

# Supplementary Planning Guidance Note

# Listed Buildings



## ***Supplementary Planning Guidance Note: Listed Buildings (March 2015)***

### **Content**

1.	Introduction	3
2.	Status and Stages In Preparation	3
3.	Background	3
4.	What is a Listed Building?	4
4.1	How are Listed Buildings chosen?	4
4.2	What does listing means in practice?	6
5.	Listed Building legislation, Planning Policy and Regulation	7
6.	Listed Building consent	7
7.	The setting of a Listed Building	8
8.	What information is required to make an application?	9
9.	Assessing the Listed Building's significance	11
10.	Schedule of Alterations and Repairs	15
11.	For proposals involving substantial rebuilding, demolition in full or part (in line with paragraph 91-92 of Welsh Circular 61/96)	15
12.	Maintenance and repairs	16
13.	Unauthorised Works	16
14.	Contacts	17

*Cover Photo: Dolbelidr - Listed II\* for its special historic interest as the home of Elizabethan grammarian Henry Salesbury, and its special architectural interest as a fine late C16 vernacular storied end-chimney*

## 1. **Introduction**

- 1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs), amplifying the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality of new development. The notes are intended to offer broad guidance which will assist members of the public and officers in discussions prior to the submission of planning applications and assist officers in handling and members in determining planning applications.

## 2. **Status and Stages in preparation**

- 2.1 The Council's SPGs are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG was formally adopted by Denbighshire County Council's Planning Committee on 18th March 2015.
- 2.2 These notes have been prepared in accordance with guidance contained in Welsh Office Circular 61/96 ('Planning and the Historic Environment: Historic Buildings and Conservation Areas') and 1/98 ('Planning and the Historic Environment: Directions by the Secretary of State for Wales'); Planning Policy Wales (July 2014); Local Development Plans Wales (December 2005); Welsh Government Technical Advice Notes (TANs); Cadw's policy document Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011), and English Heritage guidance on 'The Setting of Heritage Assets' (2011).

## 3. **Background**

- 3.1 This guidance note is to assist anyone who has a vested interest in a listed building. The purpose of the guidance note is to provide general information on listed buildings and specific information on what to do if there is a need to undertake works to a listed building.
- 3.2 There are over 1800 listed buildings in Denbighshire. The Council has a responsibility to manage appropriate changes to a listed building through a process called listed building consent. This consent is required if you want to undertake works that affect its character as a building of special architectural or historic interest. It doesn't mean that you can't undertake any works to a listed building but that the works are appropriate to its age, character, appearance and longevity and would add value to the building. This note is to assist you in preparing an application for listed building consent and what is

required for an application.

#### 4. **What is a Listed Building?**

4.01 A listed building is a building considered to be of 'special architectural or historic interest'. Cadw is responsible for listing buildings. Cadw forms part of the Welsh Government.

##### 4.1 **How are Listed Buildings chosen?**

4.1.1 The principles of selection have been established for some time but are periodically revised. The main criteria are:

- architectural interest: building important to the nation for their interest of their architectural design, decoration and craftsmanship, important examples of building types and techniques and significant plan forms;
- historic interest: buildings that illustrate important aspects of the nation's social, economic, cultural or military history;
- close historical associations with people or events of importance to Wales;
- Group value, where buildings contribute an important architectural or historic unity or are fine examples of planning.

4.1.2 Photo 1: Castle Street, Ruthin – most buildings on this street are listed in their own right. They also have group value by contributing to the townscape



- Age and rarity are also relevant considerations, particularly when buildings are listed specifically for their historic interest.
- All buildings erected prior to 1700 are listed if most of the historic fabric

survives in its original condition.

- There is some selectivity for buildings constructed between 1700 and 1840.
- There is greater selection required for buildings dating from 1840 onwards, given the number that has survived.
- Buildings less than 30 years old are normally only listed if they are of exceptional quality and are under threat.

4.1.3 Photo 2: Hillside Shelter, Prestatyn – a Grade II listed 20<sup>th</sup> century structure, listed as an unusual and innovative concrete garden structure, the centrepiece of a public garden



4.1.4 There are many types of listed buildings. These include buildings such as castles, houses, farmhouses and farm buildings, to structures such as bridges, telephone call boxes, post office boxes and street lights.

