



ENGLISH HERITAGE

## WHEN ENGLISH HERITAGE MUST BE CONSULTED ON PLANNING AND LISTED BUILDING CONSENT APPLICATIONS - A DEFINITIVE GUIDE

### Applications for Planning Permission

English Heritage must be notified of the following planning applications (*by virtue of s.67(3) and (4) and 73(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the direction in paragraph 8 of DETR & DCMS Circular 1/01 Arrangements for Handling Applications - Notification and Directions by the Secretary of State – except where indicated otherwise*):

#### 1. In Greater London:

- (a) development which in the opinion of the local planning authority affects the setting of a grade I or II\* listed building;
- (b) development within the curtilage of a grade II (unstarred) listed building which in the opinion of the local planning authority affects the setting of the listed building;
- (c) development which in the opinion of the local planning authority affects the setting of a grade II (unstarred) listed building and which involves:
  - (i) the provision of more than 1,000 square metres of gross floor space (measured externally); or
  - (ii) the construction of any building more than 20 metres in height above ground level;
- (d) development which in the opinion of the local planning authority affects the character or appearance of a conservation area and which involves:
  - (i) the erection of a new building or the extension of an existing building where the area of land in respect of which the application is made is more than 1,000 square metres;
  - (ii) the material change of use of any building where the area of land in respect of which the application is made is more than 1,000 square metres; or
  - (iii) the construction of any building more than 20 metres in height above ground level.
- (e) development of land involving the demolition, in whole or part, or the material alteration of a listed building (**Article 10(1)(m) of the Town and Country Planning (General Development Procedure) Order 1995**)
- (f) development likely to affect any grade I or grade II\* historic park or garden (**Article 10(1)(o) of the Town and Country Planning (General Development Procedure) Order 1995**)

- (g) development likely to affect the site of a scheduled monument (**Article 10(1)(n) of the Town and Country Planning (General Development Procedure) Order 1995**)
- (h) development consisting of a building of 25 metres or more in height adjacent to the Thames; 75 metres or more in height in the City of London (not adjacent to the Thames) or 30 metres or more in height elsewhere in London (**LPAC Guidance – still current pending adoption of the London Plan**)

## 2. Outside Greater London:

- (a) development which in the opinion of the local planning authority affects the setting of a grade I or II\* listed building; or
- (b) development which in the opinion of the local planning authority affects the character or appearance of a conservation area and which involves:
  - (i) the erection of a new building or the extension of an existing building where the area of land in respect of which the application is made is more than 1,000 square metres;
  - (ii) the material change of use of any building where the area of land in respect of which the application is made is more than 1,000 square metres; or
  - (iii) the construction of any building more than 20 metres in height above ground level.
- (c) development likely to affect any grade I or grade II\* historic park or garden (**Article 10(1)(o) of the Town and Country Planning (General Development Procedure) Order 1995**)
- (d) development likely to affect the site of a scheduled monument (**Article 10(1)(n) of the Town and Country Planning (General Development Procedure) Order 1995**)

(In addition **paragraph 11 of Circular 01/01** advises that “it would be helpful if authorities would also send English Heritage details of applications for planning permission for development likely to involve the demolition of the whole or part of, or the material alteration of, a grade I or II\* building (including ecclesiastical buildings shown in the list as grade A, B or C) outside Greater London”.

## Applications for Listed Building Consent

English Heritage must be notified of the following listed building consent applications (**by virtue of s.15 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the direction in paragraph 15 of DETR & DCMS Circular 1/01 Arrangements for Handling Applications - Notification and Directions by the Secretary of State – except where indicated otherwise:**

### 1. In Greater London

- (a) for works in respect of any grade I or II\* listed building;
- (b) for works for the demolition of a principal grade II (unstarred) listed building;
- (c) for works in respect of any principal grade II (unstarred) listed building which is a railway station (including an underground railway station), theatre, cinema, or bridge across the Thames;
- (d) for works in respect of any curtilage building to a principal grade II (unstarred) building which is a railway station (including an underground railway station);

- (e) for works in respect of any grade II (unstarred) listed building which is owned by a local planning authority in its area and where the application is made by a person other than the authority; or
- (f) for works for the alteration of any grade II (unstarred) listed building which comprise or include:
  - (i) the demolition of a principal external wall of the principal building\*;
  - (ii) the demolition of all or a substantial part of the interior of the principal building\*.

(In addition, **paragraph 20 of Circular 1/01** advises that throughout England in the case of 'works to any listed building where the local authority is the applicant (whether or not they themselves own the listed building in question) the local planning authority should, as a matter of good practice, notify English Heritage of all such applications at the earliest possible stage.')

## 2. Outside Greater London

- (a) for works in respect of any grade I or II\* listed building;
- (b) for works for the demolition of a principal grade II (unstarred) listed building;
- (c) for works for the alteration of any grade II (unstarred) listed building which comprise or include:
  - (i) the demolition of a principal external wall of the principal building\*;
  - (ii) the demolition of all or a substantial part of the interior of the principal building\*

\* For these purposes

- (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) shall be 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 shall be treated as a proposal for the demolition of a substantial part of the interior.

(In addition, **paragraph 20 of Circular 1/01** advises that throughout England in the case of 'works to any listed building where the local authority is the applicant (whether or not they themselves own the listed building in question) the local planning authority should, as a matter of good practice, notify English Heritage of all such applications at the earliest possible stage.')

## Applications for Conservation Area Consent

**In Greater London only**, English Heritage must be notified of application for demolition of a building in a Conservation Area (**by virtue of ss.14 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990, SI 1990/1519, reg 12, Sch 3**). N.B. There is no power of direction in such cases, but the LPA must take EH comments into account.

**English Heritage**  
**March 2004**