

6. Listed Buildings and Conservation Areas

This information sheet provides information about listed buildings and conservation areas, and is aimed at anyone who is involved in a planning issue related to this subject.

Update: The Scottish planning system is currently undergoing reform process. In September 2015, the Scottish Government appointed an independent panel to undertake a review of the planning system. Subsequently, a Scottish Government consultation paper was published with a response deadline of 4 April 2017. It is expected that a new planning Bill will go before the Scottish Parliament in late 2018. Full details of the reform process are available at this [link](#). In the meantime the planning system operates as set out below.

What controls are provided for historic buildings and areas?

Two main types of protection exist:

- Listing of individual buildings, or small groups of buildings, of special architectural and/or historic interest.
- Conservation areas, which cover wider groups of buildings and their surroundings. Most contain groups of buildings which comprise small villages, or specific neighbourhoods in larger villages, towns and cities. Others cover diverse features including battlefields, public parks, scenic and historic landscapes and railways.

Listed buildings

Why do we have listed buildings?

Following the destruction of historic buildings and areas during World War II, the Government decided to compile a list of buildings which would be given special protection through the planning system. Many buildings have architectural and/or historic interest, but listed buildings are deemed to be of 'special' architectural or historic interest. Buildings which meet these criteria continue to be added to the list.

The word 'building' is used in a broad sense, and can cover a wide range of structures, including (but not limited to) bridges, fountains, statues and bandstands.

Who designates listed buildings?

The Scottish Government is responsible for listing buildings. This duty is carried out on their behalf by Historic Environment Scotland, a public body which was formed in 2015 from a merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland. Anyone can request that a building be put forward for consideration for listing, but it is Historic Environment Scotland which makes the decision. Decisions are made on a case-by-case basis.

How are buildings listed?

Buildings are listed under three categories, depending on their level of importance:

- **Category A** - Buildings of national or international importance, either architectural or historic; or fine, little-altered examples of some particular period, style or building type. Only around 8% of all listed buildings are in this category.
- **Category B** - Buildings of regional or more than local importance; or major examples of some particular period, style or building type, which may have been altered. Approximately 50% of listed buildings are Category B.
- **Category C** - Buildings of local importance; lesser examples of any period, style, or building type, as originally constructed or moderately altered; and simple, traditional buildings that group well with other listed buildings. Approximately 42% of listed buildings are Category C.

The list itself is a series of records, one for each listing. Listed building records include the address of the building, its category and the date that it was listed. They may also include a description of the building, and information on why it was worthy of listing.

What does listing include?

Listing includes the entire building or structure at the address in the listed building record, both its exterior and interior. This is to protect fittings and decorative features such as fireplaces which would normally fall outside planning control.

Listing may also include additional structures at that address, such as walls, statues or ornamental garden features, or even entire additional buildings such as stable blocks. This is known as the building's 'curtilage'.

Alterations to buildings in the vicinity of listed buildings may require additional advertisement to allow public comment on the impact on the listed building's setting (which may be integral to its character).

New legislation allows for Historic Environment Scotland to exclude certain parts of a listed building. These may be objects or structures attached to it, or located within its curtilage, or any parts or features of the building which are not of architectural or historic interest, e.g. later extensions.

What happens when a building is listed?

Wherever possible, the owner or occupier of a building will be notified by Historic Environment Scotland in the event that it is added to the list. They will also do so if the building is removed from the list, or it has its category or address changed.

It is possible to apply to Historic Environment Scotland for a review of an existing listing, or to suggest changes to it, at any time. There is a right of appeal for owners or occupiers who are unhappy with a new listing.

Details of listings are kept on a public register. This can be accessed through Historic Environment Scotland's Decisions Portal <http://portal.historic-scotland.gov.uk/>, and through local planning authorities (your local Council or National Park Authority).

What is the impact of listing?

