United Reformed Church South Western Synod Information Sheet 9

LISTED BUILDINGS & CONSERVATION AREAS

A Listed building is a structure or building that has been placed on the Statutory List of Buildings of Special Architectural or Historic Interest. Listed buildings are designated by the Secretary of State for Culture Media and Sport, acting on advice from English Heritage.

There are three types of Listed status for buildings;

* Grade I (buildings of exceptional interest),
* Grade II\* (buildings of more than special interest),
* Grade II (buildings that are of special interest and deemed worthy of preservation).

*Prior to 1970 there was also a Grade III which was abolished. The Secretary of State can still List buildings.*

Listed buildings account for about 2% of English building stock. In March 2010, there were about 374,000 list entries of which 92% were Grade II, 5.5% were Grade II\*, and 2.5% were Grade I.

**If it comes to your notice that listing is being considered please contact the Synod Property and Trust Officers without delay.**

Listed buildings have legal protection and carrying out works which includes demolition and alterations without the appropriate consent is a criminal offence. Relevant legislation includes the Town & Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990. The legislation places controls on any work that might affect the character and setting of the listed building, but not repairs undertaken on a ‘like for like’ basis. When alterations are permitted, or when listed buildings are repaired or maintained, the owners are often required to use specific materials or techniques.

Exemption from secular listed building control is provided for some buildings in current use for worship, but only in cases where the relevant religious organisation operates its own equivalent permissions procedure. This is the case for the URC SW Synod.Normally the process for gaining Listed Building and Conservation Area consent for works at private houses and commercial property is managed by Local Authorities.

**However, the United Reformed Church (in common with other denominations) has legal authority to grant Listed Building Consent and Conservation Area Consent for works to URC buildings primarily used for public worship and ecclesiastical purposes.**

This statutory provision is known as ‘Ecclesiastical Exemption’ and the relevant legislation is the ‘Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order’ (as amended). The Order is regularly reviewed by Government and it is important that we apply the system properly if we wish to retain the privilege of exemption from local authority control.

The application of the Order is described in full in “The United Reformed Church and The Planning, Listed Building and Conservation Areas Act 1990, Procedure for Control of Works to Buildings”, which is attached.

Places of worship are an important part of the UK's architectural heritage. England has 14,500 listed places of worship (4,000 Grade I, 4,500 Grade II\* and 6,000 Grade II) and 45% of all Grade I listed buildings are places of worship. Some of the listed churches are no longer in active use; between 1969 and 2010, some [1,795 churches were closed](https://en.wikipedia.org/wiki/Redundant_church) by the [Church of England](https://en.wikipedia.org/wiki/Church_of_England), equaling roughly 11% of the stock, with about a third Listed as Grade I or II. There are estimated to be about 500,000 actual buildings listed, as listing entries can apply to more than one building.

Although most sites appearing on the lists are buildings, other structures such as bridges, monuments, sculptures, war memorials, [milestones and mileposts](https://en.wikipedia.org/wiki/Milestone), are also listed. Ancient, military, and uninhabited structures, such as [Stonehenge](https://en.wikipedia.org/wiki/Stonehenge), are sometimes instead classified as [scheduled monuments](https://en.wikipedia.org/wiki/Scheduled_monument) and have been protected by much older legislation. Cultural landscapes such as parks and gardens are currently "listed" on a non-statutory basis.

**Against this background approximately 50 churches in the South Western Synod have buildings which are Listed.**

**Listing covers all parts of the building including the exterior and the interior, any boundary walls or railings and any buildings within the curtilage (i.e: immediately adjoining garden or grounds).**

Church Elders planning to undertake works to Listed Buildings and /or works in Conservation Areas must apply in their capacity as ‘managing trustees’ to the Synod Property Committee (SPC) who will process the application following the same working practices and principles as a Local Authority, and with reference to relevant planning policy and guidance notes.

Additionally, under the Ecclesiastical Exemption the SPC is required to take external advice from specialists in building conservation, and the suitability of the building for ecclesiastical use is also a material consideration. This requirement is met by referring the application to the Synod Listed Building Advisory Committee (LBAC).

It should be noted that Listed Building Consent is not required for maintenance works which involve like for like replacements. However, an application to the LBAC will be required if the intention is to use different materials or finishes. In the event of any uncertainty about whether an application is required the Synod Property and Trust Officer should be consulted.

**Conservation Areas:**

A Conservation Area is an area within a town or village considered by the planning authority as worthy of preservation or enhancement because of its architectural or historical interest. In Conservation Areas planning policy sets out to preserve the setting of an area rather than a specific building. Some development rights usually allowed by law are not available (e.g: demolition, felling of trees, erecting boundary fences and walls). The legislation applies to all property within the Conservation Area, whether Listed or not.

Please contact the Synod Property and Trust Officer if you are not certain whether your proposals require Conservation Area Consent.

**How to apply for consent for any works / alterations in a listed building or conservation area owned by the URC (SW Synod) Incorporated:**

Making a formal application for Listed Building Consent and/or Conservation Area Consent can be time consuming and expensive so before working up a scheme churches are advised to discuss matters with the Trust and Property Officer. This will help ensure that your application contains all information likely to be required by the LBAC.

When you are ready, complete application should be sent to the Synod Office marked for the attention of the Property and Trust Officer. The application should be submitted in electronic form if at all possible.

The application must be received at least 5 weeks prior to a LBAC meeting (the Property and Trust Officer can confirm dates of forthcoming meetings) for it to be considered at that meeting. This time is necessary for the LBAC to initiate consultation with statutory consultees in advance of the LBAC meeting.

