

BOLTON METRO
ENVIRONMENT DEPARTMENT
PLANNING CONTROL POLICY NOTE No. 20

Listed Buildings

Introduction

1. This Planning Control Policy Note gives advice on:
 - (a) Bolton's policies for listed buildings
 - (b) control over alteration, extension and demolition of listed buildings
 - (c) application procedures for listed building consent
 - (d) publicity and consultation
 - (e) buildings in need of repair
 - (f) enforcement
 - (g) churches
 - (h) advice on alteration of listed buildings.
2. The advice reflects legislative requirements of the Planning (Listed Building and Conservation Areas) Act 1990 and Planning Policy Guidance Note 15 on the Historic Environment published by the Department of the Environment.
3. Many listed buildings are in conservation areas. Advice on controls in conservation areas is given in Planning Control Policy Note 19.

Bolton's Heritage

4. Bolton has a rich legacy of historic buildings. There is a wealth of older stone cottages and agricultural buildings in the rural areas of the Borough, and the urban areas contain a large number of buildings dating from the Industrial Revolution as well as town centres containing historic civic and commercial buildings.
5. In July 1994, it had 648 listed buildings, including four of Grade I and eight ancient monuments.

Listed buildings

6. The listing of buildings of special architectural or historic interest is carried out by the Secretary of State for National Heritage. Buildings are added to the list in two ways:
 - (a) as a result of a systematic resurvey or review of particular areas or building types;
 - (b) following proposals from local authorities, amenity societies or other bodies or individuals that particular area buildings should be added to the list.
7. The Council can serve a Building Preservation Notice on the owner of a building which it considers is of special architectural or historic interest and is in danger of demolition or substantial alteration. This protects the building in the same way as listing, for a period of six months during which the Secretary of State must decide whether to list the building.
8. Buildings are listed in three grades, I, II* and II, with I being the highest. The list is available for inspection in the Department of Environment. All owners and occupiers of listed buildings are notified when a building is included in the list.

Ancient monuments

9. The Ancient Monuments and Archaeological Areas Act 1979 gives the Secretary of State for National Heritage the duty to compile a list of ancient monuments. An ancient monument may also be a listed building, but the requirement to obtain listed building consent is superseded by the requirement to obtain scheduled monument consent.

Protection of listed buildings

10. The planning system is a vital instrument in protecting listed buildings. Listed building consent is normally required from the Council for works to any listed building involving any demolition, whether in whole or in part, and for any works, repairs or maintenance which would alter its appearance or setting. The conservation and enhancement of the Borough's listed buildings is an important part of the Council's planning policies, but the responsibility is shared by all, including central government, businesses, voluntary bodies, churches and by private individuals as owners, users and visitors. Regular maintenance and repair are the key to the preservation of historic buildings and this is the responsibility of the building's owners.
11. When works are being contemplated on a listed building it is always advisable to seek expert advice. It is important to discuss the proposals

with planners in the Planning Control Section as early as possible, and certainly before a formal application is submitted. This will clarify what the Council's expectations are and may well avoid costs in drawing up proposals which are clearly contrary to the Council's policy and advice.

Policy

12. Bolton's Unitary Development Plan contains policies for the development of the Borough. Policies for listed buildings are given below. Policy CE3 states:

The Council will protect listed buildings and their setting, ancient monuments and sites of archaeological interest from harmful development and operations.

13. The reasoned justification for Policy CE3 states:

Listed buildings, ancient monuments and sites of archaeological interest are valuable as part of Bolton's heritage and there is a presumption for their retention and against any damage occurring to them. The Council will also try to ensure that necessary repairs are carried out to listed buildings whose condition is deteriorating. In appropriate circumstances, the Council will encourage the Department of the Environment to list buildings which are considered to be of sufficient architectural or historical interest. Where damage to archaeological sites is inevitable, action will be taken to try to ensure that the site is recorded fully.

14. Proposals for alteration or extension of listed buildings (Policy CE3/1). Policy CE3/2 states:

Proposals for the alteration, extension or change of appearance of listed buildings should not detract from their character, appearance or setting. In considering applications for listed building consent, the Council will have regard to the following criteria:

- (a) proposals should retain the materials, features and details of the listed building;**
- (b) the height, size, design, setting and roofscape should respect the character of the listed building;**
- (c) proposals should not detract from the setting and open space which surround a listed building.**

15. The reasoned justification for Policy CE3/1 states:

This policy outlines the detailed criteria which will be taken into account in the determination of applications for listed building consent. Apart from the basic design, it also highlights the importance of the setting and open space which surround listed buildings.