Listing only has an impact in the event that the owner wishes to make changes to a listed building. Once a building is listed, listed building consent is required for demolition and any alteration that may affect the building's historic appearance or character, right down to small changes such as installation of an alarm box. It is rare for permission for demolition of a listed building to be given, as 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 is the difference between planning permission and listed building consent?

With listed building consent the emphasis is on preserving the historic character of the building. Listed building consent is separate from normal planning permission, which will also be required for some changes. Where both listed building consent and planning permission are required, the applicant must obtain both before the work can commence. Our information sheet on Development Management explains when planning permission is needed.

How do you apply for listed building consent?

If you wish to make alterations to your building which may have an impact on its character, then you should contact the local planning authority (Council or National Park Authority). They will be able to tell you if you need to apply to them for listed building consent. You may only wish to make repairs or conduct routine maintenance. If you are using the same materials, you will likely not be required to apply for listed building consent, but it is recommended that you check with the planning authority before doing any work.

Planning authorities administer the listed building consent process. Listed building consent is applied for in much the same way as planning permission, with an application form and plans of the proposed work submitted to the planning authority. Paper forms and guidance notes are available from the planning authority and can be downloaded and printed from the Scottish Government's [ePlanning website](#). Alternatively, online planning applications can be submitted via the [ePlanning website](#). Unlike planning permission, there is no charge to apply for listed building consent.

The planning authority may ask Historic Environment Scotland to become involved in some listed building consent cases. They are a statutory consultee for certain listed building consent applications, including those concerning Category A-listed buildings and their settings. HES is also a statutory consultee for A-listed, B-listed and Conservation area demolitions.

Applications for listed building consent must be sent to the relevant planning authority, who will then advertise it in a local newspaper and the Edinburgh Gazette. The planning authority must wait 21 days before determining the application. Any member of the public or organisation can make representations to the planning authority; and the planning authority may consult Historic Environment Scotland or other organisations. In some cases, Historic Environment Scotland may object where the planning authority is minded to grant consent. The Scottish Ministers must then be notified of that intention. Planning authorities aim to reach a decision on all applications for listed building consent within eight weeks.

There is a right of appeal if an application for listed building consent is refused or if the applicant feels that the conditions are unreasonable.

What happens if a historic building is under threat?

There may be cases where a building which is unlisted, but planning authorities consider it to be of special architectural or historical interest, is threatened with demolition or extensive alteration. The planning authority can serve a 'Building Preservation Notice', which gives the building the same legal protections as a listed building for a period of six months. In that time, Historic Environment Scotland will determine whether or not the building should be formally listed.

The planning authority can serve an enforcement notice (see separate information sheet: Enforcement) when listed building control has been breached by unauthorised works. 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. It should be noted that this power is seldom used by planning authorities.

If an application for demolition is successful, Historic Environment Scotland must be notified so they have the opportunity to make a record of the building before demolition. To allow this, demolition must not begin until three months after the date of notification.

Conservation Areas

How are conservation areas designated?

It is the responsibility of the relevant planning authority (Council or National Park Authority) to designate conservation areas which they feel will benefit from special protection and enhancement, and to keep them under review. The Scottish Government also has the right to do this. If a planning authority designates or amends the boundaries of a conservation area, it must first advertise its intentions in at least one local newspaper and the Edinburgh Gazette. Planning authorities may carry out consultation regarding conservation areas with the local community, often during the preparation of Local Development Plans (See separate information sheet 1: The Development Plan).

What is the impact of conservation area designation?

Conservation area designation gives the planning authority extra control on development within the area and additional scope for improvement initiatives.

How are alterations to buildings controlled within conservation areas?

Extra restrictions may be placed upon permitted development rights within conservation areas. The planning authority can apply to Scottish Ministers for these extra restrictions (known as 'Article 4 Directions'); if they do so they must publicise their intentions in the local press and the Edinburgh Gazette. Any planning application which a planning authority considers likely to alter the character of a conservation area must be advertised in the local press and a notice posted near the site. The planning authority must then allow 21 days for objections and comments before determining the application.

