



## WHAT LISTING MEANS : A GUIDE FOR OWNERS AND OCCUPIERS

### 1. Introduction

- 1.1 This booklet comes with a letter from the Department telling you that your property has been listed as a building of special architectural or historic interest. It sets out what this means and how it may affect you. You will also receive a statutory notification from your local planning authority.
- 1.2 The lists of buildings of special architectural or historic interest are registers recording the best of our buildings. They comprise a wide variety of structures, from castles and cathedrals to milestones and village pumps. Not all the items on the lists are what we might conventionally think of as beautiful or attractive - some are included purely for their historical value. But the list adds up to a heritage register and it covers the whole of England. Listed buildings are classified in grades to show their relative importance, and the current listing position is :

Grade I	6,000	(1.4%)
Grade II*	18,000	(4.1%)
Grade II	418,000	(94.5%)
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	442,000	

About 500,000 individual buildings are estimated to be protected: some list entries cover several buildings.

### 2. Why do we list?

Because we want to identify and protect our heritage. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Secretary of State for National Heritage has a statutory duty to compile lists of buildings of special architectural or historic interest. In choosing buildings for listing, the Secretary of State cannot consider any factors other than their architectural or historic interest. State of repair (unless this has harmed the architectural interest), costs of maintenance and unsuitability to modern needs are matters which are not directly relevant to the assessment of a building's qualifications for listing - but they are all things which can be taken into account if a person wishes to demolish or alter a listed building (see section 5 below). The purpose of the list is simply to put a mark against certain buildings to ensure that their special interest is taken fully into account in decisions affecting their future.

### 3. How do we list?

- 3.1 Most buildings on the statutory list have been selected in the course of the national re-survey of listed buildings in England which began in 1970, and has just been completed. Every part of England was visited by expert field workers, supervised by English Heritage, our statutory advisers on listing matters, and the best buildings selected against a set of national criteria (see 4(1) below). The results of this exercise (edited into lists) are available for inspection at your local authority offices.
- 3.2 Sometimes it is necessary to list individual buildings. These may have been overlooked during the re-survey or new information may have become available subsequently. These buildings are "spot-listed". The effect is the same, and the list will again be available for inspection at your local authority office. Sometimes spot-listing is preceded by a building preservation notice which is made by the local authority where a building is under threat of demolition or alteration and which invites us to consider the building for listing at once.

#### **4. The criteria we use**

- 4.1 All the properties considered for listing are judged according to a set of national standards. The following are the main criteria which the Secretary of State applies 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 technical innovation or virtuosity) and significant plan forms;
  - historical interest: this includes buildings which display 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 together an important architectural or historical unity or a fine example of planning ( eg squares, terraces or model villages ).

A particular building may qualify for listing under more than one of these criteria.

- 4.2 Age and rarity are important 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 historical 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 only listed if they are of outstanding quality and under threat. Buildings which are less than 10 years old are not listed.

## 5. What is the effect of listing ?

- 5.1 As we said above, the lists are a register which recognises the special interest of buildings. If you wish to demolish a listed building, or to alter or extend it in a way that affects its character as a building of special architectural or historic interest, you must apply for "listed building consent" from your local planning authority. Even relatively minor works, such as painting, may affect the character of a listed building and it is therefore advisable to consult your local planning authority before starting such works if you are in any doubt. Listed building consent will be in addition to any planning permission you need, although for most owners applications for both can be considered together (and listed building consent applications are free). It should also be noted that certain of the developments relating to dwelling houses permitted by the Town and Country Planning General Development Order do not apply to listed buildings. Your local planning authority will be able to advise you about these matters.
- 5.2 The fact that a building is listed does not necessarily mean that it must be preserved intact for all time; its main purpose is to ensure that care will be taken over decisions affecting its future, that any alterations respect the particular character and interest of the building, and that the case for its preservation is taken fully into account in considering the merits of any redevelopment proposals.
- 5.3 Under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence to demolish, alter or extend a listed building without consent, and the penalties for this can be heavy.

## 6. Can I get any financial help for my listed building?

- 6.1 It is possible. Grants for the repair of buildings of outstanding architectural or historic interest - which usually means Grade I and Grade II\* buildings, and occasionally others - may be available from English Heritage. But the application must be made before the work is commenced. Grants may also be made to non-outstanding buildings in conservation areas. Further information is available from:

English Heritage  
23 Savile Row  
London W1X 1AB

- 6.2 Local authorities have a wider scope. They may make grants for any building of architectural or historic interest and are not restricted to outstanding buildings or even to listed buildings. Grants may be made by county and district councils (and in London by London Borough Councils), and you may like to contact your local authority about this.
- 6.3 In addition, local authorities are advised to have regard to the special architectural features or historic interest of listed buildings in determining applications for house renovation grant. However, this grant is intended primarily to help low income households to improve and repair their homes, and grant to cover the cost of special building materials or to preserve special features of a dwelling would be discretionary. All applications for renovation grants are means tested. Your local housing authority will be able to supply further details.

