

Guidance Notes HERITAGE ASSETS

LISTED BUILDINGS

What is a listed building?

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Secretary of State for Culture, Media and Sport has a statutory duty to compile lists of special architectural or historic interest for the whole country.

A "Listed Building" is simply one that has been added to this 'list'. The list is a register. It identifies those buildings that are of special historical interest, to ensure that every effort is made to protect their character and interest for our own and future generations to enjoy.

Listed buildings are an important part of our local and national heritage and provide a unique link with the past. They are limited in numbers and irreplaceable, deserving special care and attention. Listing therefore gives the Council extra powers of protection under planning law, and also imposes extra responsibilities of stewardship on owners.

There are over 800 listed buildings in Stafford Borough, all of which need to be properly maintained and protected. The List for Stafford Borough can be inspected at Planning and Engineering Services at the Civic Centre on Riverside, Stafford, and is available on the Council's website.



How are buildings chosen for listing?

All buildings are judged by Inspectors at English Heritage, the Government's statutory adviser on the historic environment, according to a set of national criteria. For the purposes of listing, a 'building' can be any built structure; not just houses, castles and churches, but bridges, railings, milestones and telephone boxes. Very broadly, the following classes of building are listed:

- ♦ *All buildings built before 1700 which contain a significant proportion of their original fabric;*
- ♦ *Most buildings of 1700 to 1840, though selection is necessary.*
- ♦ *After 1840 greater selection is necessary due to the increased number of buildings erected and surviving;*
- ♦ *Particularly careful selection is required for post-1945 buildings*
- ♦ *Buildings of less than 30 years old are normally listed only if they are of outstanding quality and are under threat.*

In selecting buildings for listing, particular attention is paid to:

- ♦ **Architectural interest**, including design, decoration, craftsmanship, plan forms, or nationally important examples of particular building types and techniques.
- ♦ **Historic interest**, illustrating important aspects of social, economic, cultural, or military history or close historical associations with nationally important people.
- ♦ **Group value**, such as in examples of town planning (for instance, squares, terraces or model villages), or where there is a historical functional relationship between a group of buildings.



English Heritage has published a series of 'Selection Guides' that outline the criteria they use to consider the designation of particular building types. These are available via their website.

Listed buildings are classified in grades according to their relative importance. However, this does not mean that a Grade I is more 'preservable' than a Grade II building. The grading was originally meant for grant allocation purposes only. It also indicates the most important buildings, and when English Heritage should be involved in decisions affecting their future.

The classification is as follows:

- ♦ **GRADE I:** Buildings of exceptional interest (less than 2.6% of Stafford Borough's listed buildings are in this grade, but this is greater than the national average of 1.4%)
- ♦ **GRADE II* ('two-star')** Particularly important buildings of more than special interest (8.2% of the Borough's listed buildings, again twice the national average of 4.1.%)
- ♦ **GRADE II:** Buildings of special interest which warrant every effort being made to preserve them. The vast majority of listed buildings are of this grade.

The listing system began in 1947, but the majority of Stafford Borough's buildings were listed under area re-surveys carried out in the 1980s. Subsequent amendments to the list can be made at any time to take into account other buildings thought worthy of listing.



Anyone can apply to English Heritage for the to consider a building for listing. A form is available on their website. It is important to send as much detail as possible, including why you think the building merits inclusion on the list, and whether the building is currently under threat.

The process of listing can take weeks or months, but English Heritage will give priority to buildings under threat, and in an emergency listing can be made in a day. Sometimes designation is preceded by a **Building Preservation Notice**, which is served by the Council. The Notice has the effect of listing a building or structure for six months whilst English Heritage decides whether to make the listing permanent.

Which part of the building is listed?

Listed buildings are listed in their entirety, regardless of grade. There is no such thing as a 'listed façade', or a 'listed interior', though many people believe there is.

The following are protected when a building is listed:

- ♦ ***The whole of the building, externally and internally:*** walls, roof, windows, doors, structural timbers, floorboards, staircases, plasterwork, and all fixed features or fittings such as fireplaces or panelling.
- ♦ ***Any object or structure physically attached to it:*** such as a garden wall or gate, a lamp, shop sign or bootscraper.
- ♦ ***Any freestanding building or structure within the curtilage that was erected before July 1st 1948:*** this means most structures within the boundary of the property, such as an outbuilding, garden structure and the boundary wall itself. In law the 'curtilage' of the building may be quite

extensive and include quite distant structures or buildings. It is always best to check with the Development Control Team if you think a building might fall under this category.

The list description of a building is intended for identification purposes only and does not comprehensively list all the features of a building that are protected.

What is the effect of listing?

Listing ensures that every effort is made to protect the special architectural and historic interest of the best surviving examples of the country's historic buildings.

