

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

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REVISIONS TO PRINCIPLES OF SELECTION FOR LISTING BUILDINGS

Introduction

1. Planning Policy Guidance Note 15 *Planning and the Historic Environment* (PPG 15) sets out the Government's policies for the identification and protection of historic buildings, conservation areas and other aspects of the historic environment. This Circular updates Section 6, Identifying and Recording the Historic Environment, of PPG 15 to provide greater clarity on the general principles used in a listing decision.
2. The general principles have been updated to provide clarity to the listing system to ensure it is transparent and accountable. The statutory criteria and general principles set out the factors taken into account when assessing a building for listing.

COMMENCEMENT AND EXTENT

3. With effect from 8 March 2007 the guidance contained in this Circular, set out below under the heading *Principles of Selection for Listing Buildings*, replaces Section 6, paragraphs 6.1 – 6.40, of PPG 15 and the existing paragraphs 6.1 – 6.40 are revoked.
4. In paragraphs 6 and 8 of the Introduction to PPG 15, the words 'Secretary of State for National Heritage' are to be read as referring to the Secretary of State for Culture, Media and Sport and in paragraph 8 the words 'Secretary of State for the Environment' are to be read as referring to the Secretary of State for Communities and Local Government.
5. This Circular applies only to England.

PRINCIPLES OF SELECTION FOR LISTING BUILDINGS

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 that 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. Once identified in these ways, the historic environment may be protected through the planning system.

Listing Buildings of Special Architectural and Historic Interest

- 6.4 Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) imposes a duty on the Secretary of State to make a list or lists of buildings of special architectural or historic interest as a guide to the planning authorities when carrying out their planning functions. The planning system is designed to regulate the development and use of land in the public's interest. The designation of historic sites enables the planning system to protect them, through the complementary systems of listed building consent and conservation area control, coupled with controls over scheduled monument consent.
- 6.5 The statutory criteria for listing are the special architectural or historic interest of a building. Many buildings are interesting architecturally or historically, but, in order to be listed, a building must have "special" interest.

- 6.6 Buildings on the list are graded to reflect their relative architectural and historic interest. Buildings of historic interest may justify a higher grading than would otherwise be appropriate.
- Grade I buildings are of exceptional interest;
 - Grade II* buildings are particularly important buildings of more than special interest;
 - Grade II buildings are of special interest, warranting every effort to preserve them.
- 6.7 This guidance sets out the general principles that the Secretary of State follows when assessing whether a particular building meets the statutory criteria set out above, and therefore should be listed. The Secretary of State cannot take any other factors into account when considering her decision.
- 6.8 In addition to the criteria and general principles contained in this Circular, Selection Guides for different building types are published on English Heritage's website. The Selection Guides provide detailed technical information about each building type, and are linked to the general principles contained in this Circular. They demonstrate what features are considered significant and likely to make a building of special architectural or historic interest when assessing buildings of a particular type from different periods, regions, or styles. It is recognised that some buildings are unique or will fall into more than one building type. Where a building is a composite of different types, then any relevant criteria from the Selection Guides will apply. The general principles outlined below take precedence over the Selection Guides, which are published as supplementary information. The Guides will be updated and revised when needed to reflect the growing understanding of the significance of particular types of building through further research.

Statutory Criteria

- 6.9 The Secretary of State uses the following criteria when assessing whether a building is of special interest and therefore should be added to the statutory list:
- **Architectural Interest.** To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;
 - **Historic Interest.** To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.
- 6.10 When making a listing decision, the Secretary of State may take into account the extent to which the exterior contributes to the architectural or historic interest of any group of buildings of which it forms part. This is generally known as group value. The Secretary

of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between a group of buildings. If a building is designated because of its group value, protection applies to the whole of the property, not just the exterior.

- 6.11 In considering whether a building is of special architectural or historic interest the Secretary of State may take into account the desirability of preserving, on the grounds of its architectural or historic interest, any feature of the building containing a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building. The desirability of preserving such a feature is a factor which would increase the likelihood of the building being listed. However, in the absence of any other aspects of special architectural or historic interest, such features will justify the listing of the building only if they are of themselves of sufficient interest to render the building of special interest. The provision can be used for a variety of features; examples could include a finely panelled sixteenth century room, a fireplace and over-mantel that has been introduced from another building, or an elaborate plaster ceiling. This provision cannot be used to preserve in situ anything that is not a fixture, such as furniture or paintings, (see also paragraphs 3.30 – 3.36 in PPG15).

General Principles

- 6.12 **Age and rarity.** The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The following chronology is meant as a guide to assessment; the dates are indications of likely periods of interest and are not absolute. The relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that:
- before 1700, all buildings that contain a significant proportion of their original fabric are listed;
 - from 1700 to 1840, most buildings are listed;
 - after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary;
 - buildings of less than 30 years old are normally listed only if they are of outstanding quality and under threat.
- 6.13 **Aesthetic merits.** The 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 external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality.
- 6.14 **Selectivity.** Where a building qualifies for listing primarily on the strength of its special architectural interest, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. However, a building may be listed primarily because it represents a particular historical type in order to ensure that examples of such

a type are preserved. Listing in these circumstances is largely 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 policy is to list only the most representative or most significant examples of the type.