**Applications for Listed Building Consent must include:-**

1) A completed Application Form (comprising LBAC FORM1, 1A and QU). Forms can be obtained from the Synod Property and Trust Officer.

2) A copy of your most recent Quinquennial Survey

3) Statement of Significance

4) Statement of Need

5) Plans & Specifications.

6) Copies of adverts and site notices

7) Photographs and any other supportive material

**Statements of Significance and Need**

In most cases it will be necessary to provide a Statement of Significance and Need. A useful point of reference is: <http://www.methodist.org.uk/static/rm/statementsignifneed.pdf>

Examples of statements can be found at:

<http://www.methodist.org.uk/static/rm/statementsignif1.pdf>

Statements of Significance and Need will not be required from non-listed churches applying for Conservation Consent.

These Statements are two separate documents. The Statement of Significance details the historical development of the property and identifies the special features which are important to the character and setting of the building. It also considers in detail the significance of the area affected by the proposal. The Statement of Need sets out why changes to the building have to be made and how these will benefit the church and community, so as to justify any detrimental impact on the setting and character of the building. Churches will need to involve their professional adviser (i.e: surveyor or architect) when preparing these statements.

**Plans & Specifications:**

It is not possible to make an application for ‘outline’ (or ‘in principle’) listed building consent. Applications must include detailed and specific proposals, to allow the impact of the works on the building to be assessed. If poor plans or inadequate information are provided the application will be declined upon receipt at the Synod Office, which will mean that the proposals cannot be dealt with by the SPC and LBAC.

Churches will undoubtedly need help from an appropriately qualified and experienced professional, most likely an architect or surveyor. The architect or surveyor who undertakes your quinquennial survey may be best placed to help, however the RIBA and the RICS can provide more information about professionals in your area:

Royal Institute of British Architects, 66 Portland Place, London. W1B 1AD (Tel: 020 7307 3700) [www.ribafind.org](http://www.ribafind.org)

Royal Institution of Chartered Surveyors, 12 Great George Street, Parliament Square, London. (Tel: 020 7334 3781 or 020 7695 1618). [www.rics.org](http://www.rics.org)

The SPC’s requirements for plans follows that of local authorities, and includes:-

Location Plan (1:1250 or 1:2500)

Existing and Proposed Block Plan (1:200 or 1:500)

Existing and Proposed Floor Plans (1:50 or 1:100)

Existing and Proposed Elevations (1:50 or 1:100)

Existing and Proposed Site Sections and Levels (1:50 or 1:100)

Roof Plans (1:50 or 1:100)

Details of all New Windows/Doors/Fireplaces, etc (1:5 or 1:10 or full size)

Details of Cross Sections (1:50 when raising roof, extending building, altering staircases or changing floor levels)

**Adverts and Notices:**

The proposals have to be advertised locally by putting up a site notice and, if Grade I or Grade II\* or if external works are proposed, an advert in a local newspaper. The notice/advert should detail what works are proposed, where the plans can be inspected, and the address for comments and objections (i.e. the Synod Office). Your notice or advert should be put on display at the same time as submitting the application to the SPC, and a copy of the notice or advert must be enclosed with the application. The Notice should be on display for 28 days.

**Photographs:**

Photographs are a useful addition to any application and can be incorporated into the plans and specifications. If your application is approved by the SPC you may be asked to provide a more formal Photographic Record of Condition.

**Processing Your Application:**

Upon receipt at the Synod Office your application will be vetted by the Property & Trust Officer (who is also the Secretary of the SPC) in consultation with the Chair / Secretary of the LBAC. Once this process is complete the application will either be acknowledged and Registered, or, if incomplete or inadequate, returned to you with appropriate comments and guidance. The 10-week LBAC period for considering the application will commence from the date registration is completed.

Once registered the application will be sent to the LBAC, who may arrange a site visit. They will send copies of the application to consultees (including English Heritage and the Local Authority) who have 28 days to comment. Once the consultees’ comments are to hand the LBAC will discuss the application and may raise queries. When the LBAC has all the information it needs it will submit its advice to the SPC and will send a copy to the applicant; however, this should not be mistaken for the final decision. If the LBAC advice is not fully supportive, then the church would be well advised to consult the LBAC to try to find a way of reaching a scheme which the LBAC can recommend.

The SPC will make a final decision on the application taking into account the LBAC advice and comments from the consultees. The committee will then formally notify the church of their decision. In non-contentious cases, it should be possible to reach a decision within 8-10 weeks of the application being acknowledged.

**Refusal and Appeals:**

If the application is refused, or granted subject to conditions which the church feels are onerous, then the church can notify the Secretary of the SPC that it wishes to invoke a policy of negotiation and both the SPC and LBAC will review matters. This process must be started **within one month** of receiving the formal notice of the SPC’s decision.

If the matter remains unresolved the church can give a formal notice of appeal. In such an instance information on the appeal process will be provided by the Synod Property and Trust Officer.

**Will other consents be needed**?:

Other statutory consents may be required in addition to Listed Building and Conservation Area consent. Planning permission is likely to be needed for extensions and changes of use, in which case the local authority should be consulted. Notice Boards, signs and adverts may require Advertisement Consent from the local authority. Building regulation approval (also from the local authority) is likely to be needed if any structural work is involved.

For further information contact:

The Property & Trust Officer

The United Reformed Church (South Western Synod) Incorporated

Synod Offices

20 Paul Street

Taunton

Somerset

TA1 3PF

Web: [www.urcsouthwest.org.uk](http://www.urcsouthwest.org.uk)/) Tel: 01823 275470 Email:[property@urcsouthwest.org.uk](mailto:property@urcsouthwest.org.uk)

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