- ◆ **'Listed Building Consent'** is required for any works of demolition, alteration or extension of the building that might affect its character as a building of special architectural or historic interest.
- ◆ **It is a criminal offence to demolish, alter or extend a listed building without first obtaining Listed Building Consent.** The penalties can be heavy – usually a large fine, or even imprisonment.
- ◆ The controls under **planning permission** are somewhat stricter than usual within the curtilage of the listed building or for buildings surrounding it. This ensures that the impact on the setting of the listed building is taken into account when new development is proposed.
- ◆ The Borough Council has powers to secure the repair of listed buildings that have been neglected, through serving **'Urgent Works Notices'** or **'Repairs Notices'**. These require certain repairs to be carried out within a given time. If the owner does not do the required works, then the Council can carry them out itself and recover the costs from the owner, through the Courts if necessary.



Listed Building Consent is a separate system of control from Planning Permission. Depending on the works in question, you may require listed building consent, planning permission, or both.

You are advised to contact the Development Control Team for advice as to which permissions are required.

When is listed building consent required?

If you intend to carry out **any** works of demolition, alteration or extension to a listed building you will normally require Listed Building Consent. What may appear to be relatively minor changes, or works of routine maintenance, could require listed building consent.

This applies to both internal and external works. The system is not intended to prevent change, but to ensure that all works are carried out in a sympathetic manner and do not harm the listed building's special historic character, or jeopardise its future life.



Some examples of items needing listed building consent are given below:

- ◆ *Any extensions or additions to the principal listed building or any structure within its curtilage*
- ◆ *Alteration or replacement of any door or window inside or out, whether 'original', a later addition, or a very recent addition*
- ◆ *Painting or changing the finish of external walls, windows or doors*
- ◆ *Removal of internal walls or partitions of whatever date or construction*
- ◆ *Removing internal fittings such as a fireplace or staircase*
- ◆ *Cleaning or stripping timbers: roof timbers, floor joists, internal panelling, floorboards etc*
- ◆ *Removing plaster or re-plastering internally*
- ◆ *Re-building part of the historic structure*
- ◆ *Inserting rooflights*
- ◆ *Altering the roof structure or covering*
- ◆ *Replacing guttering or downpipes*
- ◆ *Installing a burglar alarm or satellite dish*

This list is in no way exhaustive. You should contact the Development Control Section or the Conservation Officer to check whether your proposals require listed building consent.

How do I apply for listed building consent?

Applications for Listed Building Consent are free of charge and are made to the Borough Council. Forms are available on the Council's website. A high level of detail is required with your application so that the effect on the architectural and historical character of the building can be fully assessed.

When listed building consent is granted it is often subject to conditions. These may require you to use a particular type of material, for example, or to submit further details before commencing work. **All conditions should be read carefully and must be complied with.**

Maintaining and repairing listed buildings

The key to prevention of substantial repairs is regular and routine maintenance. Inspecting roof coverings for loose tiles and clearing gutters every winter can prevent damage from water ingress or damp, whilst re-painting window frames and doors every 5 years protects the timber from deterioration.



Nevertheless, all buildings need repair at some time. Normally minor works of repair do not require Listed Building Consent, provided they are limited to essential repairs and are carried out on an exact 'like-for-like' basis in terms of materials and construction. However, there is often a fine line between repair and alteration. If repair involves a high degree of replacement, different materials

are to be used, or a certain aspect of architectural or construction detail is to be changed, then consent may well be needed.

The repair and alteration of listed buildings requires a high standard of craftsmanship and professional skill. It is important to engage a specialist with experience in historic building work.

Costs of repairing historic buildings

The cost of repairing listed buildings need not be higher than for modern properties. Although traditional methods and materials must be used, there is a strong presumption in favour of incremental repairs in order to preserve as much historic fabric and structure as is possible. This particularly applies to structural timbers, doors, windows and roofing tiles. It is often surprising how much can be kept and how much money saved.

Grants may be available from various sources, including English Heritage, but are normally only available for grade II* or grade I listed buildings. The Borough Council does not have any funds for grants to listed buildings.

Repairs to listed buildings are subject to VAT at the standard rate. However, some works of alteration to listed buildings are zero-rated for the purposes of VAT. This is a complicated area of tax law. For more information contact the VAT Advice Centre on 020 8929 7600.

Listed buildings and building regulations

When repairing or altering a listed building certain exemptions or relaxations of building regulations apply, in recognition of the importance of preserving historic fabric and character.

The most common example is double-glazing, which is rarely acceptable in a listed building. Existing windows should be repaired, or where lost, reproduced to correctly match the historic style. However, compensating measures may be taken at the discretion of the owner, such as installing internal secondary glazing, or increasing thermal roof insulation.

You are advised to contact the Building Control Team for further advice on building regulations (tel: 01785 619340)

What if I let my listed building deteriorate?

