

**HISTORIC BUILDINGS – THE PROCESS
OF LISTING AND DELISTING**
(Report by Development Plans & Implementation Manager)

1. WHY BUILDINGS ARE LISTED

- 1.1 A listed building is a building or structure which is included on the statutory list of buildings of 'special architectural or historic interest'. The District of Huntingdonshire currently contains 2209 listed buildings, the majority of these are grade II (the lowest of the 3 grades).
- 1.2 When considering if a building should be included on the list special emphasis is placed on the buildings national significance. This cannot be defined precisely, for instance, the best examples of local vernacular building types will normally be listed (see **appendix 1** for fuller explanation of the criteria of listing and an explanation of the 3 grades). Many buildings which are valued for their contribution to the local scene, or for local historical associations, will not merit national listing but they are often included within Conservation Areas. The loss of these buildings will then be controlled under conservation area legislation.
- 1.3 The statutory list was originally compiled by the Secretary of State for Culture, Media and Sport (DCMS) acting on advice from English Heritage. In April 2005 the system was amended enabling English Heritage to be responsible for the administration of the listing system.
- 1.4 This change forms part of the proposed reform of the heritage protection system indicated by the DCMS in the document "*Protecting our historic environment: Making the system work better*" published in July 2003 and the DCMS Report of June 2004, "*Review of Heritage Protection: The Way Forward*", These documents have culminated in the white paper 'Heritage protection for the 21st Century' which is expected to be placed before Parliament in 2009 with enactment in 2010.
- 1.5 New notification and consultation procedures for owners and local authorities will be introduced as well as clearer documentation for list entries and justifications for delisting. Some changes have already been made however many amendments to the system will not come forward until the ratification of the new Act. The government's intention is to make the heritage protection system simpler, more transparent, and easier for everyone to use.

2. WHO CAN APPLY FOR LISTING

- 2.1 Currently anyone can apply for a building to be listed or re-graded by writing to English Heritage. Recent applications from this District have come from the Local Authority, local history societies and members of the public. The majority (approx 70%) of applications do not result in a building being listed as it is deemed that the buildings are not of sufficient merit to be included on the list. In addition to these 'Spot listing cases' English Heritage also undertakes programmes of thematic listing selecting the best examples of different types of buildings. Recent programmes have included schools, industrial heritage, pubs and the defence of Britain including cold war architecture. These procedures will not change under the new Act.
- 2.2 The more information that can be supplied about the special merits of the building, the easier the listing application can be dealt with, English Heritage guidance states that it usually takes up to 6 months to deal with a simple application however in recent case at Alconbury airfield the application has taken up to 5 years to process. Under the recent amendments the amount of information provided by English Heritage to the Local Authority has significantly increased. Where as in the past there would have been a short paragraph on the importance of the building the more recent list descriptions have run to several pages (see **appendix 2** new style list descriptions for building at Alconbury Airbase)

3. THE ASSESSMENT

- 3.1 English Heritage assess any candidate for listing against a series of national criteria published in Planning Policy Guidance 15 (**appendix 1**). In 2006 the system was amended so that the owner, national amenity bodies and the local authority are now informed that listing is being considered (unless the building is considered to be under immediate threat), and asked for comments regarding the special architectural or historic interest of the building.
- 3.2 If there is any doubt about the significance of the building, English Heritage may undertake historical and documentary research, and make comparisons with other examples of the same building type. In most cases an inspection will be undertaken, although this is not always necessary. Where English Heritage considers an inspection is desirable, the owner's permission will be sought.
- 3.3 When the assessment is complete and any comments from the consultees have been considered, the recommendation is forwarded to the Department for Culture, Media and Sport. Before taking a decision the Secretary of State may seek advice from others who she considers has special knowledge or interest in historic buildings. After the Secretary of State has come to a decision, the owner, applicant and local authority will be notified, and sent a letter detailing the reasons for the decision.
- 3.4 If someone is unhappy with the decision to list a building, they may write to the Department for Culture, Media and Sport within 28 days of notification of the decision, requesting that it be reconsidered. Aside from this review process, decisions not usually revisited unless

there is significant new evidence about the special architectural or historic interest of a building, or a material change of circumstances affecting the assessment of its architectural or historic interest.

4. REMOVING A BUILDING FROM THE STATUTORY LIST

- 4.1 The Secretary of State will remove a building from the list if it no longer meets the statutory requirement that the building is of '**Special architectural or historic interest**'. It may be an old or attractive building but that in itself is not sufficient to merit its retention on the list.
- 4.2 This may be because of new evidence about the special architectural or historic interest of the building, or a material change of circumstances (for example, fire damage that has affected the special interest of the building). The Secretary of State can only take into account a building's architectural or historic interest when considering an application for de-listing.
- 4.3 Applications for de-listing are made to English Heritage in the same way as listing applications. They will not generally be considered if the building is currently 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. This is because 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. Where this process is already underway, the issue of de-listing is more properly addressed in this way.
- 4.4 The Pike and Eel public house in Needingworth was put forward for delisting by the current owners. This followed the withdrawal of applications proposing the substantial extension of the building. The special interest of this building had been significantly eroded by numerous extensions and alterations and it no longer met the criteria of inclusion on the list (the English Heritages inspectors report is attached at **appendix 3**)

5. BUILDING PRESERVATION NOTICES

- 5.1 In addition to the process of listing Local authorities do have the power to serve Building Preservation Notices (BPN). The Local Authority can serve a notice on the owner of a building which is not listed, but which they consider is of special architectural or historic interest and is in danger of demolition or alteration in such a way as to affect their character as buildings of such interest.
- 5.2 A BPN provides protection to a building in that, for a period of six months after service of the BPN, it is subject to the same rules as if it were in fact listed, allowing time for a formal assessment to be carried out. The planning authority generally serves a BPN on the owner of the building and then notifies the Secretary of State, requesting that the building be considered for listing. The Secretary of State must decide within six months whether to list the building. If it is not listed, compensation may be payable if loss has been sustained as a result

of the BPN. Realistically this process is rarely used because of the uncertainty of securing a listing and the liability for compensation.

BACKGROUND INFORMATION

Appendix 1

Appendix2

Appendix 3

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