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BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Mr Evennett

### **WIGGIN AMENDMENT TO THE HOUSING AND PLANNING BILL**

The Institute of Historic Building Conservation (IHBC) is the professional body for building conservation practitioners and historic environment experts working in England, Northern Ireland, Scotland and Wales, with connections to the Republic of Ireland. The Institute exists to establish, develop and maintain the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The IHBC is an active member of The Heritage Alliance which has also written to you about this matter. We thought it important to express our concerns on the issue separately although, to avoid any possibility of our views being at odds with those of THA, we are repeating what has already been said to you largely verbatim.

The IHBC is very concerned about the proposed amendment to the draft Bill and also in Mr Wiggin's private member's Bill to provide a legislative obligation on the Secretary of State to consider other matters beyond special architectural and historic interest when designating buildings as listed buildings. We understand that the amendment is not currently a feature of the Bill and we wish to set out here why we think it should not be.

It is essential that the listing is restricted to recognising the architectural and historic interest of a building. This is a core principle that has underpinned heritage legislation for over sixty years and successive Secretaries of State have never seen fit to tamper with it, especially when the consequences for heritage protections cannot be predicted. It is also right that the list description remains a non-statutory summary of the elements which led the building to be listed. Under new procedures, the modern style of listing description in the National Heritage List does allow those parts of the property which are not considered to be of special interest to be excluded. So some steps to meet Mr Wiggin's intentions already exist. Listing, far from being a final assertion of preservation, merely adds an additional consideration on to any development proposals. The principle is to identify buildings and sites that are of special architectural or historic interest and therefore of importance to the nation's culture, history and identity so as to try to protect

them for future generations; and to avoid hasty and ill-considered decisions concerning their heritage significance and its future.

The appropriate time for other matters such as environmental considerations, the condition of the building, if repair is viable and whether it has an economic use, should be considered when an application for listed building consent is made. The NPPF in Section 12 paragraphs 128-134 sets out how the judgement on the merits of development versus conservation is made and this is backed up by helpful advice from Historic England.

The heritage sector is well aware that the historic environment needs to play its part in conserving energy and environmental matters. A considerable amount of research has been carried out into the successful application of energy efficiency measures to historic buildings, while respecting their historic interest. Regrettably, the experience of our members and others in the sector is that too often such measures are proposed or applied without any real knowledge or understanding of either the special interest of the listed building in question or of the particular technical issues attached to traditional construction buildings generally. In such a scenario the deregulation proposed by Mr Wiggin would be disastrous for Britain's heritage and our core housing stock.

Historic England, the Society for the Protection of Ancient Buildings, and other bodies are excellent sources of sound advice. The number of houses dating from before 1919 has been assessed as only 20% of the housing stock (CLG (2008) English Housing Survey: Housing Stock Report, p8).

Sound policy advice going as far back as 1987 and all subsequent government and sector guidance on the historic environment has stressed that historic buildings need to have a viable economic future in order to provide for their maintenance and repair. This involves negotiations with the local authority about the future use of a building and the impact on its special interest and significance. These are discussions that can only take place in the context of a proposal for change and thus when permission of listed building consent is sought. There is even a paragraph in the NPPF (paragraph 133) which allows for the case that a listed building can be demolished because it has no viable future. Countering this is a paragraph that covers deliberate neglect, paragraph 130. Our fear is that if the amendment or anything like it was added to the Planning (Listed Buildings and Conservation Areas) Act 1990, it could needlessly complicate the designation assessment process, not least because it would require the involvement of two completely different skills sets and, presumably, some process for adjudicating between them.

To ensure proper and effective consideration of these matters at the time of an application, it may be appropriate to review and improve current wording in the NPPF and associated advice from Historic England, but it may prove more useful to clarify guidance in the NPPF Planning Policy Guidance section on Conserving and Enhancing the Historic Environment. The IHBC along with the Heritage Alliance and their members would be pleased to assist in this.

In summary, we do not think the clause assists the balance between the interests of the historic environment and those of other environmental concerns; but could be damaging to both and undermines a core principle that has underpinned heritage legislation for over sixty years.

Yours faithfully



Mike Brown  
IHBC Chair