- 6.4 The Department for Environment, Food and Rural Affairs (DEFRA) also has a grant scheme for the repair and reinstatement of traditional farm buildings in current agricultural use. Established agricultural and horticultural businesses can qualify for grant under the Farm and Conservation Grant Schemes. In order to qualify for grant works must use construction methods and materials in keeping with the building design and compatible with the local landscape. The grant available extends to listed buildings provided that no grant has been, sought or will be, from English Heritage. Similarly, grants cannot generally be given under the Schemes if any investment has been or will be funded from another source.
- 6.5 In addition, grants are available for the provision, replacement or improvement of walls and banks built of materials which are traditional in the area. Further information can be found in the Scheme Handbooks which are available from your local DEFRA Office, which can also be contacted for advice.
- 6.6 Some listed buildings enjoy a more favourable position as regards Value Added Tax than do unlisted buildings. VAT zero-rating is available for "approved alterations" (that is, alterations which both require and obtain listed building consent from the appropriate planning authority) to listed buildings which are dwellings or are used for qualifying residential purposes or for the non-business activities of a charity. Zero-rating also applies to buildings that are being converted for qualifying residential or non-business charity use. However, alterations to other listed buildings, works of repair or maintenance and alterations not requiring listed building consent, are standard-rated, as is the construction of a new building within the curtilage of a listed building (unless the new building is itself designed as a dwelling or is to be used for a qualifying purpose).
- 6.7 Remember, the relief depends on your using a VAT registered builder; there is no system of refund for VAT paid on materials or goods you purchase whether to "do-it-yourself" or to be used by a labour only sub-contractor. A leaflet (708/1/90 - Protected Buildings) and further information is available from your local Customs and Excise Office. You should bear in mind that the leaflet is written for the guidance of VAT registered builders who have to decide whether VAT is chargeable on any work they carry out. Therefore, "you" in the text of the leaflet means the builder and not the listed building owner.

## **7. What is the position on the maintenance of your listed building?**

- 7.1 Most owners and occupiers recognise listed buildings as part of our heritage and are pleased and proud to maintain their properties. In some cases, repairs and alterations may need to be carried out with materials which are in keeping with the original buildings. This may sometimes prove more expensive than it would for a modern building, but in most cases their use is good housekeeping. Local authorities do have the power to serve a repairs notice on an owner if a listed building becomes dilapidated. But these notices are used only as a last resort.
- 7.2 In general, you will find that there are three steps that can be taken if your property is falling badly into disrepair:
- your local authority will encourage you to carry out the necessary maintenance work: you should find that their staff can offer you helpful practical and technical advice;

- if the property still remains neglected, they may serve a repairs notice on the owner specifying what work needs to be done;
- if the owner fails to comply with the notice within the period specified, the Council can compulsorily acquire the property.

7.3 However, the owner can apply to a magistrate's court to have compulsory purchase proceedings stopped and can also appeal to the Department.

7.4 Where a listed building is unoccupied, the local authority can, if they wish, serve an urgent works notice and carry out work themselves to make the building wind and weather proof. They can then recover the costs from the owner. However there is a right of appeal against recovery to the Department, and one of the grounds that can be cited is the financial hardship the bill will cause the owner.

## **8. How far does the listing extend?**

8.1 Buildings are listed in their entirety : there is no such thing as just a listed facade or interior. But some parts of a listed building (interior as well as exterior) may be more important than others, and this could be significant if you are thinking of applying for listed building consent for partial demolition or alteration.

8.2 In addition, any object or structure fixed to a listed building is treated as part of the building. Also any object or structure included 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, is included in the listing. Again, your local authority should be able to help you with any problems of identification or interpretation in particular cases.

8.3 All list entries also include a description of the building. The description is intended primarily for identification purposes and while it will include mention of those features which led English Heritage to recommend listing, it is 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 of a reference to a feature in the list description does not, therefore, indicate that it is not of interest or that it can be removed or altered without consent.

## **9. Can I appeal against the listing of my property?**

9.1 There is no statutory right of appeal, but if you feel your property does not possess special architectural or historic interest, you may write to the address at the top of the accompanying letter. There are no forms to fill in, and the procedure is not complex. But remember, it is the building's special architectural or historic interest that concerns us. We cannot take into account any other factors. If you are thinking of making such an appeal we will be pleased to let you have a guidance note on the procedure and the criteria we use in considering such appeals.

9.2 However, the Secretary of State will not generally be prepared to entertain an application for de-listing where the building in question is the subject of an application for listed building consent or an appeal against refusal of consent, or where action by a local authority is in hand in respect of unauthorised works or neglect. This is because both the 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.

## **10. Finally**

Most owners are pleased that their properties have been listed and so recognised as part of our heritage. In many areas, the cachet of listing may add to the value of residential property. But we recognise that some owners may be uncertain or apprehensive about what listing will mean for them. This leaflet is designed to answer only general queries: if you have other, more detailed, questions, you should contact your local authority.

Published by:

Department for Culture, Media and Sport  
Listing Team  
Designation Branch  
Architecture and Historic Environment Division  
2-4 Cockspur Street  
London  
SW1Y 5DH

### **Statutes and guidance**

The main Acts of Parliament relating to listed buildings are:-

Planning (Listed Buildings and Conservation Areas) Act 1990  
Town and Country Planning Act 1990

Guidance on listed buildings policy and procedures is included in Planning Policy Guidance 15: Planning and the Historic Environment.

Copies of these documents are available from:

The Stationery Office  
123 Kingsway  
London WC2B 6PQ

Tel: 020 7242 6393 or 020 7242 6410  
Fax: 020 7242 6394  
e-mail: london.bookshop@tso.co.uk