

### General Notes

These Guidance Notes are designed to help you complete your supplementary Listed Building Consent and Conservation Area Consent application forms. Please read these notes carefully before completing the forms.

**PLEASE NOTE THAT FORM GA1 SHOULD BE COMPLETED IN ADDITION TO FORM LB1 WHERE PLANNING PERMISSION IS ALSO REQUIRED. APPLICANTS ARE REQUESTED TO SUBMIT EIGHT COPIES OF THE APPLICATION FORMS TOGETHER WITH EIGHT COPIES OF EACH OF THE PLANS AND ANY OTHER MATERIAL TO THE COUNTY COUNCIL. HOWEVER, TO ASSIST THE CONSULTATION PROCESS, ADDITIONAL COPIES OF THE FORMS AND SUPPORTING INFORMATION MAY BE REQUESTED.**

Any errors or omissions could delay a decision on your application.

Some buildings are “listed” by the Department of Culture, Media and Sport as being of special architectural or historic interest. If you wish to make internal or external alterations to a listed building or to any other building within its curtilage (normally its garden or grounds) built before July 1948 you will normally need to make an application for listed building consent.

An application for Listed Building Consent is necessary if you propose to alter, extend or demolish the whole or a substantial part of a listed building in a manner, which would affect its character as a building of special architectural or historic interest. It is always best to contact the Development Management Section of the Environment, Economy & Culture Directorate at an early stage to establish if consent is required. It is a criminal offence to alter or substantially demolish a listed building without first obtaining listed building consent and the penalty can be a fine of unlimited amount or up to twelve months imprisonment or both.

An application for Conservation Area Consent is necessary if you wish to demolish all or a substantial part of a non-listed building or structure within a conservation area. There are exceptions to this, so if you are in doubt please contact the Development Management Section of the Environment, Economy & Culture Directorate.

Certain applications may involve the need for Officers of the Council to gain access to the interior of the building. Please indicate if special arrangements need to be made such as particular times of day, days of the week etc.

If works are proposed to Grade 1 or 2\* listed building, or the application involves the total or partial demolition of a Grade 2 listed building, the Council has to refer the application to English Heritage. This may delay the determination of the application.

If you require further information or advice please contact the Development Management Section of the Environment, Economy & Culture Directorate.

### **Pre Application Discussions**

The alteration of listed building requires the greatest skill and care in order to avoid damage to historic structures and to ensure the character of the building is preserved. Applicants should seek the advice of a suitably qualified architect or surveyor who is familiar with historic buildings or that of a specialist building historian or building conservation specialist where necessary. Applicants are advised to discuss their proposals with either a planning officer or a conservation officer before an application is made.

Devon County Council encourages pre-application discussions before a formal application is submitted in order to guide applicants through the process. This is particularly useful for larger and more complex schemes and can help applicants by identifying the information and details that should be submitted with their application. This can minimise delays later in processing the application.

Pre-application discussions can also help you and the Council identify areas of concern about your proposed development so that you can give consideration to amending your proposal before the application is submitted.

The advice and guidance given to you at the pre-application stage is given in good faith. However, it is stressed that no member of staff can give a definitive undertaking as to whether or not your proposal will be granted listed building consent or conservation area consent.

### **What Happens Next?**

If your application is valid (i.e. it contains all the relevant forms, plans, drawings, certificates and the appropriate fee) it will be processed and you will be sent an acknowledgement letter. This will notify you of the Planning Officer who is dealing with your application.

### **Enquiries**

Devon County Council will try to give you a decision on your application within eight weeks. If you have any queries then please contact the planning officer named on your acknowledgement letter on the telephone number or address given. Translations of this guidance and the forms can be obtained through the Council.

### **Building Regulations**

You may also require Building Regulation Approval. Building works usually have to be checked for compliance with Building Regulations to make sure the building will be safe and habitable. The District Council within which your building is located will be able to give you guidance on this.

### **Note 1 - Type of Application**

Tick the relevant box(es) on the application form to reflect the types of application for which you are seeking consent.

### **Note 2 - Conservation Area Consent**

The historic parts of many towns and villages have been designated as **Conservation Areas**. If your application involves total or substantial demolition of any unlisted building located within a Conservation Area you will normally need to make an application for Conservation Area Consent, in addition to any planning permission or other approvals that may be necessary.

Partial demolition may not need Conservation Area Consent but may require planning permission. If you are in doubt whether Conservation Area Consent is required for the works proposed, please contact the Development Management Section of the Environment, Economy & Culture Directorate for clarification.