Can buildings in conservation areas be demolished?

Conservation area consent is required for the demolition or partial demolition of any unlisted building within a conservation area (certain very small buildings are exempt). Many unlisted

buildings contribute significantly to the conservation area's character, so the loss of a single building and construction of new building(s) in its place could harm the character or appearance of the conservation area.

Where demolition or partial demolition is to be followed by redevelopment, consent should only be granted if the planning authority is satisfied that the proposals are of a high standard in terms of design and materials. A planning application for full planning permission is likely to be required at the same time to allow appraisal of the final design. HES is a statutory consultee for demolition within a conservation area.

What about trees within conservation areas?

Trees in conservation areas are protected from pruning, lopping or felling. Before any work can be undertaken, the planning authority must be notified; they then have six weeks in which to inform the applicant whether formal permission is required. Forms for application for tree works can be obtained from your planning authority or online via the Scottish Government's [ePlanning website](#).

What is a conservation area character appraisal?

Many planning authorities produce a 'character appraisal' for each conservation area. This document outlines the area's historical development, why the area has been designated or should be, design guidance, and specific planning policies that will apply. Appraisals may be prepared in association with local amenity organisations, and summaries incorporated into development plans.

What is supplementary guidance?

Supplementary guidance is used by planning authorities to supplement the topics, policies or proposals which are set out in Development Plans. Your planning authority may produce supplementary guidance which is directly related to listed buildings and conservation areas. This could include guidance on topics such as proposed conservation areas, design, listed buildings, replacement windows and shop fronts.

How can I 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 apply to conservation areas by consulting the Local Development Plan or the conservation area character appraisal, if there is one.
- Find out about proposals affecting listed buildings or conservation areas. Most developments must be advertised in the local press. In addition, if planning permission is required, neighbouring properties will be notified.
- If you support, object or wish to comment on an application, make representations to the planning authority. Constructive criticism is best - controls are there to ensure development is appropriate to the preservation and enhancement of historic character, not to stop all new development.
- Representations relating to listed buildings should focus on how the building's character will be affected by the proposal or the value of the building and its setting. If relating to

new proposals in conservation areas, the proposed design, materials and scale should be considered.

- Get involved during the designation or alteration of conservation areas. There may be opportunities through the consultation that will be undertaken by the planning authority during the preparation of the development plan.
- Get involved during the consultation on supplementary guidance related to listed buildings and conservation areas.
- Contact the planning authority if you think a listed building is being, or has been, altered without permission.
- Inform the planning authority or Historic Environment Scotland about unlisted historic buildings that may be under threat but worth considering for listing.
- Contact the Scottish Civic Trust if a listed building is threatened with demolition.
- Refer to the Buildings at Risk website <http://www.buildingsatrisk.org.uk/> if you are seeking a building to restore and re-use.

Where can I obtain further information?

Contact your planning authority – planning authorities employ staff that specialise in historic buildings and conservation.

- [Historic Environment Scotland](#) - Their website contains a wealth of information and guidance on historic buildings. (This website domain name will be updated in due course to reflect the new organisation name).
- [The Scottish Civic Trust](#) - Founded in 1967 with the purpose of providing leadership and focus in the protection, enhancement and development of Scotland's built environment.
- [Built Environment Forum Scotland](#) (BEFS) - As a strategic intermediary body for Scotland's built environment sector, BEFS draws together extensive expertise and knowledge on Scotland's historic and contemporary environment in a membership-led forum.
- [The Architectural Heritage Society for Scotland](#) (AHSS) - Concerned with the protection, preservation, study and appreciation of Scotland's buildings.

How can PAS help?

If you are still unsure or need independent advice, then PAS may be able to help. Contact our **Advice Service**, which is **free of charge** to individuals and community groups, on **0845 603 7602**. Our website is www.pas.org.uk