

listed buildings 2

ownership responsibilities

This guidance note seeks to briefly explain the implications of owning a listed building. It sets out the responsibilities and strives to dispel some of the misconceptions that commonly arise.



Thatched cottages in Longstock

The Implications of Listing

For those who live, work or otherwise have an interest in a listed building the main implications are:

- It needs to be maintained in reasonable order. The Council has reserve powers to intervene where necessary.
- Most internal and external alterations require listed building consent. An additional control beyond the normal requirements for planning permission and building regulations approval.
- Special consideration is given to the affect proposals requiring planning permission may have on the general setting of the listed building.



b) Alterations & Demolition

Works that affect the character or appearance of a building, either specifically identified in the statutory list or otherwise protected, as a curtilage building requires listed building consent.¹ A building over its lifespan will pass through many ownerships and enjoy many occupants. As an owner or user of the building you are a custodian, ensuring that it will continue to be enjoyed by future generations by being carefully looked after and where appropriate, sensitively adapted in a manner which respects its special architectural and historic interest.

Each building is different and hence it is difficult to identify in a general guidance note the specific attributes that apply to any one property. The Government is currently considering changes that will help to identify the more significant features as part of the listing process. Some are obvious such as the architectural detail in a classical building, ornate cornice, panelling, well-designed staircase. Others less so, but no less important. For example many smaller cottages will not contain any of the above. Instead their character will draw on their use of materials (cob, brick, flint, timber frame, lathe and plaster etc), scale and proportions (linear form of cottages in Longstock), roof design (simple plain thatch roof with low eaves) and hidden survivals (smoke blackened thatch and wall paintings).

Understanding the building is essential before considering alterations. Try to unravel its development. It is possible to learn a lot by careful observation and comparison. Be aware though that you are likely to need to call on professional help, if contemplating anything other than the most minor alteration.

1. See *Listed Buildings 3: Need for Consent* for further explanation.

Purchasing a Listed Building

Purchasing a building is for most people probably the single most significant financial decision they have to make. It is important to be realistic and understand the ramifications.

- Consider carefully if the building is suitable for you. Careful, well thought out alterations may be possible. As a general rule if substantial works are required to adapt the building for your particular needs it may not be the right building.
- Seek expert advice. Obtain sound advice on the condition and repairs needed before committing yourself.
- Engage appropriate professionals. Standard mortgage surveys are principally designed to satisfy the lender that there is sufficient security in the value of the property. The surveyor who undertakes the valuation does not necessarily have any expertise in historic buildings. If you are serious about a property it would be worth discussing with your lender the appointment of surveyor with the necessary expertise so that their findings are more informative to you. Ensure that your surveyor is conversant with the guidelines contained in the RICS Manual of Valuation Guidance Notes² relating to historic buildings. Read the Report very carefully and if you have concerns discuss these with the surveyor.

The only certain way of knowing if you can realise your aspirations is to obtain listed building consent for the works you have in mind in advance of purchase. The pressure to agree an exchange of contracts does not usually allow for this. You therefore need to assess the risks involved.

2. The so-called White Book (3rd edition 1992). For more information see contact for Royal Institute of Chartered Surveyors (RICS).



Little Somborne Farmhouse

Finance

The cost of repairing and maintaining a listed building is likely to be higher because mostly you will need specialist craftsmen to undertake the work, as windows and similar items will need to be purpose made. There is unlikely to be public funds to assist you.

It may be possible to obtain VAT exemption for approved alterations. Details are contained in *Notice 708 (July 2002) Buildings and Construction* published by Customs and Excise. For the latest information see their website www.hmce.gov.uk. The Planning Service has no jurisdiction over tax matters. Your contractor will need to furnish the relevant tax office with a copy of the listed building consent decision notice and related stamped up approved drawings. This information is supplied to the applicant (or Agent) when the application is determined. A charge will be made for any further copies.



Thatching in progress



Timber-frame repairs

Unauthorised Work

- Undertaking work without the necessary listed building consent is a CRIMINAL OFFENCE. Conviction in the Crown Court could lead to a fine of up to £20,000 or imprisonment. It is open to the Local Planning Authority to seek prosecution of the parties involved which can include the owner, the contractor undertaking the work and any other person found to be implicated.
- The Authority also has recourse to enforcement action to remedy or try to mitigate the damage caused. There is no time limit imposed within which a prosecution or enforcement action can be brought although the Council must act reasonably and it would need to be expedient to pursue.

Understandably the Planning Authority is required to apply the same considerations to applications submitted to regularise a situation as it would, had the application been made at the proper time. As listed building applications often involve alterations to existing fabric, it can be difficult, if not impossible, to determine an application retrospectively. Either way, the resulting delays are likely to frustrate the subsequent resale of the property.

a) Maintenance

Regular maintenance using the correct materials is the best means of looking after a building and safeguarding your investment. Ensure the materials to repair it are appropriate. Considerable damage can be caused by well intentioned but ill-informed use of materials e.g hard cement renders on a chalk cob wall. Older buildings with solid walls whether chalk cob or brick, function in a quite different way to modern dwellings using cavity construction.

Make-shift DIY repairs or work done by inexperienced tradesmen are often short lived and do not solve the basic problems. People inexperienced in dealing with old buildings often propose solutions that are unnecessarily drastic and may spoil the character of the building. If you are contemplating buying a listed building or have concerns about specific defects it is important to obtain a thorough survey from a person or firm with a sound knowledge of historic buildings and traditional building methods. Useful guidance on the subject is provided in *Look Before You Leap (SPAB)* and *A Stitch In Time (SPAB/IHBC)*. Essential reading for anyone involved with historic buildings.

Further Help

We can:

- Clarify if a building or structure is listed. Accurate information is needed to do so. House names change and may not accord with the details on the statutory list. We may require a map or grid reference to be certain of the location.
- Provide informal advice. We will not take the place of a professional agent but will endeavour to direct you to appropriate sources of information.
- Help you source appropriate traditional materials.

Further Reading (a number of these publications are available for loan through the County Library Service)

Collins, J- Old House Care & Repair (Donhead)

Cunnington, P- Care for Old Houses (Marston House)

Brunskill, R.W- Illustrated Handbook of Vernacular Architecture (Faber & Faber)

Harris R- Discovering Timber Framed Buildings (Shire Publications)

Pearson, G- Conservation of Clay & Chalk Buildings (Donhead Publishing)

Oxley, R- Survey & Repair of Traditional Buildings (Donhead Publishing)

Cormier, J.M- Living with a Listed Building (Courtland Books)

Lander, H- The House Restorers Guide (David & Charles)

Look Before You Leap (SPAB)

www.spab.org.uk

A Stitch In Time (SPAB/IHBC)

www.ihbc.org.uk

Principles of Repair (English Heritage)

www.english-heritage.org.uk

Royal Institute Chartered Surveyors (RICS)

www.rics.org.uk

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