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1. Owning a Listed Building

A pleasure and a privilege

Owning a listed building can be a rewarding and interesting experience. Most prospective purchasers consider buying a listed building precisely because the house has its own special character and appearance. Owners often find that their historic listed house contains a wealth of clues which encourage and help them to find out more about how their house has evolved and how the previous occupants once lived in it. Ownership of a historic listed house also brings its responsibilities and by taking on the role of 'custodian' owners can help to ensure that their historic house retains its unique character for future generations to enjoy.

There are many issues to consider prior to the purchase of a listed building and the information below is intended to provide help with some of the more common issues you may like to think about before buying a historic listed property. This list of questions and answers is by no means comprehensive and further investigation (via a professional Agent experienced in historic buildings) may be needed as each building has its own unique character. Our conservation officers will also be pleased to offer more comprehensive advice via a [pre-application surgery meeting](#) or, brief advice through a [listed building enquiry form](#), in respect of any proposals which you may be considering and are happy to try to help find solutions that will enhance and conserve your building.

It must be remembered however that the scope for altering or extending a Listed Building without adversely affecting its character can often be more limited than is the case with a non listed property.

2. What exactly is a 'Listed Building'?

A listed building is a building considered to be of 'special historic or architectural interest' by the Secretary of State, and which is included within a Statutory List of such buildings. Listed Buildings are designated as either grade I, grade II* or grade II.

Whilst this grading reflects their 'national importance' there is no difference in the controls applicable to each grade. The majority of residential properties are listed grade II. [Historic England](#) sets out criteria as to which categories/ages of buildings will normally be considered for listing.

Submissions requesting that a building be listed and confirmation as to whether or not a building has been listed are dealt with by [Historic England](#) and not by the District Council.

What is the extent of Listed Building control?

All parts of the exterior and interior are considered to be part of the listed building or 'curtilage listed' building or structure (see below), and are equally subject to Listed Building controls. This applies to even the smallest item or part of the fabric.

In addition, the following are subject to Listed Building controls in the same way as the main building:

1. Any outbuilding, garage or other structure which is within the curtilage of the main building and which was there prior to 1st July 1948. Such buildings or structures are considered to be 'curtilage listed'.
2. Any wall, fence or other means of enclosure which is attached to the main building or attached to any 'curtilage listed' building or structure.

Any new extension which is attached to the original listed building automatically becomes 'listed' and thus subject to listed building controls and such extensions will normally have received Listed Building Consent in the first place.

3. When is Listed Building Consent required?

Listed Building Consent is required for demolition (part or total), all proposed alterations, extensions or repairs to either the main listed building or to any 'curtilage listed' building or structure. This applies to both the exterior and interior of the main or curtilage listed building or structure.

Carrying out works without first having obtained Listed Building Consent is a criminal offence and may render the perpetrators liable to enforcement and/or prosecution.

Where a Listed Building consent has been granted, a series of 'conditions' will normally be attached to the Decision Notice. Many of these 'conditions' will require the submission of further details, and written agreement on these details by the Council, before any works commence on site. Failure to comply with such 'conditions' may also lead to enforcement and/or prosecution.

Can any works to a Listed Building be undertaken without the need for a Listed Building application?

Very little work can be undertaken without the need for Listed Building Consent. Where very minor 'like for like' repairs are proposed an application may not be required. Such repairs must be 'like for like' in all respects – i.e. materials, dimensions, design, function and finish.

An example might be minor repairs to an existing timber window using traditional repair techniques.

If you consider that listed building consent is not required for the works you are proposing, particularly where like for like repairs are proposed, you are advised to confirm this with the Council via an application for a [Certificate of Lawfulness of Proposed Works to a listed building](#). This form can be found on the Wealden website.

If you would like advice on whether the works you are proposing are likely to require listed building consent, you can also complete a [Listed Building Enquiry Form](#). The Council's Conservation Officers will consider the information provided and advise, on a without prejudice basis, whether it is likely Listed Building Consent will be required. If the answer is that it is unlikely consent will be required, you are still advised to complete the formal [Certificate of Lawfulness of Proposed Works to a listed building](#). This will ensure that the Council has a record of works being undertaken to the listed building and will also be helpful when you come to sell the property in the future.

