

BRIEFING NOTE RE: LISTED BUILDING CONSENT APPLICATIONS

- 1) Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 provides that in considering whether to grant consent for any works the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses”.
- 2) Formal advice as to how Local Planning Authorities are to deal with such applications is given in “PPG15 Planning and the Historic Environment (1994)”. In paragraph 3.3 it picks up the approach contained in Section 16(2) above, by identifying an approach in favour of preservation except where an argument can be made out for their alteration. Whilst alterations we are told, cannot be ruled out, the starting point is Section 16(2).
- 3) How then to deal with such applications? For completeness I set out paragraph 3.4 in its entirety underlining the key words:-

“Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the Local Planning Authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting”.
- 4) Annexe B of PPG15 in paragraph B.3 makes it clear that an authority must have “sufficient information” for it to understand the application.
- 5) The key element in paragraph 3.4 taken together with paragraph B.3 is that of justification. There is no further formal guidance either in legislation or advice as to how this is to be identified. An objective approach in dealing with the question of justification would be:
 - (a) What in detail are the works proposed?
 - (b) Have they been justified by submissions made by the Applicant?
 - (c) Has anything adverse arisen during the processing of the application that has not been addressed satisfactorily by the Applicant?
 - (d) In conclusion, and taking (a), (b) and (c) above together, is there anything outstanding that compromises the final position that has resulted?
- 6) Given the absence of advice as to how much detail the Local Planning Authority should seek, the Council has to arrive at a position whereby it has to decide whether it has sufficient information in terms of justification to process the application and come to a recommendation. Planning colleagues have confirmed that this is the position.