



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

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%
Total	126	100%

* 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; 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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