When is Planning Permission also required to carry out works to a Listed Building?

Planning Permission is not required for alterations or repairs to the interior of the building (i.e. only Listed Building Consent will be required). If a 'change of use' is proposed, Planning Permission will be required (e.g. agricultural to residential use).

Where exterior works would materially alter the character or appearance of the building Planning Permission will also be required. In effect this means that most proposed works of alteration or extension to the exterior will also need Planning Permission. In addition most works proposed within the curtilage of the house will require planning permission (e.g. changing garden levels, laying a patio area where it would abut the building, constructing walls, fences or raised planting beds, erecting sheds, sunrooms or greenhouses). Again it is always advisable to check first if in doubt. A planning Duty Officer is available between 09:30 and 12:30 Monday to Friday: 01892 602011.

4. Purchasing a Listed Building

As a prospective purchaser of a listed building what should I be thinking about and investigating before I agree purchase?

You would be well advised to consider some fundamental points and to do some basic checks and recording prior to purchase:

1. The 'golden rule' is to consider whether or not the accommodation on offer, in terms of its size and layout, is suitable for your current and future needs. Basically, could you live in it comfortably in its present form without the need for changes or extensions, apart from re-decorating, changing kitchen and bathroom units etc.? With Listed Buildings there is never a guarantee that proposed alterations or extensions will be approved. If they are considered to be detrimental to the character, appearance or historic integrity and significance of the building, it is unlikely that consent will be given.
2. All works to a listed building are expected to be carried out to very high standards and using appropriate traditional materials. Repairs or replacements (e.g. windows) are normally expected to be carried out on a 'like for like' basis unless there is good

reason to make a variation. This may be a more costly process than in the case of a non listed or modern building.

3. Carry out a thorough check through the 'planning history' of the building to ensure that all alterations, extensions or repairs which have been carried out since the building was listed have received Listed Building Consent, or to see whether a Certificate of Lawfulness of Proposed Works to a listed building has been submitted. It is important to check the 'approved plans' for any previous consent, to make sure that the proposals as shown on these approved plans match up to what is actually 'on the ground'. As a new owner you would be liable for any unauthorized works carried out by a previous owner. This might involve considerable delays in the purchase process while these matters are being sorted out. It may also involve you in the extra expenses of commissioning surveys, progressing remedial works and possibly even enforcement action if these remedial works are not carried out. You can check the [planning history online](#) on the Council's website. For older applications, you will need to visit the District Council Offices in Hailsham during normal office hours, to view microfiche. A day or two advance notice should be given by email to the Council's Information Officer to enable the relevant records to be made available. (Planning.Information@wealden.gov.uk)

If you suspect that works have been carried out to the interior or exterior of the building by previous owners but without the benefit of Listed Building Consent you may wish to consider commissioning a 'Compliance Check'. This involves a survey of the building to ascertain the extent and nature of any unauthorised works; whether some or all of such works can be dealt with by submission of an application; and whether any 'remedial' works are required by the Council.

The advantage of obtaining a 'Compliance Check' report is that it gives the opportunity to 'regularise' the situation in planning terms, thus avoiding delay and difficulties in any future sale of the building.

Due to current staff resources, the Council is unable to offer a Compliance Check service at present. However, there are private companies who can also provide a similar service and your solicitor may be able to advise of appropriate practitioners.

If you do purchase the property one of the first things you should do is to take a full photographic record of both the outside and inside of the property (i.e. before your furniture has been installed or the property redecorated). This will help to settle any future questions as to the condition and appearance of the property before you moved in.

5. Unauthorised works to a listed building

I suspect that works have been carried out to the building for which Listed Building Consent has not been obtained by previous owners. What should I do?

You should be aware that there is no time expiry for the Council to take action on unauthorised works carried out to a listed building. This means that if works were carried out by a previous owner without the necessary consent, new owners will be responsible for any 'remedial' action deemed necessary. Failure to comply with such remedial action could lead to enforcement action and/or prosecution.