### **Note 3 - Demolition exempt from the need for Conservation Area Consent**

Certain categories of demolition are exempt from the requirements to obtain Conservation Area Consent. The broad categories of exemption are summarised below (full definitions are set out in paragraph 31 of DETR/DCMS Circular 1/2001.) but since unauthorised demolition can be an offence it is always advisable to check with the Planning Officer whether your intended works are exempt or need consent.

#### **Exempt Categories**

- a) Any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement) or any part of such a building, other than a pre-1925 tombstone;
- b) Any gate, wall, fence or means of enclosure which is less than one metre high where abutting on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case;
- c) Any building erected since 1 January 1914 and in use, or last used, for the purposes of agriculture or forestry;
- d) Any building required to be demolished by virtue of an order made under section 102 of the principal Act;
- e) Any building required to be demolished by virtue of any provision of an agreement made under section 106 of the principal Act;
- f) Any building in respect of which the provisions of an enforcement notice issued under section 172 of the principal Act or sections 38 or 46 of the Act require its demolition, in whole or part, however expressed;
- g) Any building required to be demolished by virtue of a notice served under section 70 or section 177(1) of the principal Act;
- h) Any building required to be demolished by virtue of a notice served under section 215 of the principal Act;

- i) Any building to which a demolition order made under Part IX of the Housing Act 1985 applies;
- j) Any building included in a compulsory purchase order made under the provisions of Part IX of the Housing Act 1985 and confirmed by the Secretary of State;
- k) A redundant building (within the meaning of the Pastoral Measure 1983) where demolition is in pursuance of a pastoral or redundancy scheme (within the meaning of that Measure).

**Note 4 – Demolition of a listed building**

Where an application is for substantial or total demolition of a listed building, the following information should be submitted: -

- a. A schedule of necessary works to preserve the building in its existing use or with a viable new use.
- b. A schedule of necessary works to carry out the applicant's proposals.
- c. A full structural engineer's report and appraisal of the building and indication of necessary works to facilitate (a) above.
- d. A comparable cost appraisal, produced by a Quantity Surveyor, or similarly qualified person, of schemes (a) and (b) above which should take into account the possibility and likely level of any grant aid which scheme (a) could attract.
- e. A section in the Written Justification which compares the benefits of retaining the building with that of carrying out the proposed works.

This analysis shall take into account the information produced under (a-d) above and shall address the issues raised in paragraphs 3.16 –3.19 of PPG15 "*Planning and the Historic Environment*" (as modified by Appendix B to DETR/DCMS Circular 1/2001) Attention is drawn to the guidance set down in PPG15: "*Planning and the Historic Environment*", which is available for viewing at your local planning office and on the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

**Note 5 - Cubic Content**

This should be calculated from the external dimensions of the property.

Where demolition is proposed, the following information is also required:

- A schedule of necessary works to preserve the building in its existing use or with a viable new use.
- A schedule of necessary works to carry out the applicant's proposal.
- A full structural engineer's survey and appraisal of the building.
- A section in the written justification which compares the relative benefit of retaining the building with that of carrying out the proposed work.

**Note 6 – Justification for Demolition**

In order for the Council to properly assess an application for demolition it is helpful if information is provided by the applicant to justify why the building cannot be retained. In

the case of applications for demolition of all or part of a listed building and for the total or substantial demolition of buildings or structures in a conservation area it will be necessary to supply a reasoned justification for the proposed works which may include the submission of a structural survey or other analysis of the character or appearance of the conservation area. Please list the information that has been prepared and submitted in support of the application at question 10. of the form.

#### **Note 7 – Alternative Proposals**

In considering an application for demolition the Council needs to understand what will replace the building or structure that will be removed if consent is issued. As such it is necessary for the applicant to provide information in respect of the proposed use of the site. If the proposed use requires planning permission, details of the permission or application for permission must be provided. Failure to provide this information is likely to result in a delay in determining the demolition application.

#### **Note 8 - Certificate of Immunity from Listing**

Section 6 of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that, when planning permission is being sought or has been obtained, any person may apply to the Secretary of State for Culture, Media and Sport for a certificate that it is not intended to list the building (or buildings) shown in the application plans. If a certificate is granted, the building cannot be listed for a period of 5 years. If the certificate is not granted, the building will be added to the list. Applications for a certificate should be made to the Development Management Section of the Environment, Economy & Culture Directorate.

