



## INSTITUTE OF HISTORIC BUILDING CONSERVATION

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The Rt. Hon Lord Rooker  
Minister of State for Housing & Planning  
Office of the Deputy Prime Minister  
Ripley Court  
Whitehall  
London  
SW1A

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Dear Lord Rooker

### **Charging for Listed Building Consent Applications**

I refer to a recent, widely reported speech to the RICS made by the then Regeneration Minister, Sally Keeble, regarding the possibility of introducing fees for listed building consent applications. The Institute of Historic Building Conservation would like to offer some observations on this suggestion.

The Institute of Historic Building Conservation (IHBC) is the professional institute that represents conservation professionals in the public and private sectors in the United Kingdom and the Republic of Ireland. It has over fourteen hundred members divided between fourteen regional branches. The Institute exists to establish the highest standards of conservation practice and to support the effective protection and enhancement of the historic environment.

The IHBC considers that the introduction of charging for listed building consent applications would be unfair, inefficient, and harmful to regeneration and economic growth.

The statutory protection of a building by listing effectively removes certain property rights from owners and occupiers, compared to other property owners. This is to ensure that proposed changes are closely scrutinised in the interests of protecting the historic environment. To charge for that scrutiny would seem to be unfair, and could only lead to reduced support for (and possibly hostility towards) the listed building system of protection. Owners would understandably feel that they were being charged for having reduced property rights.

Owners already face a more onerous legislative regime by having their building listed. If they were making applications for planning permission (for which there is a fee) and listed building consent they would be charged twice.

Recent research by IHBC has shown that anything between 10 and 30% of all Planning Applications have a conservation dimension (requiring special publicity procedures) in addition to those necessary under Listed Building Consent.

Charging would be especially unfair to responsible owners. New owners or occupiers often wish to make good damage from inappropriate changes undertaken by previous owners. Many applications for listed building consent involve reinstatement to make good previously inappropriate or unauthorised works, adaptations for new uses, or works necessary for complying with other standards and legislation. Charging would not only be unfair, but would actively discourage responsible behavior and compliance with current standards.

There is a concern that charging for applications would lead to more unauthorised works being undertaken, in an attempt to avoid payment.

Fees would be a further barrier to achieving heritage-led regeneration, especially for small-scale schemes and small firms. Smaller schemes may have a limited impact individually, but the accumulative impact of such schemes can be significant in regenerating an area. Where area regeneration grant schemes are involved, it would be a case of offering financial support with one hand, only to take some back with the other. Whilst it could be argued that fees would be limited, it must be appreciated that small schemes can be marginal, especially in areas of economic decline. Fees would be a further barrier to achieving improvements and regeneration.

Applicants for large commercial schemes expect an 'express' service (with millions of pounds hanging on the rapid grant of consent). It is understandable that there should be high expectations on both sides about the quality of the application and the quality and efficiency of the decision and hence more enthusiasm for, or acceptance of, application fees. However, it would be difficult to discriminate between these large schemes and the majority of listed building consent applications, and the additional income would very probably be negligible.

It has been argued that fee income would support the employment of local authority conservation specialists, and cover the costs of the development control service. It is important to acknowledge the range of duties that conservation staff undertake. This involves not only development control, but administration of grant schemes, project formulation and management, and bidding for funding. Heritage-led schemes make a significant contribution to regeneration and economic development in Britain and conservation teams are often the instigators of, or deeply involved in, such initiatives. The charging of fees could not pay for this service, and would have an especially harmful impact if it led to a move of emphasis from pro-active initiatives to development control. In any event, there is no guarantee that additional income would be channeled into the conservation service, even if the Government were prepared to ring-fence it. Furthermore, would the implication of this approach be that applicants for grant aid would also be expected to pay a fee – clearly this would not be sensible. Thus, the argument that fees could fund the service is weak, and based largely on misconceptions of the nature of that service.

If charging for listed building consent applications was accepted in principle and this was seen as the start of a process leading to eventual recovery of the full cost of conservation related services, this could have a disastrous impact and lead to a significant reduction in heritage-led regeneration schemes. This could have significant negative implications for urban regeneration and economic development based on built heritage.

Charging for listed building consent applications would deter many owners from seeking specialist advice, or involving the local planning authority at all. Best conservation practice includes the provision of appropriate expert advice to owners, to help them to care for their buildings and avoid potentially damaging and expensive mistakes. Pre-application advice is also important, avoiding the need for protracted negotiations at the application stage. The absence of specialist advice and the necessary input by the local planning authority could lead to a significant increase in the need for enforcement action, with considerable implications for staff resources and the cost of providing the service. Thus charging for listed building consent applications would be likely to actually increase the costs of delivering the service.

Overall, the case for charging is weak. In addition, charging would be fraught with difficulties and the potential for harm would be great. However, in order to support responsible owners, but penalise those who break listed building laws and regulations, it may be appropriate to introduce charges for retrospective listed building applications. However, even in this instance, charging could make it more difficult to encourage owners to submit retrospective applications, and this could cause complications

when taking enforcement action. This might usefully be examined as part of the current Green Paper review of the planning enforcement regime. Charging could also create difficulties for small businesses or individual owners who may have already incurred significant costs to put right unauthorised works.

For the above reasons, the IHBC would be opposed to charging. The Institute believes that such a measure would be unfair to all owners, significantly disadvantage responsible owners, harm regeneration initiatives, increase the cost of delivering the service, and lead to more unauthorised and inappropriate works. This would not serve the interests of the historic environment, urban regeneration or the running of an efficient and effective planning and conservation service. The Government is urged to firmly reject the idea of charging.

The IHBC would welcome other initiatives to improve the funding of conservation services, in particular to expand the economic development and regeneration aspects of heritage management. It is not merely by coincidence that the most economically prosperous areas often have the best looked after and most productively used historic environments. Heritage is at the heart of many of the most successful and innovative regeneration initiatives of recent years. There are considerable social and economic benefits to funding and maintaining a robust conservation service.

Yours sincerely

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