- 6.15 **National interest.** The emphasis in these criteria is to establish consistency of selection to ensure that not only are all buildings of strong intrinsic architectural interest included on the list, but also the most significant or distinctive regional buildings that together make a major contribution to the national historic stock. For instance, the best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. Similarly, for example, some buildings will be listed because they represent a nationally important but localised industry, such as shoemaking in Northamptonshire or cotton production in Lancashire.
- 6.16 **State of repair.** The state of repair of a building is not a relevant consideration when deciding whether a building meets the test of special interest. The Secretary of State will list a building which has been assessed as meeting the statutory criteria, irrespective of its state of repair.

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 English Heritage.

Public access to the list

- 6.18 The list and copies of individual entries can be obtained at local council planning departments, county council offices and most local reference libraries. A complete set of lists for the whole country is available for inspection at the National Monuments Record, Kemble Drive, Swindon SN2 2GZ.
- 6.19 LB Online provides up-to-date access to the statutory List of Buildings of Special Architectural and Historic Interest and is made available by English Heritage and the Department. The site is currently only for the use of staff of local planning authorities, national amenity societies and some other authorised government agencies.
- 6.20 Photographs of many buildings that were on the statutory list in 2001 and their list entries, can be viewed at the Images of England website: www.imagesofengland.org.uk.

List descriptions

- 6.21 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.

Listing applications

6.22 Requests for individual buildings to be listed can be made at any time. English Heritage administers the listing system on behalf of the Secretary of State.

6.23 Requests to list buildings should be sent to English Heritage, 1 Waterhouse Square, 138-142 Holborn, London, EC1N 2ST. The application should be supported by as much information as possible, including:

- the address of the building;
- any information about the building (e.g. its date);
- details of specialised function (e.g. industrial building);
- historical associations;
- the name of the architect (if known);
- its group value in the street scene;
- details of any interior features of interest;
- clear, original external and internal photographs;
- name and contact details of the owner; and
- a location map (such as an Ordnance Survey map extract) showing, wherever possible, the position of any other listed buildings nearby.

6.24 Difficulties can arise where proposals for listing are made at a very late stage of redevelopment proposals, when buildings are under imminent threat of demolition. 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 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 listing (see below for further information).

6.25 Where the building in question has recently been the subject of a listing decision, there is provision for that decision to be reviewed if it is suggested that it was wrongly made (see paragraph on reviews below). However, after the period for reviews has expired the Secretary of State will not generally be disposed to reconsider earlier decisions 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.

Building preservation notices

- 6.26 Under Section 3 of the Act, district planning authorities and national park authorities (and English Heritage in respect of buildings in London) 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 list a building.
- 6.27 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.
- 6.28 In deciding whether to serve a building preservation notice, authorities will be aware 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.

Review of listing decision

- 6.29 If someone considers that the decision about a building has been wrongly made, they may write to the Department's Listing Branch at: Department for Culture, Media and Sport, 2-4 Cockspur Street, London, SW1Y 5DH, requesting that it be reconsidered. This should be done within 28 days of notification of the decision. An example of a wrongly made decision would be where there has been a factual error or some irregularity in the process affecting the outcome. The Department will then be able to indicate the likely timescale for consideration of the request, which will depend on the nature of the particular case.
- 6.30 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.

Removing a building from the statutory list

6.31 The Secretary of State will remove a building from the list if it no longer meets the statutory criteria. 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. Applications for de-listing 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 one of these processes is already underway, the issue of de-listing is more properly addressed in that process. Applications for de-listing should be made to English Heritage in the same way as listing applications.

Certificates of immunity from listing

6.32 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 she 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 she 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 listing.

6.33 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 she will grant a certificate of immunity.

6.34 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).

- 6.35 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 listing applications.
- 6.36 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 Councils. Applicants should confirm that they have notified these authorities.
- 6.37 When a certificate is issued, the Department will notify English Heritage and both the district and county council (in London, the London Borough Councils). 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

- 6.38 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 (e.g. 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 (e.g. 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.

World Heritage Sites

- 6.39 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.
- 6.40 The significance of World Heritage designation for local authorities' exercise of planning controls is set out in Section 2. 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. ICOMOS can provide advice and assistance in carrying forward this work. 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.

Historic parks and gardens

6.41 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.

Historic battlefields

6.42 The English Heritage Register of Historic Battlefields identifies forty-three important English battlefields. Its purpose is to offer them protection and to promote a better understanding of their significance. They are not graded. Each Register entry is based on the available evidence and includes a map of the battlefield area showing the position of the armies and features which were part of the original battleground. These maps are intended to be the starting point for battlefield conservation and interpretation by identifying the most visually sensitive areas.

The wider historic landscape

6.43 Suitable approaches to the identification of the components and character of the wider historic landscape are being refined by English Heritage through its programme of Historic Landscape Characterisation (HLC). 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.

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