



department for  
culture, media  
and sport

# New principles of selection for listing buildings: an analysis of consultation responses

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# New principles of selection for listing buildings: an analysis of consultation responses

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## INTRODUCTION

1. In July 2005, DCMS and DCLG conducted a public consultation on proposed revisions to the criteria used when assessing a building for listing currently set out in *Planning Policy Guidance Note 15: Planning and the Historic Environment*.
2. The current Principles of Selection are the statutory criteria of "special architectural and historic interest" set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, underpinned by a series of general principles last revised in 1994. Since they were written, experience of applying the criteria and knowledge of the historic environment has developed. The general principles are now considered unclear, in contrast with the criteria used for designating other historic assets.
3. The Government wishes to make the general principles clearer, so that the basis on which decisions are made when designating buildings is more transparent and understandable.
4. The consultation proposed revised Principles of Selection with two sections. The first section would contain the statutory criteria and general principles. The statutory criteria would remain the same as before but with updated general principles to make explicit the practical approach used since PPG15 was published. The second section would set out an overview of 20 building types with summaries of the characteristics considered to be of special interest. The purpose of these summaries was to make clear why particular examples of a building were considered listable and others not. It was proposed that the general principles and overview of building types would be published jointly by DCLG and DCMS in a Planning Circular.
5. As well as the new Principles of Selection, it was proposed that English Heritage would publish detailed Selection Guides for individual building types, reflecting the current state of research. The Guides would be detailed technical essays with information about each building type and illustrations of what features were likely to make particular examples of buildings of special interest.
6. The consultation, which ran for twelve weeks, from 25 July – 17 October 2005, asked two questions:
  - Q1: Does the revised approach to the Principles of Selection (i.e. general principles coupled with specific building types, underpinned by detailed technical essays) represent an improvement on the current PPG15 guidance, and make the listing process more transparent and simpler to understand?
  - Q2: Do the building types selected cover the field adequately and appropriately? If not, what changes would you suggest?

## RESPONDENTS

7. We received 126 responses to the consultation from a broad range of stakeholders including: ecclesiastical bodies; government bodies; local authorities; national amenity societies; the private sector; professional bodies; the public sector; trade associations; voluntary organisations; and individuals. A list of all the respondents is included at the end of this document.

| Type of respondent        | Number     | Percentage  |
|---------------------------|------------|-------------|
| Ecclesiastical body       | 5          | 3%          |
| Government body           | 9          | 7%          |
| Individual                | 14         | 11%         |
| Local authority*          | 43         | 34%         |
| National amenity society* | 5          | 3%          |
| Private sector            | 10         | 7%          |
| Professional body         | 7          | 5%          |
| Public sector             | 3          | 2%          |
| Trade association         | 3          | 2%          |
| Voluntary organisation    | 27         | 21%         |
| <b>Total</b>              | <b>126</b> | <b>100%</b> |

\* Including representative bodies

## ANALYSIS OF QUESTION 1

**Q1: Does the revised approach to the Principles of Selection (i.e. general principles coupled with specific building types; underpinned by detailed technical essays) represent an improvement on the current PPG15 guidance; and make the listing process more transparent and simpler to understand?**

| Answer | Number | Percentage |
|--------|--------|------------|
| Yes    | 86     | 68%        |
| No     | 18     | 14%        |
| DNA*   | 22     | 17%        |

\*DNA = did not answer

| Type of organisation     | Yes | No | DNA |
|--------------------------|-----|----|-----|
| Ecclesiastical body      | 4   | 0  | 1   |
| Government body          | 9   | 0  | 0   |
| Individual               | 4   | 0  | 10  |
| Local authority          | 33  | 3  | 7   |
| National amenity society | 1   | 4  | 0   |
| Private sector           | 6   | 2  | 2   |
| Professional body        | 7   | 0  | 0   |
| Public sector            | 2   | 1  | 0   |
| Trade association        | 2   | 1  | 0   |
| Voluntary organisation   | 18  | 7  | 2   |

8. The majority of respondents, 68%, believed that the revised approach to the Principles of Selection represented an improvement to the guidance currently contained within PPG15. A number of these respondents stated that the revision was generally an improvement, and would provide clarity to the listing system. However, many of those who answered yes made significant comments about both the general principles and the building types within the revision. Further, more than one quarter of respondents did not agree either that the revised approach was an improvement, (14%), or did not answer the question, (17%). Again, these respondents made significant comments about all parts of the revision, including the inclusion of building types summaries.
9. It was clear that whilst a revision of PPG15 was welcomed, amendments to the proposals contained in the consultation document were necessary. A detailed consideration of comments relating to the structure, the statutory criteria, and the general principles is set out below. Decisions are set out in bold type.

