7** Modern extensions should not dominate the existing building in either scale, material or situation. There will always be some historic buildings where any extensions would be damaging and should not be permitted. Successful extensions require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail.

## **External Elevations**

**C.8 Walls:** Walls are the main structural fabric of a building. Alterations to wall surfaces are usually the most damaging that can be made to the overall appearance of a historic building. Alterations or repairs to external elevations should respect the existing fabric and match it in materials, texture, quality and colour. Brick or stonework should not normally be rendered unless the surface was rendered originally. It may be necessary to remove more recently applied render if this is damaging the surface beneath. Every effort should be made to retain or re-use facing brickwork, flintwork, stonework, tile or slate hanging, mathematical tiles or weatherboarding. Cob and other earth walling should be carefully maintained and expert advice should be taken if there is a need for repair.

**C.9 Openings:** Door and window openings establish the character of an elevation; they should not generally be altered in their proportions or details, especially where they are a conspicuous element of the design. The depth to which window frames are recessed within a wall is a varying historical feature of importance and greatly affects the character of a building: this too should be respected. Rubbed gauged brick or stone voussoir arches should be kept wherever possible or copied and the original design repeated in any new work or repairs. Historic cill and lintel details should be retained.

**C.10 Pointing:** The primary feature of a wall is the building material itself and the pointing should normally be visually subservient to it. There are occasions where decorative pointing is used, such as flint galleting, but in general pointing that speaks louder than the walling material is inappropriate. Repointing should usually be no more than a repair - a repeat of the existing mix and appearance - except where the mix is inappropriate or damaging. Any change in the character of the pointing can be visually and physically damaging and requires listed building consent.

**C.11** It is important to ensure that repointing does not extend beyond the area where it is necessary. Historic pointing may survive wholly or in part and this should be preserved. New work or repair work should integrate with the existing coursing. Tumbled brick or stonework in gables and patterned and polychrome brickwork are particularly important in this context. Cutting out old mortar with mechanical cutters should not be permitted because it makes the joints unacceptably wide, and may score the masonry above perpend joints.

**C.12 Plaster and render:** Existing plaster should not be stripped off merely to expose rubble, brick or timber-framed walls that were never intended to be seen. Refacing of stone, flint, brick or terracotta facades with roughcast, cement render, stick-on stone, Tyrolean render, cement-based paints or other cosmetic treatment that is difficult or impossible to remove should be avoided. This is particularly so where architectural or decorative features would be partially obscured or covered over.

**C.13** Traditional lime-based render is generally preferable to cement-rich render. Cement render forms a waterproof barrier that prevents any moisture trapped within the wall from evaporating and tends to drive damp both higher up and further in. This can lead to the breakdown of the wall surface which will, in time, fall away with the render. Cement render also gives distinctive hard

sharp edges to quoins and wall openings. Traditional render based on lime has a softer appearance and allows natural evaporation.

**C.14** Some historic renders like stucco and Roman cement were intended to have smooth surfaces and sharp edges in imitation of well cut ashlar stonework. These should not be replaced with other types of render. On late 18th and 19th century stuccoed elevations where there is mock jointing, grooving, rustication or plaster architectural elements like cornices and architraves these should always be retained where possible or carefully copied, never skimmed off. Any new lining out should be matched carefully to the existing.

**C.15** Decorative plaster details and plaster features such as pargeting or sgraffito work should not be destroyed. Such features are not always durable and it may be appropriate to reproduce them to complete a decorative scheme. Proper evidence is required for such a scheme of reproduction.

**C.16 Timber frames:** With timber-framed buildings, the totality of the structure has to be taken into consideration; ie. walls, roof and internal partitions. Repair to timber frames, including roof structures, should be kept to the essential minimum. Traditional fixing and repair methods should be perpetuated. Proper attention should be given to the in-filling panels which are an integral part of any timber-framed building, and also to the surface of the timbers. The original tool marks are often visible, as well as carpenters' marks, graffiti and smoke-blackening. Such features are always destroyed by sand-blasting and sometimes by painting or other cleaning, which should not normally be permitted.

**C.17 External painting:** Painting - or re-painting such as a change of colour - requires listed building consent when it could affect the character of a listed building. Previously unpainted surfaces should not normally be painted over. (An exception to this rule can be made for the sheltercoating of decayed stonework with a lime-based mixture.) In many cases the colour of the paint may be less important than the first application of an unsuitable covering which could be damaging to remove. Cement based or other waterproof and hard gloss paints should not be used on surfaces covered with traditional render. The correct finish for traditional renders and plasters is limewash (although much 19th century stucco has traditionally been coated in oil paint). When inappropriate paint has been applied, expert advice should be obtained on suitable methods of removal. Repainting with lead-based paints may be historically correct, but is now restricted to Grade I and II\* buildings and the intention to use it on any such building must be notified to English Heritage. Downpipes are usually best painted in unobtrusive colours, but lead downpipes should not normally be painted.