4.1.5 **All Listed Buildings are important, and** are classified in grades to show their relative importance in terms of hierarchy:

Grade I - buildings of exceptional, interest;

Grade II\* - particularly important buildings of more than special interest;

Grade II - buildings of special interest that warrant every effort being made to preserve them.

4.2 **What does listing means in practice?**

4.2.1 Once a building is listed the entire building is protected. This includes the

interior and exterior of the building, and includes any object or structure fixed to the building, including any curtilage structures, that have been in place prior to 1 July 1948. This is irrespective of the reason for listing. You should also note that the list description has no statutory force - that is, there will be items, fixtures or fittings in the listed building even though it is not described on the listing document.

4.2.2 Photo 3: Nantclwyd y Dre, Ruthin – a Grade I listed building which has several phases of construction



Photo 4: Nantclywd y Dre, Ruthin – interior panelling, historic fireplaces and flooring (*Photo courtesy of Gareth Parry*)



## **5. Listed Building legislation, Planning Policy and Regulation**

- 5.1 The primary legislation for carrying out listed building functions is the Planning (Listed Buildings and Conservation Areas) Act 1990. There are various duties that the local authority has to provide under this Act with regard to listed buildings. Under Sections 8, 10 – 22 and 66 – 68 - in considering whether to grant planning permission affecting a listed building or its setting, the local authority is to have special regard to the desirability of preserving the building or its setting.
- 5.2 National guidance can be found in Welsh Office Circular 61/96 and 1/98; Planning Policy Wales (Edition 7, 2014) Chapter 6 ‘Conserving the Historic Environment’, and Technical Advice Notes (TAN) 8: Renewable Energy (2005) and TAN 12: Design (2014).
- 5.3 National guidance has been updated since the adoption of the last SPG on listed buildings in 2003; in particular Cadw’s policy document ‘Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales’ (2011) and TAN 12. English Heritage has also produced guidance on ‘The Setting of Heritage Assets (2011)’. It should be noted that the English Heritage document only relates to England and some of the rules and regulations will differ in Wales but it does contain principles to consider which are generic to all listed buildings.
- 5.4 Denbighshire Local Development Plan 2006 – 2021 (LDP) Policy RD1 ‘Sustainable development and good standard design’ outlines general development management considerations relevant to development affecting a listed building. LDP Policy VOE1 ‘Key Areas of Importance’ and VOE 4 ‘Enabling Development’ are specific policies for planning applications affecting listed buildings and their settings. There is a presumption in favour of the preservation of listed buildings.
- 5.5 The Courts have accepted that there is no statutory requirement to have regard to the provisions of the local development plan for listed building consent, and Section 54A of the Town and Country Planning Act 1990 (superseded by Section 38 (6) of the Planning and Compulsory Purchase Act 2004) does not apply. However, plan policies have to be taken into account for planning applications, for example for changes of use, or development that affects the setting of a listed building. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building’s survival.

## **6. Listed Building Consent**

- 6.1 If you want to make changes to a listed building you have to apply for a

special planning procedure known as Listed Building Consent. *Listed Building Consent is usually required for internal and external works for:*

- The alteration or extension of a Listed Building;
- The demolition of a Listed Building;
- Repairs that do not match the existing;
- Repairs on a like for like basis that require extensive removal of historic fabric;
- Thermally upgrading your property.

6.2 Listed building consent would also be needed for the above works that affect curtilage listed structures.

6.3 It is very important to seek advice on any proposed works before submitting an application for listed building consent to the Local Planning Authority. It is a criminal offence to alter, extend or demolish a listed building without consent.

6.4 All applications for listed building consent, or a planning application affecting a listed building or its setting, are considered on:

*“The statutory requirement 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.” [PPW 7 (2014) paragraph 6.5.9)*

6.5 Applicants for listed building consent must be able to justify their proposals. This is assessed against:

- The significance of the building;
- The scale of development;
- The impact on the listed building and its setting.