Owners have a legal responsibility to maintain their listed buildings properly. Modest expenditure on routine maintenance can prevent serious problems from developing. However, it does happen that some listed buildings fall into serious disrepair, usually through long-term vacancy and neglect.



The Council monitors the condition of its listed buildings and maintains a register of 'Listed Buildings at Risk'. Often the solution to disrepair is to find a new use or owner for the building in question, but ultimately the Council has powers to serve Urgent Works Notices or Repairs Notices. Your Council uses these powers reluctantly, but is prepared to do so if necessary to ensure the long-term survival of any listed building in its area.

Can a building be 'de-listed'?

There is no statutory right of appeal against the listing of a building, but applications for de-listing can be made to English Heritage, if you think that:

- ♦ The building has been listed in error and has no special interest;
- ♦ The building has been altered to such an extent since it was listed, that it no longer has any special interest.

However, it is important to note:

- ♦ The listing refers to the interest of a building and not its condition. **A state of disrepair cannot therefore be grounds for de-listing.**
- ♦ English Heritage will not consider buildings that are either subject to an application for listed building consent, an appeal against refusal of consent, or where action by a local authority is in hand in respect of unauthorised works or neglect.

Buying a listed building

If you are considering buying a listed building it is worth bearing in mind the following points:

- ◆ Listed buildings are a precious, finite resource and an irreplaceable asset. As the new owner of a listed building you will be acting as its custodian and will be expected to keep it in good repair.
- ◆ Surveys for mortgage purposes are sometimes carried out by surveyors with limited experience of old properties, and recommendations may be made which are not appropriate to historic buildings. Always try to ensure that your surveyor has appropriate experience and seek a second opinion if necessary.
- ◆ Local Searches sometimes show that alterations have been carried out without Listed Building Consent. There is no time limit on pursuing enforcement action against such unauthorised works. As the new owner you may therefore be liable for any offending works previously carried out.
- ◆ If your purchase is dependent on adding an extension or altering the listed building in some way, ask the Borough Council for advice before buying the property. In some cases we may resist any changes and you could be disappointed.
- ◆ New building within the setting of a listed building may be controversial and should not be relied upon to finance restoration or increase property value.
- ◆ It can be difficult to obtain insurance cover for buildings in a poor state of repair, or for those made of particular materials, such as thatch. The cost of rebuilding a listed property is often considerably higher than modern buildings, and adequate insurance cover must be secured. Specialist Insurers may be able to assist.

Further Information

There are many excellent books published on the architectural history and correct repair of historic buildings. A few are listed below, and many more can be found in your public library's Architecture section.

- ◆ *The Buildings of England: STAFFORDSHIRE*
Nikolaus Pevsner. Second Edition 1975. Published: Penguin Books
- ◆ *Practical Building Conservation:*
 - *Volume 1: Stone Masonry*
 - *Volume 2: Brick, Terracotta, Earth*
 - *Volume 3: Mortars, Plaster, Renders*
 - *Volume 4: Metals*
 - *Volume 5: Wood, Glass, Resins*English Heritage Technical Handbooks 1988. Published: Gower Technical Press
- ◆ *The Repair of Historic Buildings*
Christopher Brereton. Second Edition 1995. Published: English Heritage

Contacts

Stafford Borough Council
Planning and Regeneration Dept
Civic Centre
Riverside
Stafford
ST15 3AQ
www.staffordbc.gov.uk

Telephone: 01785 619337 or 01785 619000

Department of Culture Media and Sport
2-4 Cockspur Street
London, SW1Y 5DH
Telephone: 020 7211 6200
www.culture.gov.uk

English Heritage
1 Waterhouse Square
138-142 Holborn
London EC1N 2ST
Telephone: 020 7973 3000
www.english-heritage.org.uk

VAT Helpline
HM Revenue and Customs
Telephone: 0845 010 9000
www.hmrc.gov.uk

The following organisations have specialist interests and publish useful booklets on various aspects on the care and repair of historic buildings:

The Society for the Protection of Ancient Buildings (SPAB)
37 Spital Square
London E1 6DY
Telephone: 020 7377 1644
www.spab.org.uk

The Victorian Society
1 Priory Gardens
Bedford Park
London W4 1TT
Telephone: 020 8994 1019
www.victorian-society.org.uk

The Georgian Group
6 Fitzroy Square
London W1T 5DX
Telephone: 020 7529 8920
www.georgiangroup.org.uk

The 20th Century Society
70 Cowcross Street
London EC1M 6EJ
Telephone: 020 7250 3857
www.c20society.org.uk

Royal Institution of British Architects
66 Portland Place
London W1B 1AD
Telephone: 020 7580 5533
www.architecture.com

Royal Institute of Chartered Surveyors
Coventry
Surveyors Court
Westwood Way
Coventry CV4 8JE
Telephone: 0870 333 1600
www.rics.org