

**Agenda Item No:** 6  
**Report To:** Overview and Scrutiny Committee  
**Date:** 23 October 2012  
**Report Title:** Listed Buildings  
**Report Author:** Development Control Manager



<b>Summary:</b> This report provides information on listed buildings as requested by the committee on 26 June 2012.
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**Key Decision:** No  
**Affected Wards:** All wards  
**Recommendations:** The committee is asked to note the information provided  
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## Agenda Item No.6

### Report Title: Listed Buildings

#### Purpose of the report

1. To provide information requested by the committee and in particular to respond to the following questions:
  - how many Listed Buildings there are in the borough;
  - what are the duties/responsibilities of owners, and
  - what duties/responsibilities/powers rest with the council.

#### Number of listed buildings

2. When a building is described as "listed", it means that it is included in a list of buildings that are considered to be of sufficient historical or architectural interest to merit special protection. This list is drawn up by the Department of National Heritage, on the advice of English Heritage. Current legislation relating to listed buildings is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990. Listed buildings are divided into three categories (most important first); grade I, II\* and II. Nationally grade I and II\* star represents about 6% of all listed buildings and they are of national importance. 2% of Ashford listed buildings are grade I and 5% grade II\*.
3. All buildings constructed before 1700 which survive in anything like their original condition are included on the list.
4. The precise number of listed buildings is not known although there are over 3000 in the Borough. All of the listed buildings are known and capable of being identified on the maps that we hold which of course are available over the Internet. The reason why the precise number is not known is that when buildings are included on the list, several buildings can be included in one list entry. For example 23, 25 and 27 High Street Tenterden is three properties, one listing and originally one building. The process of providing a precise total is therefore complicated and is not a job for which it seems worth spending time on.

#### Duties and responsibilities of owners of listed buildings

5. Listed buildings form a very important part of the national heritage and owners of such buildings should see themselves as caretakers of that heritage. There is however no statutory duty that listed buildings should be maintained by their owners. Obviously it is a benefit for an owner to maintain their asset and maintain its value.
6. Should they fail to do so then the Council may take action which ultimately could result in them losing ownership of the building altogether.
7. Works which affect Listed Buildings are controlled by The Planning (Listed Building and Conservation Areas) Act 1990, and Listed Building Consent will

be necessary for any works for demolition, alteration or extension which affects the character both inside and out. Carrying out works without the appropriate consent is, unlike planning controls, a criminal offence. Owners should therefore consider the issues involved and the implications very carefully before carrying out works to listed buildings.

### **Duties, responsibilities and powers of the local planning authority**

8. Listed buildings are a finite resource and an irreplaceable asset. The government has placed great importance to the protection of the historic environment. When considering whether to grant listed building consent or planning permission, local planning authorities have a legal duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
9. If the building is not being properly looked after, the Planning (Listed Buildings and Conservation Areas) Act states that a planning authority has the power to intervene to carry out urgent works to keep the wind and weather out. It may then seek to recover the cost of such works from the owner.
10. The service of a repairs notice is another option, but only if the authority is prepared to buy the property. In effect, issuing a repairs notice tells the owner that the authority considers that it is necessary to carry out certain works, specified in a schedule to the notice, if the building is to be preserved. That in turn enables the owner to see what he has to do if he is to avoid the property being compulsorily purchased and sold on to someone who will do the works.
11. A further piece of legislation which can be useful is section 215 of the Town & Country Planning Act 1990. This allows for the local planning authority to require works to be carried out to land or buildings where they believe their condition is causing "substantial injury to public amenity". This type of notice can be served whether or not the building is listed.
12. The notice specifies the works required to comply with it which, for example, can include painting and window repairs, removal of rubbish and clearing of undergrowth. If the works are not carried out within the specified time then the Council can have the works done and charge the owners of the property. Very often it is not necessary to reach this stage as the suggestion of a notice is sufficient.

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