## 7. **The setting of a listed building**

7.1 The setting of a listed building can be much more far ranging than the curtilage. For example:

- Farms are typically sat within a countryside setting
- Listed building in towns and villages, are typically part of a wider townscape quality
- Country houses may be set within a formal historic park or garden which has specifically designed to take account of views and vistas into the wider landscape (see Photo 5, p. 9)

7.2 The setting of a listed building must be taken into account even when a planning application is not on the land where the listed building is located. In these circumstances it is important to:

- identify the listed buildings or structures that might be affected by evaluating their architectural character, quality and interest;



- identify the setting of the listed buildings or structures, by looking at the existing nature and appearance of the existing surroundings of the listed building;
- evaluate how any new development would impact upon this - for example the visual impact of the proposed development, and magnitude of accumulative change relative to the scale of the historic structure and its setting.

7.3 Photo 5: Plas Newydd, Llangollen – A Grade II\* listed building in a Grade II\* historic parkland setting



7.4 There is a statutory duty for the local authority to consider the desirability of preserving the building or its setting. This is to ensure that the special character of both the building and its setting are protected and are not compromised.

## 8. **What information is required to make an application?**

8.1 **There is no fee for listed building consent applications.** Your application must be made up of 4 copies of:

- the necessary up to date and accurate plans of the site;
- the required supporting documentation;
- the completed application form;
- Certificate of ownership (1 copy);
- 12 copies of all documents where demolition works are proposed.

## 8.2 Plans

- **Site Location Plan** - an Ordnance Survey plan of the site and surrounding area at a scale of 1:1250 or 1:1250. The site must be outlined in red and any other land in the same ownership in blue. The direction of north should be clearly marked.
- **Block Plan**: to a scale of 1:500 or 1:200 showing how the building relates to other buildings on the site or adjacent sites, any buildings or features to be removed and any extensions or new buildings. The site should be edged in red.
- **Existing and Proposed Plans**: Elevations, floor plans and cross sections of the building to a scale of 1:50, showing the whole building or part affected by the works proposed, including any historic features. This should make clear what changes are involved.
- **Relevant Specific Details**: section details of new windows, including glazing bars and mouldings, panelling etc., doors; internal joinery detail such as staircases, architraves and skirting; shop fronts, hanging signs, timber framing, railings etc. to a scale of 1:5, 1:10 or 1:20. Details of any building regulation requirements relevant to the application will also be required in plan form - fire safety, ventilation, thermal insulation, sound insulation for example.

## 8.3 Written Information

- **Copy of list description**;
- **Details of any grants** applied for by Cadw, or other public body for works to the building;
- **A Design and Access Statement** The information required should be proportionate to the work proposed. This should explain the design principles behind any new works and how they relate to the listed building and surrounding area and to explain how issues relating to access to the building have been dealt with.

8.4 Planning Policy Wales (PPW Edition 7) recognises in paragraph 3.4.5: *“Historic buildings can present particular accessibility difficulties. The provision of access suitable for all should be encouraged wherever the installation of such access would not unduly affect the special character of an historic building. When a new extension is designed for a building of special architectural or historic interest it should be fully accessible. Access audits may be useful in assessing the accessibility of historic buildings.”* Further information is in Cadw’s publication ‘Overcoming the Barriers: Providing Physical Access to Historic Buildings’ (2002).

## 8.5 A Justification of the Works and An Assessment of the Significance of the works proposed

8.5.1 This is a detailed but proportionate account of how the proposals will impact on the listed building. This should:

- 1) Analyse the building to identify its architectural significance;
- 2) Identify the building's condition;
- 3) Describe the proposals and justification as to why they are desirable or necessary;
- 4) Assess their likely impact on the character of the building, its setting and the setting of any adjacent listed buildings;
- 5) Describe how the impact on the special architectural or historic interest of the building and setting have been minimised through an appropriate design solution.

8.5.2 This should include a detailed and appropriate specification of works proposed. It should be cross referenced to existing and proposed plans and drawings to indicate those affected historic features. This should also include details of any works required under the Building Regulations. The most common issues are below. The detailed works should include an appropriate conservation led solution for:

- Part B: Fire Safety;
- Part E: Resistance to Sound;
- Part F: Ventilation;
- Part L: Conservation of Fuel and Power;
- Part M: Access to and use of buildings.