Change of use Policy (CE3/2). Policy CE3/2 states:

16. **The Council will normally consider favourably proposals for appropriate alternative uses for listed buildings, provided that their character, appearance and setting are conserved.**

17. The reasoned justification for Policy CE3/2 states:

Some listed buildings are no longer required for their original uses. There is a danger that some buildings can lie empty and deteriorate, increasing the pressure to demolish them. The Council will try and avoid this by allowing alternative uses as long as they do not harm the character and appearance of the building and its setting and are in conformity with other policies of the Plan.

Advice

Listed building consent

18. Listed building consent is usually needed for:

- (a) any external or internal works which would affect a building's character
- (b) demolition of whole or part of a listed building
- (c) painting or repainting the exterior or interior of a building
- (d) changes to any fixture or building in the curtilage of the listed building.

19. Consent is not normally needed for repairs, unless these involve alterations which would affect a building's character. The need for consent should always be checked with a Planning Control Officer before any repairs are started.

20. Planning permission may also be needed, and if so this should be submitted at the same time as the listed building consent application. It is always advisable to discuss an application with a Planning Control Officer before submitting plans.

Assessment criteria

21. The Council's aim for listed buildings is to protect them and their setting. The starting point for the exercise of listed building control is always a recognition of the great importance of protecting buildings of architectural interest from unnecessary demolition and inappropriate alteration. Applicants for listed building consent must be able to justify their proposals and show why works which would affect the character of a listed building are desirable or necessary. Applications for listed building consent should therefore provide the Council with full information, to enable it to assess the likely impact of their proposals on the special architectural or historic interest of the building and its setting.
22. All applications to alter listed buildings will be assessed having regard to the guidelines produced in Annex C of Planning Policy Guidance Note No. 15.
23. All applications for listed building consent will be assessed on the following points:
 - (a) the importance of the building reflected by its grading, historic and architectural interest and rarity in national and local terms
 - (b) the physical features of the building which justify its listing, e.g. its design, plan, materials
 - (c) the setting of the building and its contribution to the local area, e.g. group value, townscape importance
 - (d) the benefits of the works to the community in economic and environmental terms.

Setting

24. The setting is often an essential part of a building's character. Historic buildings can be robbed of much of their interest and townscape value if they become isolated from their surroundings. When planning applications for development in the vicinity of listed buildings are being considered, careful appraisal is required to ensure that the character is not harmed.
25. Applications for development which by its location or design, have an adverse effect on setting will normally be refused.
26. The visual quality of open spaces around a listed building often contribute to its setting. Development which would lead to the loss of any open space which fulfils a valuable role in the townscape will be resisted. So too would development which would obstruct important

views of and from listed buildings. Management of these important open spaces should be sympathetic to the character of historic buildings.

27. The Authority will publish a notice of planning applications which affect the setting of a listed building.

Advertisements

28. New advertisements on a listed building would require listed building consent if they affect its character. They may also require advertisement consent.
29. Many of the Borough's listed buildings are commercial in nature, and advertisements are an integral part of their character. However, any new signs should respect the scale and character of the buildings and any architectural features that they possess. Traditional detailing should be maintained. Internally illuminated box signs are not normally appropriate. For those listed buildings that are not primarily commercial in nature, only very small-scale signs, if any, would be appropriate.
30. Further guidance on the display of signs and advertisements is given in a Planning Control Policy Note 6 (No. 6).

Reuse of Buildings

31. The best way of securing the upkeep of listed buildings is generally to keep them in active use. The best use will very often be the use for which they were originally designed. When this is not possible the economic viability of possible uses needs to be balanced against the effect of any changes they entail on the character of the building or area in question. New uses that conserve or enhance listed buildings will normally be allowed.

Demolition

32. Listed building consent will always be required for the demolition of a listed building in whole or part. There is a strong presumption in favour of the retention of all listed buildings. Consent for the total or substantial demolition of a listed building would only be granted under very exceptional circumstances. It would only be granted if:
 - (a) convincing evidence that real efforts have been made to sustain existing uses or find viable new uses and have failed;
 - (b) that preservation in some form of community or charitable ownership is not possible or suitable

- (c) clear evidence is produced that redevelopment would produce substantial planning benefits for the community which would decisively outweigh the loss resulting from demolition.
33. The Local Authority will take the following into consideration when dealing with applications to demolish:
- (a) the condition of the building, the cost of repairing it, in relation to its importance
 - (b) the efforts made to retain it in use. This should include the offer of the unrestricted freehold on the open market at a realistic price reflecting its condition
 - (c) the merits of alternative proposals for the site. The architectural merit of replacement buildings or the economic returns to the developer of redevelopment rather than re-use, are not justifications for demolition of a listed building.