## Structure

10. It was apparent from the responses that there was strong support for keeping the general principles that underpin the statutory criteria, although amendments to the content of the general principles were suggested. Opinions were mixed about the inclusion of building types summaries. Some respondents felt they could increase clarity and understanding about the thinking behind the listing of different building types and provide a comprehensive source of reference. Others felt that their inclusion in policy might introduce such heavily defined criteria that there would be little flexibility in the system, and that the inclusion of the building types was confusing and an unnecessary duplication. Some respondents felt they would cause confusion over the primacy of the general principles governing the overall selection process, particularly as many of the summaries contained some of the general principles.
11. There was strong support for the introduction of Selection Guides, the detailed technical essays about the individual building types to be published on the English Heritage website. It was believed these could provide comprehensive information and insight into a building type, particularly because they would be updated to include the most recent research. It was also felt that this approach would bring parity with the scheduling of ancient monuments. Several organisations suggested the involvement of specialists when drafting the guides, and that they should include illustrative examples. However, concern was expressed about the relationship between the building type summaries and the Selection Guides and the potential for confusion. A few respondents felt that guidance that was more detailed may encourage more challenges to proposed listings on detailed technical grounds and could introduce too many constraints on the system. There were also concerns that if a structure did not fall within the Selection Guides then it would be excluded from listing.
12. **The Principles of Selection for listing buildings have been revised and published in a Planning Circular. The Circular contains the statutory criteria and underpinning general principles. It does not include the building type summaries included in the consultation document.**
13. **Detailed Selection Guides will be published on the English Heritage website. These guides will be used by English Heritage when assessing buildings that fall within the scope of a guide. They have been developed in the light of comments made by respondents. The statutory criteria and general principles will take precedence over the Selection Guides, and the Circular states this. The Selection Guides will be reviewed periodically to ensure that they represent current knowledge. The Selection Guides are not exhaustive, to ensure that they allow flexibility in the system for buildings of a type that do not fall within the scope of the guides, or for those that fall into more than one of the categories.**

### State of repair

22. While some respondents welcomed the addition of the state of repair as a general principle, others felt that its inclusion would mean that a building's potential was not taken into account, and that the list should identify buildings of interest regardless of their condition. Many respondents felt that it could provide an incentive to owners of buildings that have the potential to be listed a reason to allow them to fall into a state of disrepair. This could also be allowed to happen to listed buildings where an owner wishes them to be de-listed. It was noted that deciding the level of repair could be a contentious issue. Some respondents felt that the paragraph's two sentences contradicted each other.
23. **The paragraph relating to state of repair has been clarified to show that the fact that a building is in a poor state of repair is not a reason not to list it if it is still of architectural or historic interest.**

### Historical associations

24. Respondents felt that this paragraph made historical association secondary to architectural factors.
25. **It is felt that there is no meaningful distinction between historic interest and historical association. Reference to historical association has been removed and the paragraph relating to historic interest clarified.**

### Group value

26. Many respondents felt that greater clarification was needed when listing a building for its group value, including whether or not it meant that the individual building was of interest, and whether the interior of the building was excluded from the listing.
27. **Group value has not been included as a general principle because it is included in Section 1(3)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and therefore has a different status from the general principles. It has been clarified that if a building is designated because of its group value the protection will still apply to the whole of the building. English Heritage will explain how group value has influenced an assessment of a building in the listing recommendation and list description.**

### Landscape

28. Several respondents refer to the issue of landscape, which was mentioned in the introductory paragraphs, requesting an updated section on this matter to reflect its importance.
29. **Landscape is not a criterion for listing, but may give weight to the reason for designation, including where group value is enhanced by the surrounding landscape. English Heritage will explain how the landscape has influenced an assessment of a building in the listing recommendation and list description.**

### Setting

30. Consideration of a building's setting was recognised to be important and some respondents felt an improved explanation of how a building is linked to its surroundings was necessary.
31. **Setting is not a criterion for listing, but may give weight to the reason for designation. English Heritage will explain how the setting has influenced an assessment of a building in the listing recommendation and list description.**

### Intactness

32. The issue of intactness was raised by some respondents because it appears in the summary of a number of building types. It was suggested an explanation of its meaning should be included in the introduction or as a general principle.
33. **Intactness has not been included in the introduction or as a general principle. It is an issue relating to all building types and therefore it has not been included in the Selection Guides.**

### Definition of buildings and structure

34. It was felt that the footnote explaining the term building was unhelpful and that case law was not reflected.
35. Existing definitions will continue to be used.