## 9. **Assessing the Listed Building's Significance**

9.1 Applications will have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of a listed building, the extent of the listed building's fabric to which the significance relates and the level of importance of that significance. Historic Buildings Consultants and experienced conservation architects will be able to provide this level of detail. There is sometimes a need for a professional archaeologist to be involved in the research to inform design and/or in undertaking subsequent recording. The scope and complexity of each application is likely to vary enormously, depending of the extent of the proposals.

9.2 Cadw's document 'Conservation Principles for the sustainable management of the Historic Environment in Wales' (March 2011) sets out the principles behind conservation philosophy. Four types of heritage value are identified to assess significance: historic, evidential, aesthetic and communal value.

9.3 **Historical Value** – identifying a particular aspect of past life or association with a notable family, person, event or movement.

9.3.1 Historical research is important when analysing the significance of a listed building. For example historical research revealed the history of 37-39 Pendyffryn Road as a sub medieval farmhouse of the upper middle gentry. Its survival was highly unusual on the coastal plain and it has been restored accordingly.

9.3.2 Suggested details:

- Identifying historical sources of information - County Record Offices; local museums, libraries and archives; the National Monuments Record, Historic Environment Record (HER) etc. The HERs and archaeological development control officers have further guidance on photographic recording standards;
- Producing plans showing historical phases of development.

9.4 Photo 6: 37-39 Pendyffryn Road, Rhyl (before [top] and after [below])



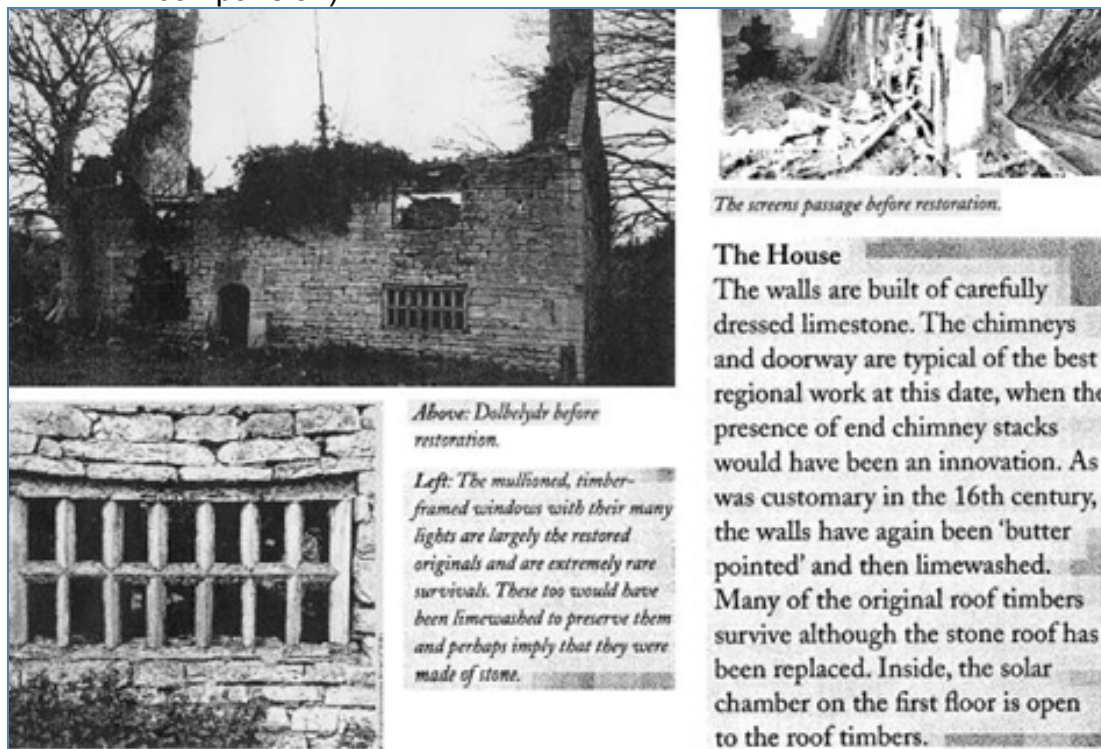
9.5 **Evidential Value** - elements of an historic asset.