#### **Note 9 - Listed Building Consent**

Listed building consent is required (in addition to planning permission or any other necessary approvals) for the demolition of all or part of a listed building or for its alteration or extension in a way which affects its architectural or historic character. The installation of fittings such as meter boxes, flues, burglar alarms and satellite dishes also normally requires listed building consent. If you are in doubt as to whether consent is required please contact the Development Management Section of the Environment, Economy & Culture Directorate. Listed building consent is not required for new buildings or structures within the curtilage of a listed building, provided they are not attached to the listed building or to any garden wall or other structure in its curtilage. However in these circumstances planning permission will nearly always be required.

#### **Note 10 – Plans Required**

It is essential that all submitted drawings are provided with unique numbers and that all subsequent amendments to these drawings are given their own unique numbers.

#### **Site Location plan**

- to a scale not less than 1:2500
- outline the application site in RED
- outline any other land owned by the applicant in BLUE
- Show the direction North

#### **Block Plans**

- to a scale not less than 1:500
- for all proposals involving extension of a listed building or for attached new building showing:

- the boundaries of the site
- the position of all existing buildings on the site and those on immediately adjoining land
- the position of all new extensions and new buildings

### **Building plans**

- to a scale not less than 1:100
- include plans of each floor where works are proposed, clearly distinguishing between existing and new work
- every elevation where alterations or extensions are proposed
- include as appropriate, sections through the building

### **Detailed plans**

- to a scale not less than 1:20
- show all new doors, windows, shop-fronts, panelling, fireplaces, plaster moulding and other decorative details.

Detailed drawings will not be required for units or details which will precisely replicate existing details which are to remain (subject to notation on a general plan making this clear).

Where new or altered small units of construction or details (e.g. doors, windows, staircases, plaster/render mouldings) are proposed, drawings including plans, elevations and vertical and horizontal sections shall be provided to a minimum scale of 1:50. The exact design and method of opening of windows should be shown and accurate sectional drawings of all window frames, mouldings and panel beading to be provided to a scale of at least 1:20.

Any new or altered pipework or attachments, including fallpipes, soil and vent pipes and all connectors, meter boxes, extractor covers etc. must be shown on elevational plans. The style, composition and finish of any repainting should be shown.

### **Photographs**

Up-to-date photographs showing the whole building and its setting and/or the particular section of the building affected by the proposals as appropriate. At least two sets should contain colour photographs (the remainder may have good quality clear photographs).

### **Note 11 – Grade of Listed Building**

Please confirm the grade of the listed building for which you are making an application for listed building consent. If you are unsure as to the grade of the building please contact the Development Control Section of the Environment, Economy & Culture Directorate

### **Note 12 – Justification**

A written statement which analyses the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings. The scope and degree of detail necessary in the written justification will vary according to particular circumstances of each application. It is strongly recommended that the applicant/agent discusses with officers the scope and degree of detail to be included in this justification before submission of the application.

**Note 13 – Materials and Finishes**

Please state the type, colour, make and name of all materials to be used both internally and externally, including roofing and the surfacing of car parking areas etc. **It is not acceptable to simply state “to match existing”**. If you do not know what materials will be used at this stage say so. It can be a condition of granting consent that we can approve the materials chosen before development starts.

**Note 14 – Information Submitted in support of a listed building application**  
**List of Information Submitted**

A list of all drawings and documents submitted with the application, including drawing/document numbers. Please note that all documentation must be submitted using metric units of measurement.

**Note 15 – Checklist**

Please use the checklist to ensure that the forms have been correctly completed and that all relevant information is submitted. Failure to complete the form correctly or to supply sufficiently detailed drawings or other relevant supporting information will result in your application being returned as invalid.

**Determination of the application**

It should be noted that applications for Listed Building or Conservation Area Consent made by Devon County Council relating to property in their ownership such as schools, libraries or county farms would be determined by the Secretary of State and not the County Council as with normal planning applications. The application is registered and advertised in the normal way and consultations undertaken, however, once consultation responses have been received, the application is sent, with consultation responses to the Secretary of State via the Government Office for the South West. This procedure will add an element of delay to the normal process and applicants should remember that the application should contain sufficient information that is clear enough for the application to be determined by a Government Department that may have no prior knowledge of the site and is unlikely to carry out a site visit. Incomplete or unclear applications may be delayed at this point whilst additional information is sought.