**C.18 External cleaning:** Cleaning a building usually requires listed building consent. This is not only because cleaning can have a marked effect on the character of buildings, but also because cleaning processes can affect the historic fabric. The cleaning of a building within a homogeneous terrace would obviously affect the appearance of the terrace as a whole. All cleaning methods can cause damage if carelessly handled. Cleaning with water and bristle brushes is the simplest method, although water cleaning can lead to saturation of the walls and outbreaks of rot in timbers. Other methods including abrasive and chemical cleaning can damage wall surfaces and destroy detail. Local planning authorities should satisfy themselves that such cleaning is both necessary and worthwhile to remove corrosive dirt or to bring a major improvement in appearance, and should ensure that cleaning is carried out by specialist firms and under close supervision. Areas not being cleaned should be protected.

**C.19 Wrought and cast iron:** The character of wrought iron fittings, railings, lamp-brackets etc is derived from the unique qualities of the material and from traditional smithing techniques. Since wrought iron is now difficult to obtain, old ironwork should be retained wherever possible. It is not

possible to copy satisfactorily the character of wrought iron using mild steel. Old cast iron features, including railings, balconies, windows, fire-grates, door furniture and structural beams and columns can be visually and architecturally important. Such features may carry the name of the foundry and the date of casting, thereby adding to the historic interest of the building. Broken cast iron can be repaired and damage should not be regarded as an excuse for removal.

**C.20 Parapets and other features:** Parapets (solid or balustraded), pediments, parapeted or coped gables and saddlestones, eaves, cornices and moulded cappings are essential terminal features in the articulation of an elevation. If they have to be replaced, it should be in facsimile and in the same materials.

**C.21 Porches:** Porches are sometimes the dominant feature of an elevation; their detailing should always be respected. Open columned porches of the Classical type should not normally be enclosed (eg. with glazed sides and doors to the front), but should be left open. In those instances where new porches are considered acceptable, their design should be undemonstrative and should not challenge the integrity of the facade.

**C.22 Balconies and verandas:** Balconies and verandas are very often formal components in the design of an elevation. They should be maintained and repaired; and if they have to be replaced, facsimiles should be erected using matching materials. As with porches they should not normally be enclosed with glazing.

**C.23 Fire escapes:** Fire escapes can be very damaging to the external appearance of a building. If an escape is essential it should be inconspicuously located and fixed in such a way as to avoid rust or other staining of the wall surfaces. In many cases there may be alternative ways of ensuring adequate fire protection and means of escape that would require less physical alteration.

**C.24 External plumbing:** External plumbing should be kept to a minimum and should not disturb or break through any mouldings or decorative features. A change from cast iron or lead downpipes to materials such as plastic or extruded aluminium sometimes requires listed building consent and should not normally be allowed.

**C.25 Inscriptions and other features:** Inscriptions, old lettering, old shop signs, inn sign boards, date plaques and stones, coats of arms, monograms, fire insurance plaques, commemorative or symbolic carvings and statues in niches are part of the history of a building. These features should be retained in situ wherever possible. If works require the temporary removal of an interesting feature, it should be put back in its former position. New signs and advertisements will require listed building consent. They should be carefully designed and positioned with appropriate fixings that will not damage the building.

**C.26 Carved details:** Carved and other sculptural details such as moulded brickwork and terracotta are an important part of the design and character of buildings that carry them. Where such details are decaying, it is important to record them.

## **Roofs**

**C.27** The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important.

**C.28** Local planning authorities should encourage the retention and development of sources of traditional roofing materials. The cannibalising of other buildings for traditional materials should be discouraged. When a roof is stripped it is important that as much as possible of the original covering is re-used, preferably on the visible slopes, with matching new materials on other slopes.

**C.29 Thatch:** Thatched roofs should be preserved, and consent should not be given for their replacement by different roof coverings. Where medieval thatch survives with characteristic smoke blackening on the underside, it should be retained *in situ* and overlaid. When roofs are re-thatched, this should normally be done in a form of thatch traditional to the region, and local ways of detailing eaves, ridges and verges should be followed. Re-thatching roofs that have lost their thatch will require a waiver of building regulations in most cases, since they may not be allowed within 12 metres of a site boundary, but local authorities should be prepared to relax this rule if it does not constitute an unacceptable fire risk to other properties.