9.5.1 This is evidence based research and recording on what is there – for example, the plan form of the old workhouse in St. Asaph (formerly HM Stanley), a Georgian house with 16th century timber framing inside, external features etc.

9.5.2 Suggested details:

- Written description of historical features from outside to inside, plan form, any historical remodelling and suggested dates of joinery detailing, fireplaces, historic shop fronts etc., room by room detail, and any loss or change to them, including Building Regulation requirements and how this impacts of the character of the building;
- Photographs - These must be up to date and in colour showing the whole building and closer views of the areas affected. Internal details may be of specific importance- doors, architraves, panelling, picture rails, fireplaces etc.

9.5.3 Photo 7: Dolbelidr in a poor condition; Roof repairs based on considered assessment and historic building research (see cover photo for comparison)



9.6 **Aesthetic Value** – derived from ways in which people draw sensory and intellectual stimulation from a place.

- Identify its character and architecture. Classical detailing, such as that on Mostyn House and on institutional buildings such as HM Stanley gives a

clue to the character and appearance and the society in which it was built.

- 9.7 Photo 8: Mostyn House, Vale Street, Denbigh, a Grade II fine town house – historical research and uncovering of features during works returned the character of the building back to its Georgian origins



- 9.8 **Communal Value** - the value a historic asset has for the people who relate to it.

- 9.9 Photo 9: Terfyn Wellhead, Bodelwyddan – a Grade II listed picturesque well of around 1868



## 10. Schedule of Alterations and Repairs

10.1 This should include a list of alterations, whether the works are of low, medium or high significance and a justification for the works. Repairs should be based on conservation work.

10.2

Drawing No:	Proposed alteration	Significance	Justification
ABC/1	Removing 19 <sup>th</sup> century casement window and replacing with stone mullion window	High	This part of the building is sub medieval. Evidence of original mullion window to side of building

10.3 Photo 10: Bryn-y-Parc, Park Street, Denbigh – a Grade II\* listed building, where the justification to restore the building to its original character of the late 16<sup>th</sup> / early 17<sup>th</sup> century was accepted after careful and detailed research



11. For proposals involving substantial rebuilding, demolition in full or part (in line with paragraph 91-92 of Welsh Office Circular 61/96)

11.1 **Structural Report** - A comprehensive and full detailed structural report by a conservation structural surveyor to justify why removal is necessary and to show that proposed alterations will not affect the structure, stability or character of the buildings.

## 11.2 **Financial Viability Appraisal**

### 11.3 **Justification for Demolition Statement** – This should include:

- A comprehensive assessment of the efforts made to sustain existing uses or viable new uses that would prevent demolition;
- Evidence that the redevelopment would produce substantial benefits for the community which decisively outweigh the loss resulting from demolition, and evidence made to incorporate the building into the redevelopment;
- Evidence that the preservation of the building in the form of a charitable trust or community ownership is not possible or suitable and efforts made to establish such ownership of sale on the open market.

## 12. **Maintenance and repairs**

12.1 Some works do not require consent, such as repairs that are on a like for like basis. Generally speaking normal maintenance works which are carried out on a "like for like" basis would by definition not affect the character of the building and therefore would not require Listed Building Consent. Care must be taken however to ensure that the work is "like for like". For example:

- Repairing roofs – retaining as much roof slates and timbers as possible. If a new roof is needed salvage as much slate as possible and replace slates with the same colour and size;
- Repairing windows with the same material, section detail and profile and finish;
- Re-pointing stonework with mortar of the correct mix, colour and finish.

12.2 Please see for further information the document 'A Stitch in Time', produced by The Institute of Historic Building Conservation (IHBC) and The Society for the Protection of Ancient Buildings (SPAB) and English Heritage (2002).

12.3 There is no statutory duty to improve the building but it should not fall into a worse state than it was at the time of listing. This may necessitate some works to keep the building secure, wind and watertight.

## 13. **Unauthorised Works**

13.1 Please note that carrying out unauthorised works to a Listed Building is a criminal offence punishable by a fine, prison sentence or both. It is always advisable to seek pre-application advice for any works you are proposing for peace of mind.



## 14. **Contacts**

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