### Fixtures and fittings

36. Respondents felt that this might need further clarification, particularly as machinery is mentioned in the agricultural and industrial building types. There was pressure for fixed organs to be included as fixtures and fittings.
37. **It would not be appropriate to have a definitive list of what constitutes a fitting because each case has to be decided on its own particular facts. To draw precedents from case law as to what objects do and do not constitute buildings may cause greater uncertainty. All fixtures and fittings considered to be of special interest will be included in the summary of importance in the list description.**

### Other types of asset

38. Several respondents felt that reference should be made to other types of historic asset, including how the principles for listing buildings may correlate with underground elements of standing structures and sites of archaeological importance. Some respondents disagreed with the comment that the criteria for registering parks and gardens was very detailed and clearly understood. Some respondents also suggested that the criteria for all assets should be published in the same document.
39. **The Principles of Selection for monuments and historic sites will be revised as part of heritage protection reforms.**

## ANALYSIS OF QUESTION 2

**Q2: Do the building types selected cover the field adequately and appropriately? If not, what changes would you suggest?**

| Answer | Number | Percentage |
|--------|--------|------------|
| Yes    | 72     | 57%        |
| No     | 18     | 14%        |
| DNA*   | 36     | 28%        |

\*DNA = did not answer

| Type of organisation     | Yes | No | DNA |
|--------------------------|-----|----|-----|
| Ecclesiastical body      | 4   | 0  | 1   |
| Government body          | 5   | 0  | 4   |
| Individual               | 3   | 0  | 11  |
| Local authority          | 31  | 3  | 9   |
| National amenity society | 0   | 5  | 0   |
| Private sector           | 6   | 0  | 4   |
| Professional body        | 4   | 2  | 1   |
| Public sector            | 2   | 1  | 0   |
| Trade association        | 1   | 1  | 1   |
| Voluntary organisation   | 16  | 6  | 5   |

40. The majority of respondents agreed that the building types covered the field adequately. The inclusion of more unusual types of structure, such as street furniture and industrial buildings,

was welcomed. However, a number of respondents had concerns about the building types generally, and made comments about the building type summaries. It was suggested that features and structures such as walls, railings, gates, and plan/form types, such as towers and courtyards, should be considered for listing. Concern was expressed for structures that spanned several building types; where a building's use had changed; or where it did not fall within any of the building types, and that this may lead to its exclusion from the listing system. It was suggested that a caveat be included to explain they should not be seen as exhaustive in order to allow flexibility in the system.

- 41. Many respondents commented on the drafting of building type summaries, which were described as "confusing", "repetitive", "generic", and "inconsistent". General principles were contained in some but not all of the building types; different phrases were being used to describe the same topic; there was no clarity on the order of the bullet points contained within the summaries; or whether the summaries had priority over the general principles.
- 42. **As stated in paragraph 11, the building types have not been included in the Planning Circular.**
- 43. **The Selection Guides have been redrafted to take account of comments received about the building type summaries.**

## MATTERS ARISING UNRELATED TO THE CONSULTATION

44. A number of other issues were raised by respondents that do not relate to the questions raised in the consultation. These include: updating the current list of buildings and schedule of ancient monuments; consents; conservation areas; consultation on designation decisions; interim protection; the proposed statutory right of appeal; curtilage and mapping; de-listing; demolition and moving buildings; the devolved administrations; the ecclesiastical exemption; the historic environment and education; enforcement; existing listings; grading; groups of buildings of a similar type; Heritage Partnership Agreements; list descriptions; listing on private land; listing operational apparatus; the listing process; local lists; the number of listings; other assets; owner's packs; revision of PPG15 and procedural guidance from paragraphs 6.17-6.40; resources and skills for the heritage sector; statistics; testing the new approach; valuation of property; war memorials; and World Heritage Sites. A number of these matters have been addressed in the White Paper, *Heritage Protection for the 21st Century*.

## NEXT STEPS

45. The Planning Circular for the Principles of Selection for Listing Buildings will be published by DCLG and DCMS on 8 March 2007 and will be available on the DCLG and DCMS websites. The Selection Guides will be published on the same day on the English Heritage website.

