

ARRANGEMENTS FOR HANDLING HERITAGE APPLICATIONS – NOTIFICATION TO HISTORIC ENGLAND AND NATIONAL AMENITY SOCIETIES AND THE SECRETARY OF STATE (ENGLAND) DIRECTION 2021

The Secretary of State for Housing, Communities and Local Government ('the Secretary of State') in exercise of powers conferred on him by sections 12, 15(1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and after consultation with Historic England, hereby directs local planning authorities in England as follows:

Citation, commencement and application

1. This Direction may be cited as the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 and comes into force on 21 April 2021.
2. This Direction applies in relation to England only.

Interpretation

3. In this Direction:

“the Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990;

“commemorative object works” means works for the full or part demolition of a statue, monument, memorial or plaque that are, or are part of, a listed building;

“curtilage building” means any object or structure within the curtilage of a principal building which, although not fixed to the principal building, forms part of the land and has done so before 1st July 1948 and which is treated as part of the principal building by virtue of section 1(5)(b) of the Act;

“excluded works” means works for the demolition, alteration or extension of a grade II (unstarred) listed building which do not comprise or include relevant works;

“Historic England” means the Historic Buildings and Monuments Commission for England;

“objection” means a written notice to the local planning authority from Historic England or a National Amenity Society (as listed in paragraph 4(b)) setting out their reasons for objecting to the application and stating that the application should be notified (for the purpose of paragraph 5) or referred (for the purpose of paragraph 7) to the Secretary of State;

“principal building” means a building shown on the list compiled under section 1 of the Act and includes (unless the list entry indicates otherwise) any object or structure fixed to that building, but does not include any curtilage building;

“relevant works” means:

- (i) works for the demolition of any principal building;
- (ii) works for the alteration of any principal building which comprise or include the demolition of a principal external wall of the principal building;
- (iii) works for the alteration of any principal building which comprise or include the demolition of all or a substantial part of the interior of the principal building; or
- (iv) commemorative object works.

For the purposes of sub-paragraphs (ii) and (iii) above:

- (a) a proposal to retain less than 50 per cent of the surface area of that part of a principal building represented on any elevation (ascertained by external measurement on a vertical plane, including the vertical plane of any roof) is treated as a proposal for the demolition of a principal external wall;
- (b) a proposal to demolish any principal internal element of the structure including any staircase, load-bearing wall, floor structure or roof structure is treated as a proposal for the demolition of a substantial part of the interior.

Notification to Historic England and National Amenity Societies

4. Notice of applications for listed building consent and of the decisions taken by local planning authorities on those applications must be given:

- (a) to Historic England in the following cases:
 - (i) for works in respect of any grade I or II* listed building; and
 - (ii) for relevant works in respect of any grade II (unstarred) listed building; and
- (b) to-
 - (i) the Society for the Protection of Ancient Buildings,
 - (ii) the Ancient Monuments Society,
 - (iii) the Council for British Archaeology,
 - (iv) the Georgian Group,
 - (v) the Victorian Society, and
 - (vi) the Twentieth Century Society,

in the following cases:

- (aa) for works for the demolition of a listed building; or
- (bb) for works for the alteration of a listed building which comprise or include the demolition of any part of that building.

Determination by local planning authorities of certain listed building consent applications without notifying the Secretary of State

5. Section 13 of the Act does not apply to applications for listed building consent:
 - (a) to carry out excluded works; or
 - (b) to carry out works other than excluded works, where the local planning authority has not received an objection in relation to the applications notified by them under paragraph 4 above.
6. Section 14 of the Act does not apply to applications for listed building consent to carry out excluded works.

Applications for listed building consent by Historic England to be referred to the Secretary of State

7. An application for listed building consent made by Historic England must be referred to the Secretary of State instead of being dealt with by the local planning authority where:
 - (a) the application is made in respect of the carrying out of works to any building which is in the ownership or guardianship of Historic England or otherwise under its control, or of which Historic England is the prospective purchaser;
 - (b) the application is of the type which is required to be notified by the local planning authority to Historic England or the National Amenity Societies (as listed in paragraph 4(b)) under paragraph 4 above; and
 - (c) the local planning authority has received an objection in respect of such application.

Revocation

8. Subject to paragraph 9 below, the direction contained in *Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015* published by the Department for Communities and Local Government is revoked with effect from 21 April 2021.

Saving

9. The Direction revoked by paragraph 8 continues to have effect in relation to any application for listed building consent made before 21 April 2021.

Signed by authority of the Secretary of State for Housing, Communities and Local Government