There are several options if you suspect or know that unauthorised works have been carried out by previous owners:

- i. Contact the Enforcement Team by telephone (01892 602006) to discuss the matter.
- ii. Where Council officers consider that unauthorised works would have been supportable if an application had been made – it will be necessary to submit a Listed Building and/or Planning application in respect of these works. Where such works are not considered as being acceptable you may be asked to carry out remedial works within a set timescale.
- iii. A 'Compliance Check' survey (see part 4 of the FAQs). This would highlight whether unauthorised works have been carried out, and which of these works would or would not be supportable subject to an application being made. Prospective purchasers or owners are responsible for the cost of these surveys.

6. Advice on proposed alterations, extensions and repairs

Can I get advice on proposed alterations, extensions and repairs before I make an application?

There are several places where you can get advice before you make an application.

The Wealden Design Guide

The first point of reference should be the '[Wealden Design Guide](#)' on the Council's website which was adopted in November 2008. The Guide contains detailed and clear information on extensions and alterations with examples of good and bad practice. In relation to historic buildings particular reference should be made to Section 12 of the Guide. Copies are also available to view at public libraries in Wealden District, and at the Wealden Council Offices in Hailsham. You will find it helpful to have consulted this document before submitting a proposal.

English Heritage website

The English Heritage website has a section aimed at anyone living in a historic building – it could be listed, in a conservation area or simply old:

<https://www.historicengland.org.uk/advice/your-home>

This section of the English Heritage website provides guidance on:

- Owning an older home;
- Making changes to your home;
- Looking after your home;
- General conservation principles;
- Saving energy and how to improve the energy efficiency of your home, whilst respecting its historic character; and
- Researching the history of your home.

Planning Surgeries

There is a weekly ' Conservation Planning Surgery' held at the Council's Hailsham offices on a Wednesday. A one hour meeting can be booked, attended by a Planning Officer and/or Conservation Officer to discuss your proposals.

To book a Surgery appointment, telephone 01892 602010. Basic information will be required at the time of booking all surgeries including the address of the property or site location and the nature of the proposal.

Please note that a charge is levied for enquiries relating to listed buildings and you are advised to read the [Guidance note on Charges for Pre-Application Advice \(pdf\)](#) before making an appointment. Any payment will be required in advance of the meeting. You will be asked to send information such as photographs and sketch proposals at least one week before the date of any meeting.

Written confirmation will be provided, following the meeting, on the main issues agreed/discussed. Potential applicants are advised that the Council will decline to arrange meetings where a proposal will clearly conflict with national and/or locally adopted policy guidance, and that all meetings that are arranged will be held strictly on a 'without prejudice' basis.

Listed Building Enquiry Form

This electronic form may be used for general enquiries that may not merit the need for a Conservation Pre-application Surgery. This form is available on the Council's website.

By Telephone

Due to restricted resources, general enquiries relating to listed buildings are not answered by telephone by the Conservation Officer. These enquiries should be submitted to the Council via the Listed Building Enquiry Form.

However, if your queries, also relate to the need for planning permission, queries may be answered by the Planning Duty Officer, available on 01892 602011, between 09:30 and 12:30, Monday to Friday.

Other sources of advice

Where you have an idea of the type of alterations or changes which you have in mind you would be advised to contact a local architect or surveyor with relevant experience in dealing with historic properties. They will probably be able to give you some idea of what may be acceptable in conservation and planning terms by simply walking around the building with you. Also bear in mind that if and when you do make an application the details will need to include 'as existing' and 'as proposed' scale drawings. Most applicants will need to employ the services of an architect or surveyor to produce these drawings and to act as your agent for the application.

I am thinking of buying a Listed Building and have some ideas for alterations and extensions after I move in. When I submit an application for Listed Building Consent

what will the conservation officers be considering when deciding whether or not to recommend approval?

There are some fundamental matters which will be looked at carefully in order to decide whether or not the proposed works would be acceptable 'in principle':

- Is there good 'justification' for the proposed works?
- What would be the effect of the proposed works on the significance of the historic fabric – would important elements be removed or altered – are new openings involved - what would be the structural implications?
- How would the proposed works affect the historic character and appearance of the building – in terms of form, size, design and materials?
- Has the original building already been extended or altered (it may already have reached the point where any further works would severely detract from the building's historic integrity and be harmful to its significance)?
- In the case of extensions, conservatories or sun rooms, would they be in scale with the existing building and be of appropriate design and materials?
- Are repairs proposed to be carried out using traditional materials and by traditional repair techniques?

