

# Draft Historic England Advice Note: Listed Building Consent

This response to the above consultation is submitted on behalf of the London Forum of Amenity and Civic Societies (The Forum), which is a charity established in 1988 by the Civic Trust to network, inform, support and represent a membership of community and civic groups in London. These now number over 120, each with hundreds of individual members. The Forum responds on their behalf to Government and GLA consultations.

Broadly speaking, the Forum consider this to be an excellent document, which succeeds well in meeting the task it sets out to perform. Our comments are therefore either strategic, in that we look to see if some wider contextual changes (e.g. deriving from the Planning White Paper, the Tailored Review etc.), might impinge on the guidance proposed, or they concern more minor drafting issues.

## Part 1

### 2. Legal and policy background

The London Forum is pleased to note the retention of the phrase 'the familiar and cherished local scene', reflecting as it does links with earlier guidance documents, such as PPG 15 and its predecessors

#### Analysing special interest

##### 12. List descriptions.

The note here refers to the fact that all grades of buildings included on the statutory list are, by definition, of national importance. However, past experience shows that there is an all-too-common tendency to downgrade Grade II buildings ('It's only Grade II'), and to regard them as tantamount to locally listed buildings. The text here is quite correct in the advice it gives, but some added emphasis on Grade II buildings, noting that though they might be of lesser importance/significance than Grades I and II\* buildings, they are still of national importance, and deserve to be treated accordingly.

#### Listed building consent and archaeology

30. The reference here to the need for 'a competent consultant' could, and probably should, appear throughout the document; likewise, the desirability of local planning authorities employing their own experienced specialist staff. However, the point we wish to raise here relates to the Planning White Paper, and the need to adapt to proposals which may, or may not, come to pass in the fullness of time. Page 59 of *Planning for the Future* states that the Government wants 'to explore whether there are new and better ways of securing consent for *routine works* (our italics), to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings ( i.e. other than Grade II buildings? See above). This initiative includes looking to see whether suitably experienced architectural specialists might earn autonomy from *routine listed building consents* (our italics). We note that the draft guidance deals below with the question of approved specialist consultants, but we consider that further thought will have to be given as to what constitutes routine works. Possibly, these could be on the lines set out in Annex 1, recognising that the materials used and the work practices employed might require listed building consent if not carried out in accordance with good practice guidance.

## **4. Making applications for listed building consent**

### **Finding expert advice**

The comments above relating to Para. 30 are also relevant to Paras. 32-34, but it may also be worth mentioning that listed building owners without recourse to advice from their own specialist adviser (e.g. where such services are not affordable), will rely on the LPA to provide the appropriate advice. In cases where the special interest is unaffected, the relevant officer needs to be properly qualified, with the experience and professional weight to be able to advise that listed building consent would not be required, confident that his/her opinion will not be challenged by his/her elected members. Alternatively, the LPA could retain its own specialist consultant to advise on its behalf. However, more recently, we gather from the text of the Tailored Review, that Historic England now offers an 'at cost' listing description enhancement service, which presumably can provide a more authoritative account of the extent of the special interest in the building and/or, more usefully still, definitive evidence of what is not of special interest. This latter development should perhaps be noted specifically in the guidance document.

The above comments also apply to Para. 4 of **Annex 1**.

### **Advice on works for which listed building consent may not usually be required**

#### **28. Satellite dishes.**

Where it proves difficult to find a suitably inconspicuous position for a satellite dish on a listed building, the guidance might perhaps suggest that thought be given to a ground/garden location as an alternative.

#### **Internal works.**

#### **39. Fitted furniture.**

Some thought might be given as to whether it would be appropriate to cover the vexed question of the removal of works of art (e.g. statuary) from a listed building. A footnote might perhaps be appropriate quoting the relevant case law, and dealing with such matters as the degree of annexation, and whether or not the creation of a special feature in a listed building to accommodate and display a particular work of art, might provide grounds for the latter's retention in situ.

Yours faithfully,

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