## List of respondents

46. The names of the 14 individuals who responded to the consultation have been omitted from this table. Not all respondents commented on every question.

| No. | Name of Respondent                                    | Type                     |
|-----|---|--------------------------|
| 1   | Amber Valley Borough Council                          | Local authority          |
| 2   | Ancient Monuments Society                             | National amenity society |
| 3   | Association of Preservation Trusts                    | Voluntary organisation   |
| 4   | Architectural Heritage Fund                           | Voluntary organisation   |
| 5   | Association of Consultant Architects                  | Trade association        |
| 6   | ALGAO   | Local authority          |
| 7   | Association of University Directors Estates           | Trade association        |
| 8   | Babergh District Council                              | Local authority          |
| 9   | Baptist Union of Great Britain                        | Ecclesiastical body      |
| 10  | Bedford Borough Council                               | Local authority          |
| 11  | Blaby District Council                                | Local authority          |
| 12  | Bradford Diocese                                      | Ecclesiastical body      |
| 13  | British Council for Offices                           | Trade association        |
| 14  | British Telecom                                       | Private sector           |
| 15  | Buckinghamshire Historic Environment Forum            | Voluntary organisation   |
| 16  | Commission for Architecture and the Built Environment | Government body          |
| 17  | Cadw  | Government body          |
| 18  | Campaign for Real Ale                                 | Voluntary organisation   |
| 19  | CgMS  | Private sector           |
| 20  | Cheshire County Council                               | Local authority          |
| 21  | Chorley Borough Council                               | Local authority          |
| 22  | Congleton Borough Council                             | Local authority          |
| 23  | Council for British Archaeology                       | National amenity society |
| 24  | Corporation of London                                 | Local authority          |

|    |  |                        |
|----|--|------------------------|
| 25 | Cornwall County Council  | Local authority        |
| 26 | Defence Estates  | Government body        |
| 27 | Derbyshire Dales District Council  | Local authority        |
| 28 | Derbyshire County Council  | Local authority        |
| 29 | East Hampshire District Council  | Local authority        |
| 30 | East Hertfordshire Council   | Local authority        |
| 31 | Essex County Council   | Local authority        |
| 32 | English Nature; the Rural Development Service;<br>Countryside Agency and DEFRA | Government body        |
| 33 | Exeter City Council  | Local authority        |
| 34 | Exmoor National Park   | Local authority        |
| 35 | Forty Hill and Bulls Cross Study Group   | Voluntary organisation |
| 36 | Gateshead Council  | Local authority        |
| 37 | GVA Grimley  | Private sector         |
| 38 | Hambleton District Council   | Local authority        |
| 39 | Hastings Borough Council   | Local authority        |
| 40 | Havant Borough Council   | Local authority        |
| 41 | Herefordshire Council  | Local authority        |
| 42 | Heritage Consultancy Services  | Private sector         |
| 43 | Heritage Link  | Voluntary organisation |
| 44 | Highways Agency  | Government body        |
| 45 | Historic Chapels Trust   | Voluntary organisation |
| 46 | Historic Houses Association  | Voluntary organisation |
| 47 | Historic Scotland  | Government body        |
| 48 | Inland Waterways Amenity Advisory Council                                      | Government body        |
| 49 | Ipswich Borough Council  | Local authority        |
| 50 | Institute of Field Archaeologists  | Professional body      |
| 51 | Institute of Historic Building Conservation                                    | Professional body      |

|    |   |                          |
|----|---|--------------------------|
| 52 | Institute of Civil Engineers                      | Professional body        |
| 53 | Jewish Heritage UK                                | Voluntary organisation   |
| 54 | Joint Committee of the National Amenity Societies | National amenity society |
| 55 | Knowsley Council                                  | Local authority          |
| 56 | Land Securities Development                       | Private sector           |
| 57 | Local Government Association                      | Local authority          |
| 58 | London Borough of Barking and Dagenham            | Local authority          |
| 59 | London Fire and Emergency Planning Authority      | Public sector            |
| 60 | London Borough of Islington                       | Local authority          |
| 61 | London Borough of Lambeth                         | Local authority          |
| 62 | London Borough of Merton                          | Local authority          |
| 63 | London Borough of Southwark                       | Local authority          |
| 64 | Mansfield District Council                        | Local authority          |
| 65 | Merseyside Conservation Officers Group            | Local authority          |
| 66 | Metropolitan Police                               | Public sector            |
| 67 | National Grid plc                                 | Private sector           |
| 68 | The National Trust                                | Voluntary organisation   |
| 69 | North Wiltshire District Council                  | Local authority          |
| 70 | Nottinghamshire County Council                    | Local authority          |
| 71 | Oxfordshire Architectural and Historical Society  | Voluntary organisation   |
| 72 | Pevsner Architectural Guides                      | Private sector           |
| 73 | Public Monuments and Sculpture Association        | Voluntary organisation   |
| 74 | QuBE Planning Ltd                                 | Private sector           |
| 75 | Regional Development Agencies                     | Government body          |
| 76 | Restormel Borough Council                         | Local authority          |
| 77 | Rother District Council                           | Local authority          |
| 78 | Royal Town Planning Institute                     | Professional body        |
| 79 | RPS Planning                                      | Private sector           |