As advised above, the services of an architect or surveyor with relevant experience may prove invaluable to provide a general assessment.

7. Enhancing Thermal Efficiency of Listed Buildings

Increasing the general thermal and energy efficiency of Listed Buildings

For historic buildings and those of traditional construction, an appropriate balance needs to be achieved between building conservation and measures to improve energy efficiency if lasting damage is to be avoided both to the building's character and significance, and to its historic fabric.

English Heritage have published excellent guidance on Energy Efficiency and Historic Buildings: [Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings](#) (Also Part 8, J)

English Heritage has also produced a series of guidance documents on the principles, risks, materials and methods for improving the energy efficiency of roofs, walls and floors, which can be accessed at: <https://www.historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/>

It is important to consider the particular character of each historic building in terms of the likely visual and physical impact of installing equipment to improve energy efficiency.

The installation of solar panels and domestic wind turbines on listed buildings will usually only be appropriate where such features will not adversely affect the appearance and character of the building (i.e. not located on visible parts of the building), and where it can be shown that there will be no adverse impact on or loss of important historic fabric.

Proposals for Ground Source Heat Pumps will be assessed on the basis of the degree of impact on historic fabric from the installation of associated plumbing and pipework.

Historic buildings were built as 'breathable' structures and the traditional materials used in construction such as lime mortars reflected this. With many historic buildings the introduction of modern non-breathable materials such as cement based mortars, modern insulation used for walls or roofs, or the introduction of damp proof courses and membranes to floors and walls will inhibit this 'breathability' and may well cause problems rather than solve them.

How can I enhance the thermal efficiency of my windows? What happens if I want to replace the windows in my listed building?

Double glazing is rarely supportable as a replacement for traditional timber window joinery because of the inappropriate visual changes which would result such as thicker glazing bars. The use of trickle vents is also not normally deemed an acceptable detail.

It is generally better to retain the historic windows within your property and to upgrade them to improve thermal efficiency. English Heritage has published an excellent guide on traditional windows, including their care, repair and upgrading <https://content.historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows.pdf> This guidance includes advice on draught proofing and installation of secondary glazing to improve thermal efficiency.

8. Common Proposals

Common proposals – some points to consider

A. Internal works:

- Even small scale internal works may have a significant effect on the fabric and character of a historic building.
- All works, no matter how minor, which would affect the fabric or character of the building will require Listed Building Consent.
- In many cases, particularly in relation to timber framed buildings, an archaeological survey and associated mitigation strategy will be a requirement as part of a Listed Building application. The owner would be responsible for the cost of producing these documents.
- New electric wiring or plumbing pipework should not normally be chased into fabric. Use can often be made of existing voids in walls and ceilings.
- The proposed removal of walls and partitions would not be acceptable where this would substantially alter the historical form and configuration of the interior of the building.

B. Window replacement:

English Heritage have published an excellent guide on traditional windows, including their care, repair and upgrading: <https://content.historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows.pdf>

- Repair rather than replacement is often more appropriate as well as being a cheaper option.
- Repairs should incorporate traditional materials and jointing methods. The use of resin repairs may not be appropriate on historic buildings.

- On historic buildings windows should normally be replaced on a 'like for like' basis – in all respects (design, materials, dimensions, finish, method of function). Exceptions may be acceptable where the proposed replacement window is considered by the conservation officer to be more appropriate to the character of the building than the window to be replaced.
- Windows of traditional joinery incorporating historic glass have special visual qualities which are often a fundamental part of the character of a historic building.
- Where windows are of traditional leaded lights any replacement windows should also be of leaded lights made up in the traditional manner - i.e. with separate 'comes' (the lead glazing bars) and 'quarries' (the individual small panes of glass'). It is not possible to make up or to replicate the appearance of traditional leaded light windows in double glazing.
- The use of double glazing is not normally acceptable on the historical parts of a listed building. However, where Listed Building Consent has been given for new structures which are directly attached to the original building such as conservatories, double glazing may be acceptable for plain full height glazed modules (i.e. undivided by glazing bars).
- Secondary glazing may be an acceptable alternative to double glazing on the historical parts of a building subject to detail.

