

Listed Buildings and Conservation Areas

Introduction

We are fortunate in Gloucestershire to live in an attractive part of the country, surrounded by beautiful buildings, but property owners should be aware of the powers that Local Planning Authorities have in relation to historically or aesthetically interesting buildings and locations.

Powers in relation to individual buildings include “Listing” those of special architectural or historic interest. For areas or neighbourhoods which are of special architectural or historic interest, conservation areas can be created.

Listed Buildings

There are currently over 375,000 Listed Buildings in England.

There are three grades of listing:

Grade I relates to those of “exceptional interest” and are relatively rare. Locally these include Cirencester Parish Church, Barnsley Park and Arlington Row Bibury.

Grade II* are “particularly important buildings of more than special interest”. Locally these include Holy Trinity Church, Watermoor and Cirencester Park Mansion.

Grade II is the largest category, (over 90%) and includes many private homes.

Five Criteria are used in Listing:

- Age and rarity
- Aesthetic merits
- National Interest
- Selectivity
- Value

Practical Consequences for owners of Listed Buildings are restrictions on development or alterations. If any alterations are planned then an application must be made to the Local Planning Authority for Listed Building Consent. There is usually no charge. Where relevant, an application for usual Planning Consent must also be made, for which the usual charge applies.

Modifications to Listed Buildings which need Listed Building Consent include any changes outside or inside which will affect the character of the building. This would not normally include repairs, but may do so where repairs involve replacement, depending on what is being replaced and what kind of building it is.

Modifications which are often refused are UPVC windows and conservatories.

As there is no time limit on the Local Planning Authority’s entitlement to enforce (unlike other planning breaches) it is wise to err on the side of caution when considering whether to apply for Listed Building Consent.

Conservation Areas

There are approximately 7,000 Conservation Areas in England. Cirencester town centre is a local Conservation Area.

Before designating Conservation Areas, Local Planning Authorities are encouraged to but do not have to liaise with the public.

Consequences of designation as a Conservation Area include extra controls over:

- Demolition of buildings – Planning Consent is needed for those over 115 cubic metres
- Felling of trees – Notice is required for many trees
- Reduction of the normal “Permitted Development” rules e.g. for dormer windows, cladding, and large extensions

Additionally, an Article 4 Direction may be imposed, which means that the Permitted Development rules are entirely withdrawn and Planning Consent always has to be applied for in respect to development which in other areas would not be required.

Building Regulations Compliance

Separately from Planning Consent and Listed Building Consent, Building Regulations Consent must also be applied for where relevant. There are some exemptions such as full compliance with energy efficiency requirements for older properties but in other cases such as extensions the building will need to be fully compliant with modern standards.

Selling

When selling a Listed Building or one within a Conservation Area, expect enquiries from the buyer in relation to Compliance with the extra Planning rules and Building Regulations regime mentioned above. If there has been non-compliance in the past, the expedient of indemnity insurance may not be available as it would be for other breaches of Planning or Building regulations and it will often be necessary to make specific enquiry with the Insurance Company.

For further information, see the following websites:

www.historicengland.org.uk

www.britishlistedbuildings.co.uk

<https://www.cotswold.gov.uk/residents/planning-building/historic-buildings-conservation-areas/>

Alternatively, please feel free to contact Alison Fielden at Alison Fielden & Co, The Gatehouse, Dollar Street, Cirencester, Gloucestershire, GL7 2AN on 01285 653261 or alison@alisonfielden.co.uk.