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## Listed Buildings and Conservation Areas

### What extra controls does the planning system provide for historic areas and buildings?

Two main types of protection exist: listing of individual buildings or of a small group of buildings (group listings will only apply as an additional criteria to individual listings); and Conservation Areas covering wider groups of buildings and their surroundings, such as small villages or specific neighbourhoods. This leaflet deals with Listed Buildings and Conservation Areas in turn, and then suggests ways in which you can get involved.

### Listed Buildings: who lists buildings?

The Government is responsible for listing buildings of special architectural and/or historic interest. This is done by Historic Scotland, an executive agency of the Scottish Executive, who also update the lists. Anyone can request that a building be listed.

### How are buildings listed?

Buildings are listed under three categories:

'A' Listed: Buildings of national or architectural importance or little-altered examples of styles or periods;

'B' Listed: Buildings of regional importance or important historic buildings that have been altered;

'C' Listed: Buildings of local importance and lesser examples of a particular era which may have been altered.

### What area does listing cover?

Listing may include additional structures in the surroundings of the listed building such as walls, statues or ornamental garden features. Alterations to buildings in the vicinity of listed buildings may require additional advertisement to allow public comment on the effects on the listed building's setting, which is integral to its character. Listing also covers all interior features of the building, such as fireplaces and other decorative features which would be outwith normal planning control.

### What effect does listing a building have?

Listed building consent is required for any alteration that will change the building's historical appearance or character, including demolition. Alterations could be as small as the installation of an alarm box. Listed building consent is completely separate from normal planning permission, which may also be required for some changes. Planning Aid for Scotland leaflets "Development Control" and "Enforcement Action" explain when planning permission is needed. The main

difference between planning permission and listed building consent is that the emphasis is placed on preserving the historic character of the building. It is rare for permission for the demolition of a listed building to be given, because it must be demonstrated that every possible action to preserve the building has been taken and that the building cannot be put to any economic use.

### What happens when a building is listed?

When a building is listed the owner is notified and details of the listing are kept on a public register at your local planning authority (your local Council's planning office).

### Applying for listed building consent

Any application for listed building consent must be sent to your local planning authority. When it receives an application, the local planning authority will advertise it in a local paper and the Edinburgh Gazette. Any member of the public or organisation can send comments or objections to the local planning authority, and the local planning authority may consult Historic Scotland or other organisations for their views. The local planning authority must wait for 21 days before determining the listed building consent application to allow adequate consideration of any comments received.

Your local planning authority can only grant consent for category 'C' listed buildings. If it wishes to grant consent to category 'A' or 'B' buildings, it must notify Historic Scotland. It has 28 days to consider if it should become involved by calling in the application for determination. This in turn may require a public inquiry. In practice, very few applications are called in as it is now common for local planning authorities to consult Historic Scotland at an early stage.

### What happens if any historic building is under threat?

- Even if a historic building is not listed your local planning authority has powers to serve a building preservation notice, which effectively affords the building the protection as inclusion in the statutory list for up to six months.
- Local planning authorities can serve enforcement notices in cases where there has been a breach of listed building consent. If a building is being damaged or neglected a repair notice can be served, which if not complied with can lead to compulsory purchase by the local authority.
- If an application for demolition is successful, the Royal Commission on the Ancient and Historical Monuments of Scotland must be notified so they can make a record of the building before demolition.

## Conservation Areas

### What is Conservation Area designation?

It is the responsibility of your local planning authority to designate specific areas of merit as Conservation Areas. This designation allows the local planning authority extra control and scope for improvement initiatives. If an authority designates or amends the boundaries of a Conservation Area, they must first advertise their intentions in at least one local newspaper and the Edinburgh Gazette. The local planning authority will often carry out consultation with the local community, normally during the preparation of the Local Plan (for more details see Planning Aid for Scotland leaflet "Development Plans").

### What controls operate in a Conservation Area?

Conservation area consent is required for the demolition of any unlisted building (although certain very small buildings are exempt). The demolition of even a single building and the construction of a new building or buildings in its place could result in the character or appearance of a conservation area, or part of it, being severely prejudiced. Many unlisted buildings in a conservation area, whilst not worthy of listing, contribute significantly to the character of the conservation area. Partial demolition of an unlisted building in a conservation area will not require conservation area consent, but falls within the scope of planning control. In instances where demolition is to be followed by redevelopment, consent will only be granted if the local planning authority is satisfied that the proposals for the new building or buildings are of a high standard in terms of both design and materials. A detailed planning application is likely to be required to be submitted at the same time to allow an appraisal of the final design.

In a conservation area, "permitted development" (minor development not requiring a planning application) may be further restricted. This means that most developments are likely to require a planning application. The local planning authority would have to apply to the Scottish Ministers for these extra controls (known as Article 4 Directions) and must publicise their intentions in the local press and the Edinburgh Gazette. Any planning application which a local planning authority deems likely to alter the character of a Conservation Area must be advertised in the local press and a notice posted near the site. The local planning authority must then allow 21 days for objections and comments before determining the application. All trees in a Conservation Area are protected from pruning, lopping or felling. Before any work can be undertaken, the local planning authority must be notified; they then have six weeks in which to inform the applicant whether formal permission is required.

Many local planning authorities are now working towards ensuring that each of their Conservation Areas has a statement providing background on the Area, why it has been designated, design guidance, and specific policies that relate to proposals for the Area. These statements are known as the Character Appraisals and will normally be prepared in association with local amenity organisations. Summaries may be incorporated into Local Plans. In addition, general design guidance may be separately provided on topics such as replacement windows and shop fronts.

## How you can get involved

Members of the public and community groups can get involved with the preservation of historic buildings and areas in a number of ways:

- Know the policies which are in operation in your local Conservation Area by consulting your Local Plan or the Conservation Area Character Appraisal, if there is one.
- Be aware of alterations to listed buildings or proposed developments in Conservation Areas. Most developments must be advertised in the local press. In addition if planning permission is required, all neighbouring properties should be notified.
- Make comments and objections to your local planning authority about developments. Constructive criticism is most appropriate, as it should be remembered that controls are there to ensure development is appropriate to the preservation and enhancement of historic character, not to stop all new development.
- For listed buildings, comments should focus on how the building's character will be affected by the proposal, or should emphasise the value of the building and its setting, if it is threatened by demolition. For new proposals in a Conservation Area, the proposed design, materials and scale should be considered.
- Make sure you are involved during the designation or alteration of Conservation Areas. This may be through consultation during preparation of your Local Plan.
- Contact your local planning authority if you suspect a listed building is being altered without permission.
- Inform your local planning authority or Historic Scotland about unlisted historic buildings that may be under threat but worth considering for listing.
- Contact the Scottish Civic Trust if a building is threatened with demolition. Contact the Buildings at Risk Officer at the Scottish Civic Trust if seeking a building to restore and re-use.

### For more detailed information read:

Scotland's Listed Buildings: A Guide for Owners and Occupiers, a free booklet published by Historic Scotland (tel: 0131 668 8600).

### For further information contact:

Your local planning authority; Historic Scotland or your local branch of the Scottish Civic Trust (tel: 0141 221 1466);

The Architectural Heritage Society for Scotland (tel: 0131 557 0019);

Buildings at Risk Officer, Scottish Civic Trust (0141) 221 1466)

The Royal Commission on the Ancient and Historical Monuments of Scotland, John Sinclair House, 16 Bernard Terrace, Edinburgh EH8 9NX (tel: 0131 662 1456)

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