|     |   |                          |
|-----|---|--------------------------|
| 80  | SAVE Britain's Heritage                             | Voluntary organisation   |
| 81  | Scole Committee                                     | Voluntary organisation   |
| 82  | Sefton Council                                      | Local authority          |
| 83  | South Gloucestershire Council                       | Local authority          |
| 84  | Suffolk Preservation Society                        | Voluntary organisation   |
| 85  | Thames Water Property Services                      | Private sector           |
| 86  | The Archaeology Forum                               | Professional body        |
| 87  | The Buckinghamshire Gardens Trust                   | Voluntary organisation   |
| 88  | Surrey Archaeological Society                       | Voluntary organisation   |
| 89  | The British Institute of Organ Studies              | Voluntary organisation   |
| 90  | The Campaign to Protect Rural England               | Voluntary organisation   |
| 91  | The Cathedrals Fabric Commission                    | Voluntary organisation   |
| 92  | The Chapels Society                                 | Voluntary organisation   |
| 93  | The Churches Conservation Trust                     | Voluntary organisation   |
| 94  | The Church Heritage Forum                           | Ecclesiastical body      |
| 95  | The Cinema Theatre Association                      | Voluntary organisation   |
| 96  | The Garden History Society                          | National amenity society |
| 97  | The Inland Waterways Association                    | Voluntary organisation   |
| 98  | The Law Society                                     | Professional body        |
| 99  | The Methodist Church                                | Ecclesiastical body      |
| 100 | The Royal Borough of Kensington and Chelsea         | Local authority          |
| 101 | The Royal Institution of Chartered Surveyors        | Professional body        |
| 102 | The Society for the Protection of Ancient Buildings | National amenity society |
| 103 | Standing Conference on London Archaeology           | Voluntary organisation   |
| 104 | The United Reformed Church                          | Ecclesiastical body      |
| 105 | The Theatres Trust                                  | Voluntary organisation   |
| 106 | Transport for London                                | Government body          |
| 107 | University Of Oxford                                | Public sector            |

### Statutory Criteria

14. There was strong support for the current statutory criteria. A recommendation was received that the criteria should be broadened to include technological interest. Two recommendations were received that the statutory criteria should be broadened to include buildings of cultural interest. A number of respondents felt that reference should be made in the criteria and list description to specific architects, engineers, designers, and craftsmen of note. It was also suggested that the explanation of historic interest could specify that this includes religious, scientific, or industrial history.
15. **Whilst specific architects, engineers, designers, and craftsmen have not been listed in the Circular, they have been listed where appropriate in the relevant Selection Guides. Where a notable professional is connected with a building, it will be mentioned in the list description. The criterion of historic interest already embraces religious, scientific, industrial, and cultural history and therefore this has not been included in the revision. Technological interest has not be added to the statutory criteria but has been included in the Selection Guides where appropriate.**

### Age and rarity

16. Many comments were made about the 'cut-off' dates. 1840 was considered by some to be redundant for some building types, as other dates have had a greater impact. There was confusion about the cut-off date of "After 1914" because the criteria for having this date was the same as that for "After 1840". It was also felt that the fact that many buildings of a particular age survive should not be a reason

against listing them. The point was also made that rarity may not just be an issue for older buildings.

17. **The cut-off dates of "After 1914" and "After 1945" have been removed because they repeat the criteria used for "After 1840". The cut-off point for "Buildings less than 10 years old" has been removed because the criteria for the selection of these buildings are covered under the criteria for "Buildings less than 30 years old". It has been made clear that the dates are not absolute and for some building types other dates are of significance. These have been reflected in the Selection Guides.**

### Selectivity

18. Some respondents felt that there was difficulty with this principle because some buildings are more widespread in certain areas and it could be hard to identify exemplars if there are a number of similar surviving buildings.
19. **English Heritage will ensure a rigorous and consistent approach is taken when selecting particular examples of a widespread building type and explain why a particular building is suitable for listing over others of a similar type.**

### National and local interest

20. Some respondents indicated that inclusion of buildings of local interest caused confusion with locally listed buildings.
21. **The words 'and local' have been removed from the heading of this principle. The Selection Guides refer to types of buildings that may only be found in a particular region but are of national importance.**

|     |                              |                        |
|-----|------------------------------|------------------------|
| 108 | War Memorials Trust          | Voluntary organisation |
| 109 | Warwickshire County Council  | Local authority        |
| 110 | West Sussex County Council   | Local authority        |
| 111 | Wyre Borough Council         | Local authority        |
| 112 | Wyre Forest District Council | Local authority        |



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