

Listed buildings

Residential Property, Farms & Estates

What is a listed building?

The Secretary of State for National Heritage defines it as a 'building of "special architectural or historic interest" which may be added to a Listed Building list because of its 'age, character, architect or associations with history or famous people', as a way of preserving our heritage.

Which buildings are 'listed'?

Listed buildings need to follow specific criteria to achieve 'listed' status, but a brief guideline would include the following:

- all buildings built before 1700, which survive in anything like their original form
- most buildings built between 1700 and 1840
- buildings built between 1840 and 1914 (provided they have some definite quality and character)
- high quality buildings built between 1914 and 1939
- some buildings built after 1939, usually of national importance and under threat.

What do the Grades of listed building mean?

There are three Grades of listed buildings:

- **Grade I** – buildings of exceptional interest (usually of major national or international interest)
- **Grade II*** - buildings of more than special interest (those of regional importance)
- **Grade II** - buildings of special interest, that warrant every effort to preserve them (important locally).

English Heritage is also consulted with Grade I and II* properties.

The listing covers more than just the building; it includes everything within the curtilage of the property, including the garden and any outbuildings.

How does a 'listing' affect the owners and occupiers?

Owners and occupiers of listed buildings need to be wary. You must obtain Listed Building Consent from the appropriate Planning Authority before a listed building can be altered or demolished. It is a criminal offence to carry out any unauthorised work without such consent where hefty fines can be imposed. The media often highlights the perils of those who proceed unheeded which typically results in alterations having to be torn down and removed and the building reinstated to its former state.

Time is no barrier to enforcement either so if you made alterations years ago, you may still be liable to fines and penalties, let alone the costs of making good the property. So it is important to realise that there is no time limit for enforcement by the local planning authority of obligations for unauthorised works or disrepair. If that wasn't enough, it can enforce, even if it has overlooked breaches in the past, or simply failed to enforce. If the local planning authority becomes aware of one breach they may discover others as a result of their inspection. All this means that the current owner will be liable, even if the breach occurred before they bought the property.

Legal searches and enquiries to the seller's solicitors can only uncover so much and we cannot guarantee that all possible breaches of the legislations have been uncovered using these routes. It is extremely important that you instruct a surveyor qualified to advise you about listed properties which should ensure that you avoid any unpleasant (and expensive) surprises in the future.

Upkeep and repair of listed buildings

Owners are also responsible for the upkeep and repair of listed buildings. In some cases grants are available toward repair work that may be necessary.

You can find out more about available grants on:

www.doeni.gov.uk/niea/funding/historic_buildings_grants-2.htm

If a listed building falls into disrepair the local planning authority has several options:

- to encourage the owner to maintain and repair the building, by offering practical advice
- to enforce obligations upon an owner
- if it is then not completed, to serve a notice to repair, specifying the work required
- if still not carried out, they can compulsorily acquire the property
- where the building is unoccupied, to arrange for the repair work to be done and to recover the costs from the owner.

When is consent needed?

Consent is required for any works that will affect the character of any buildings on the Listed property, such as alterations, additions and extensions, major repairs, demolition, painting of external walls, removal of internal walls, or fixed features etc. Consent will usually be required for internal, as well as external alterations and in respect of outbuildings and boundary walls and structures. We would always recommend you get advice from your local planning authority before considering any alterations, additions, repairs, extensions, etc. Be safe, not sorry.

Demolition or development of a listed building

Demolition of a listed building, in part or whole, or development within its curtilage, will also require separate planning permission.

Remember, it is a Criminal Offence to carry out any work on a listed building without the appropriate consent. Please contact your local planning authority for additional help and guidance.

We have many specialists within our residential property team with many years experience of buying and selling listed buildings who will be happy to give you further help.

Contact us on 0800 051 8050 to talk about your needs or to make an appointment without obligation.