Submitting an Application for Listed Building Consent

34. Any application for listed building consent should be accompanied by full detailed scaled elevation drawings and floor plans (minimum scale 1:50) which clearly show both the existing building and proposed alterations.
35. Planning permission may also be required for works to listed buildings, as well as listed building consent. Anybody proposing works to a listed building should check with the Planning Control Section as soon as possible to find out whether planning permission is necessary. If it is, then separate sets of forms and drawings need to be submitted for the planning application.
36. The planning application should be submitted at the same time as the application for listed building consent.

Fixtures and curtilage structures

37. Any object or structure which is either fixed to a listed building, or forms part of the land, and is situated within the curtilage, is treated as part of the listed building and is therefore subject to listed building controls. The only exception to this is free-standing objects or structures erected on or after 1st July 1948.

Building and fire regulations: house renovation grants

38. The Council will deal sympathetically with proposals for the repair or conversion of listed buildings in exercising its responsibilities for the safety of buildings under the Building Regulations and Fire Regulations.

Where there is a potential conflict between these requirements and schemes to repair or convert listed buildings, early advice should be sought from the Council's Planning Control Section.

39. The Council will be flexible in the interpretation of standard grant conditions, e.g. for damp proofing, insulation, where grants are offered for the renovation of listed buildings to ensure that such works do not damage the character of the building.
40. Building Regulation applications will be expected to conform with listed building consents and this will be monitored by Building Control.

Publicity and Consultation

41. When the Council receives an application for listed building consent or applications which affect the setting of a listed building it must by law carry out certain publicity.
 - (a) **It must publish in a local newspaper, in Bolton's case the Bolton Evening News, a notice describing the proposal and stating that the plans are available for inspection at Bolton Town Hall for 21 days from the date of the notice.**
 - (b) **It must display the same information on a site notice for at least 7 days.**
42. The Council must take into account any representations that it receives.
43. The Council must also in certain circumstances, notify outside bodies such as English Heritage, and various national amenity societies, of applications.
44. Bolton and District Civic Trust will be consulted on all applications for listed building consent.

Enforcement

45. *Prosecutions:* The following are criminal offences:
 - (a) Demolition in whole or in part of a listed building without listed building consent.
 - (b) Carrying out work on a listed building without the necessary consent.
 - (c) Failure to comply with any condition attached to a consent.
 - (d) Theft of architectural features.

46. The Council can prosecute offenders. Conviction in a Magistrates' Court carries a fine of up to £20,000 or six months imprisonment.
47. *Enforcement notices:* The Council can issue a listed building enforcement notice if work is carried out without the necessary consent. There is no time limit for service of a notice. The notice may:
- (a) require the building to be brought back to its former state:
 - (b) if that is not reasonably practicable or desirable, require other works to alleviate the effects of the unauthorised works; or
 - (c) require the building to be brought into the state it would have been in if the terms of any listed building consent had been observed.
48. There is a right of appeal to the Secretary of State for the Environment against a listed building enforcement notice.

Buildings in need of repair

49. *Urgent works:* the Council has powers to take action in cases where listed buildings are in a poor state of repair. If urgent works are needed to a building to keep it wind or weather proof and safe from collapse or to prevent vandalism or theft, then the Council can carry out the works itself. It must first serve a notice on the owner. The costs may be recovered from the owners, although there is a right of appeal against this. Urgent works under these powers can only be carried out on an unoccupied building or an unoccupied part of a partly occupied building.
50. *Repairs notices:* if the Council considers that a listed building is not being properly preserved, it may serve a Repairs Notice on the owner. This Notice is not confined to urgent works or to unoccupied buildings. The Notice must specify the works which are reasonably necessary for the proper preservation. The Council will only consider serving such a notice where protracted failure by the owner to keep a listed building in reasonable repair places the building at risk.
51. *Compulsory purchase of buildings in need of repair:* If at least two months has elapsed since the service of a Repairs Notice and no reasonable steps are being taken towards complying with the Notice, then the Council may begin compulsory purchase proceedings. A Compulsory Purchase Order has to be confirmed by the Secretary of State. Where an owner has deliberately let a building deteriorate in order to justify demolition and redevelopment, only minimum compensation will be awarded.
52. *Grants:* May be available from English Heritage for:

- (a) Grade I or Grade II* buildings
 - (b) Listed buildings which are at risk and in a conservation area.
53. Information about grants is available from the Environment Department - Planning Control Section.

Churches

54. Special rules apply to churches. In certain circumstances ecclesiastical buildings in active use are exempt from listed building and conservation area controls. Advice is available from the Planning Control Section of the Environment Department.

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