**C.30 Slates and tiles:** Some slates and all stone slates are laid to diminishing courses. The character of such roof coverings should not be damaged by a radical change in the range of slate sizes. The pattern and coursing of different roofing materials are distinguishing features of different building types and areas of the country. This patterning and coursing should be retained and, where necessary, restored with matching materials.

**C.31 Lead and copper:** Both lead and copper are traditional roof coverings and should not normally be replaced by modern substitute materials. Details such as lead rolls, hips and ridges are important visual elements. Any dates or inscriptions in the lead should be preserved.

**C.32 Embellishments to roofs:** Towers, turrets, spires, bellcotes and cupolas are not only part of the overall design or indeed sometimes its main feature, but frequently make an important contribution to the townscape or landscape. This is particularly so with public buildings and churches. Lesser decorative embellishments such as ridge and cresting tiles, iron cresting, finials, gargoyles and spouts, bargeboards, valences, cartouches and statues should also be preserved.

**C.33 Dormers and rooflights:** Early dormers, especially of the 17th or 18th century pedimented type, should be retained and carefully repaired. If beyond repair they should be reconstructed with all details reproduced. Enlargement of existing dormers on principal elevations should normally be avoided.

**C.34** Any decision as to whether new dormers or rooflights can be added to a roof must be approached carefully. Historic roof structures must not be damaged by their insertion. New dormers should not upset a symmetrical design of either an individual building or a terrace. Regions have differing traditional types of dormer and these traditions should be respected.

**C.35** Where new dormers would be inappropriate to the type of building or proposed position, new rooflights, preferably in flush fittings, may be acceptable, but not on prominent roof slopes.

**C.36 Chimney stacks and pots:** Chimney stacks are both formal and functional features of the roofscape and can be important indicators of the date of a building and of the internal planning. In many cases chimneys also perform a vital structural function, and they should normally be retained, even when no longer required. There may, however, be poorly built and positioned later additions that can be removed with advantage. Chimney pots can sometimes be valuable decorative features in their own right, but they are also functional features: plain Georgian and 19th century pots are often important as part of a traditional roofscape which will be damaged if they are removed.

## **External Doors**

**C.37 Doors and doorways:** Original doorways and any surviving original doors should be retained. Their replacement or defacement is often entirely unnecessary. Domestic and public building door types vary widely and if they have to be replaced their design should be appropriate to the character of the building. Replacement doors should copy the original in the materials, the

detail of the design, and the paint finish. Modern off-the-peg doors are not generally acceptable for use in listed buildings, nor are doors with incongruous design features such as integral fanlights. Unpainted hardwood or stained or varnished softwood doors are rarely suitable.

**C.38 Redundant doorways:** Doorways that become redundant should in general not be removed. This is particularly the case where a terrace of houses is converted into flats or offices and some of the doors are no longer required: it is most important that they are retained for the sake of the overall design of the terrace.

**C.39 Door detail:** Doorcases, door furniture including hinges, knockers and letter-boxes, foot scrapers, fanlights, pediments, columns, pilasters, cornices, consoles and carved or stucco moulded details should not be removed or mutilated but retained even if the doorway is redundant.

## Windows

**C.40** As a rule, windows in historic buildings should be repaired, or if beyond repair should be replaced 'like for like'. If listed building consent is given for additional windows it is important that their design, scale and proportion should be sympathetic to the character of the building.

**C.41** Within the broad window types such as sash or casement there is a wide variation of detail according to date, function and region. Standardisation to one pattern - such as the many new 'Georgian' sashes which adopt early 19th century details - should be avoided. The thickness and moulding of glazing bars, the size and arrangement of panes and other details should be appropriate to the date of the building or to the date when the window aperture was made.

**C.42** If a building has been re-windowed there may be a desire to return to the original glazing pattern. In general the existing windows should be retained, unless they are obviously inappropriate or in very poor condition. There may be some cases, particularly in uniform urban terraces, where a return to earlier glazing patterns following a specific local pattern is appropriate.

**C.43** Window types vary according to the region and its building tradition. Mullioned and transomed casement windows continued into the 18th century in some areas. In the North of England, particularly West Yorkshire and the Pennines, mullioned windows were standard for vernacular buildings until the mid 19th century: the mullions should therefore not be cut out.

**C.44** Leaded and other metal-framed casements in 19th century and particularly earlier buildings are an increasing rarity and should be repaired or re-leaded rather than replaced.

**C.45** Eighteenth and 19th century fancy glazing bars in geometric Gothic or marginal patterns should be retained wherever possible or copied, whether they are original to the building or later additions.

