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IHBC GUIDANCE NOTES

Demolition by Local Authorities of Unlisted Buildings in Conservation Areas

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This is one of a series of occasional IHBC Guidance Notes published by the Institute of Historic Building Conservation (IHBC). IHBC Guidance Notes offer advice on topics that we consider crucial to the promotion of good built and historic environment conservation policy and practice.

The IHBC welcomes feedback, comment and updates on our Guidance Notes to our consultant editor Bob Kindred, at research@ihbc.org.uk

Executive Summary

1. Recently a question has arisen regarding the notification procedure when a local authority intends to demolish an unlisted building in a conservation area.
2. It is evident that such cases of demolition in conservation areas are less frequently encountered than the more contentious ones arising from a local authority's intention to demolish one of its own listed buildings.
3. It is hoped this short guidance note will be helpful in dealing with the somewhat more obscure procedure of the former.

Notification Procedure

4. The notification arrangements go back to 1992 [\[1\]](#) but the intention of the 2015 amendments to the Regulations [\[2\]](#) was broadly de-regulatory in intent. In reducing the requirements to notify Historic England, the aim of the government was to focus resources and technical expertise where it would add most value. This might help explain why local authorities have not found locating the requirements altogether obvious.

5. The explanatory text is as follows:

“The Town and Country Planning Regulations amend regulation 4A of the 1992 Regulations to allow local planning authorities to determine certain of their own applications for planning permission for relevant demolition (i.e. demolition of an unlisted building in a conservation area) that are currently determined by the Secretary of State.

In order to ensure that applications are referred to the Secretary of State for determination where necessary, the Regulations introduce a requirement for local planning authorities to notify Historic England of all these applications. They also clarify that the application must be publicised in the same way as any other application to the local planning authority.

Only in those cases where Historic England, having been notified in accordance with the Regulations, objects to the application and where the local planning authority do not propose to refuse it, will applications be referred to the Secretary of State for determination.”

Acknowledgment: Thanks to Simon Cairns IHBC, Major Development & Projects Manager at Colchester Borough Council for highlighting and clarifying this issue.

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Endnotes

1. The Town and Country Planning General Regulations 1992 No. 1492
2. The Town and Country Planning General (Amendment)(England) Regulations 2015 No. 807 and the Planning (Listed Buildings and Conservation Areas)(Amendment)(England) Regulations 2015 No. 809