**C.46** Twentieth century mild steel windows were often a design feature of Modern Movement and Art Deco buildings. These should be repaired, or replaced like for like if beyond repair.

**C.47** Paint is usually the correct finish for timber windows; staining is not a traditional finish and should not normally be used. However, early windows of oak were commonly limewashed or left unpainted and these should not now be painted but left to weather naturally.

**C.48 Old glass:** All old glass is of interest, whether it be stained, painted or etched glass or early plain glass such as crown glass. Great care should be taken to protect old glass during building works. If it is necessary to remove panes to repair the window frames or infrastructure they should

be reset. Where external protection for glass is required, it should be reversible and as unobtrusive as possible.

**C.49 Replacement windows:** The insertion of factory made standard windows of all kinds, whether in timber, aluminium, galvanised steel or plastic is almost always damaging to the character and appearance of historic buildings. In particular, for reasons of strength the thickness of frame members tends to be greater in plastic or aluminium windows than in traditional timber ones. Modern casements with top-opening or louvred lights or asymmetrically spaced lights are generally unsuitable as replacements for windows in historic buildings. Such alterations should not be allowed. Architects' drawings and specifications should make clear the manner in which new windows are intended to open.

**C.50** It is usually impossible to install double-glazed units in existing frames or to replicate existing frames with new sealed units without making noticeable changes to the profiles of glazing bars, styles, and rails. The new glass in such units may also significantly alter the appearance of the window. Such changes are rarely acceptable in listed buildings. Weather stripping and draughtproofing are visually more innocuous changes as well as thermally efficient and cost-effective. Secondary glazing in a removable inner frame is another acceptable option for some windows.

**C.51** Old louvred and panelled external shutters are important features and often contribute to the design of an elevation. Blind-cases and canopies should also be preserved.

## **Shop Fronts**

**C.52 Shop fronts and display windows:** Wherever shop fronts of merit survive they should be retained. Early 20th century shop fronts such as those with Art Nouveau or early Art Deco details can be as unusual as 18th or 19th century examples. Features of value such as blinds in blind boxes, shutters in shutter boxes against an upright and stall-risers are often concealed beneath later facings. Premises where works to shop fronts are proposed should always be inspected and the possible survival of old features checked.

**C.53** There are many examples of first floor display windows, and infrequent examples of second floor ones. These date from the late 19th and early 20th century and give a characteristic appearance which should be preserved. Proposals to remove a modern shopfront to restore an elevation to its previous designed appearance matching the rest of a terrace can usually be encouraged, but should be viewed with caution in cases where the shop front is of interest in itself.

**C.54 Shop blinds and security grilles** Retractable apron blinds covered in canvas are often characteristic features of historic shopfronts and should be retained. Modern plastic canopies are not acceptable.

**C.55** External steel roller shutters are not suitable for historic shopfronts. Traditional timber shutters give reasonable protection: laminated glass and internal chain-link screens are modern alternatives. Traditional stall-risers are an effective deterrent to 'ram-raiders', as are small shop windows between masonry piers.

**C.56 New shop fronts** New shop fronts should be designed in sympathy with the rest of the elevation and incorporate any ground floor details of interest. Large inserted plate-glass shop fronts without any visual support for the upper part of the premises can have an unfortunate effect, and shop fronts should not extend into the storey above or alter the proportion of first floor windows. Modern materials such as plastics are to be avoided as facings. The fascia board should not be out

of scale with the building as a whole and should usually be finished at the top with console brackets and a cornice or other capping. Not only is this the traditional treatment for shop fronts but the cornice provides an architectural division between the modern shop front and the older upper floors.

**C.57** Depending on the nature of a proposed commercial or office use, it is very often unnecessary to provide display windows and thus alter an intact ground floor. Existing openings should be retained wherever possible, and if alteration is necessary it should only be to the minimum extent required. Standard corporate shop fronts are seldom appropriate for historic buildings, nor are internally illuminated fascia boxes or signs. The prestige value of listed building premises and their distinctive detailing can be emphasised instead.

## **Interiors**

**C.58** The plan of a building is one of its most important characteristics. Interior plans and individual features of interest should be respected and left unaltered as far as possible. Internal spaces, staircases, panelling, window shutters, doors and doorcases, mouldings, decorated ceilings, stucco-work, and wall-decorations are part of the special interest of a building and may be its most valuable feature.

**C.59 Walls:** Internal walls in old buildings should always be investigated with care in advance of alterations in case ancient or interesting features are hidden in the plaster or behind the panelling or other covering. In many cases the partitions themselves are of historic interest. New partitions should be kept to a minimum. They should not cut through mouldings or enriched plaster decoration but be shaped around them to allow for reinstatement at a later date.

**C.60 Plasterwork:** All old plain plasterwork should be preserved where possible. Traditional lime and hair plaster has good insulation qualities and is better able to tolerate condensation than modern gypsum plaster. Care should always be taken with works to old plaster, especially when chasing-in electrical wiring, in case there is early decoration. All decorative features from a simple cornice or cove to elaborate wall and ceiling decoration should be preserved.

**C.61 Chimneypieces and chimneybreasts:** Good chimneypieces are part of the decorative history of a building and are often central to the design of a room. There is no excuse for their removal if this is simply because a chimney is redundant. In the rare cases where there is no alternative to the removal of a chimneypiece, it should be saved for use in another position and should not be removed from the building. The removal of a later chimneypiece of interest should not normally be allowed even if an earlier open hearth is known to survive behind it. The removal of a chimneybreast is almost never acceptable, not least because it may affect the structural stability of the building.

**C.62 Staircases:** The removal or alteration of any historic staircase is not normally acceptable. The stair is often the most considerable piece of design within a building and can be important dating evidence. In retail premises, the removal of the lowest flight of stairs - which will preclude access to and use of upper floors - should not be allowed.

**C.63 Interior paintwork and decoration:** A careful choice of both type and colour of paints or wallpapers can make a significant contribution to the appearance and integrity of a historic interior. Inappropriate schemes may, conversely, be visually damaging. In some instances specialist advice should be sought on the original scheme of decoration which may survive beneath later layers. Although strict adherence to historical forms is not normally a requirement in buildings whose interiors are of a 'private' rather than a 'museum' character, the use of historically appropriate

decoration can greatly enhance most listed buildings. Where important early schemes of interior decoration survive, cleaning and conservation rather than renewal may be appropriate. Overpainting, even of deteriorated or discoloured areas of plain colour, may damage or obscure the historical record.

## Floors

**C.64 Floor surfaces:** Floor surfaces are too often disregarded when buildings are refurbished. It is not only marble floors that are important: all types of paving such as stone flags, and pitched cobbles, old brick floors, early concrete, lime ash, and plaster floors, should be respected. This also applies to old boarded floors, especially those with early wide oak or elm boards. All such features should normally be repaired and re-used. When new floorboards are needed, they should be of the same timber, width and thickness as those they are replacing. Great care should be taken when lifting old boards for the installation or repair of services, especially where the boards are tongued or doweled. The cutting of joists for new services should be kept to a minimum, and any early sound-deadening or fire-proofing between the joists should be preserved.

**C.65 Floor strengthening:** Proposals for floor strengthening often form part of refurbishment schemes, and may be dictated by the inflexible requirements of particular clients or funding bodies, demanding the same standards as those applied to new buildings. These are almost always at variance with the architectural and structural integrity of a historic building and should not normally be regarded as a sufficient justification for major alterations. The floors of most historic buildings can be made perfectly adequate for the actual loads they will carry.

**C.66** Low-key techniques of stiffening existing floors, or limited strengthening, may often be possible, provided there is minimum disturbance to the overall structural equilibrium, thereby retaining as much existing fabric and structure as possible, as well as, where necessary, improving performance. Repairs should usually be carried out using traditional materials and methods, such as scarfing on new timber. Where more modern techniques are put forward, applicants will need to show good reason why these are being proposed.

**C.67** Often the pressure for floor strengthening and replacement arises from the presence of dry rot within the structural members. Dry rot eradication can rapidly lead to the progressive stripping and dismantling of a building. In every case where remedial works are proposed, the minimum works necessary should be carried out after detailed discussion. The use of new techniques requiring the minimum removal of timber should be encouraged.

## Minor Additions And New Services

**C.68 Minor additions to listed buildings:** There are some standard external fixtures that require listed building consent when they affect the character of a listed building. These include satellite dishes, meter boxes, burglar alarms, security and other floodlighting, video cameras, and central heating and other flues, both standard and balanced. Only undamaging and visually unobtrusive positions for such fixtures should be agreed.

**C.69 Introduction of services to listed buildings:** The poorly thought out introduction of services, such as mains electricity, telephone or gas, can be detrimental to the structure, appearance and character of a building. Long runs of surface wiring and any external gas piping should be avoided unless chasing-in would destroy historic fabric. The introduction of new services to historic interiors must also be handled with care, and any false floors or ceilings for concealing services, computer trunking, fibre optics, central heating etc, should be reversible, and not entail alterations to other features such as doors or skirtings.



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