C. Attic conversions:

- Proposals for attic conversions can have a profound effect on the character and fabric of historic buildings due to the need to provide means of fire escape, need for natural light, and provision of insulation to approved standards.
- In many cases these aspects cannot be achieved in historic buildings without considerable detriment to the character and historic fabric of the building, and so would not be supportable by the Conservation Officers.
- In all cases it is advisable to obtain early advice from both the Conservation and Building Control Officers.

D. Conservatories:

- Traditional materials (e.g. timber, brick) should be used. UPVC is not acceptable and coated aluminium framing will only be appropriate in particular circumstances.
- In certain cases double glazing may be acceptable (please see comments under 'Window Replacement')
- Proposed conservatories should be designed and detailed to respect the scale, design, form and materials of the existing building. With many historic buildings of vernacular character a simple 'lean to' arrangement is often most appropriate (See Design Guide).
- Detailing should normally be kept as simple as possible. In rare cases it may be appropriate for detailing to mirror elements of the existing building.
- Similar considerations in relation to the formation of access from the main house apply equally to conservatories as to extensions (please see below).

E. Extensions:

The Wealden Design Guide, Chapter 12, provides advice on the extension of listed buildings.

In summary:

- Proposed extensions should be appropriate for the scale, design and historical 'status' of the existing house.
- Two storey extensions have a significant effect on the character of a historic house, and generally involve considerable intervention or loss of historic fabric. In many cases, particularly when in relation to small vernacular houses they are unlikely to be appropriate.
- Means of access from the existing building into the extension should normally make use of existing openings. New openings through original external walls are unlikely to be acceptable, particularly in the case of timber framed buildings.
- Where it is proposed to re-build and replicate some 'lost' historical element of the building, firm and conclusive evidence should be provided for the historical form of the demolished element. An archaeological survey may also be necessary as part of the evidence gathering. If the proposal is then considered to be appropriate in all other aspects, the new element must be constructed in strict accordance with this evidence and as agreed by the Conservation Officer and forming part of any consented plans and other details.

F. Changes of use from non-residential to residential

- Such a change will often require very considerable alterations to the fabric of the building so as to comply with the Building Regulations (insulation, noise, means of fire escape etc). Early consultation with both the Conservation and Building Control Officers in relation to design and detailing is advisable.

G. Satellite Dishes

- Proposals to install a satellite dish on any part of a listed building would require an application for Listed Building Consent. However, a proposal to fix a satellite dish onto any part of a listed building is unlikely to be appropriate or to receive officer support unless the visual impact of the satellite dish would be minimal and its installation would not involve the loss of or damage to any historic fabric.

H. Construction of freestanding garages, sheds, summer houses etc. within the curtilage of a listed building

- Planning Permission will be required for such proposals within the grounds of a listed building.
- Listed Building Consent will not be required providing that the structure is to be freestanding (i.e. not physically attached to the main or any 'curtilage' listed building, or to any wall attached to the main or a 'curtilage' listed building).
- The principal consideration when assessing such an application will be: the visual effect on the 'setting' of the existing listed building/s. Therefore, location, design, size, scale in relation to the existing building/s, and materials will all be very important. Changes in existing levels can sometimes be used to advantage in minimising visual impact. Structures should not visually 'compete' with or 'dominate' the existing building. Structures should not be made to 'look old' in terms of form, design or materials. In most cases the use of newly sourced but traditional materials will be best. With few

exceptions structures should be visually 'of their time' and clearly distinguishable as being new.

J. In which cases would I need to get approval for alterations and extensions under the Building Regulations?

- Where structural and/or conversion of non habitable rooms is proposed (e.g. attic conversions);
- Changes of use of buildings in single occupancy residential use to multi occupancy residential use;
- All other alterations or repairs with structural implications for the building;
- The construction of an extension;
- In certain cases, the construction of a conservatory;
- Where it is proposed to replace a window in its totality - i.e. when the frames are to be replaced as well as the glass, styles, rails and beadings. Where repairs or replacement of elements such as cills or glazing bars is proposed an application under the Building Regulations is not required.

The Building Regulations are complex and the above is a general guide only. Further information is available from the Council's Building Control officers (Tel. 01892 602005).

Please note that 'exemptions' from the normal requirements are available for Listed Buildings under certain parts of the Building Regulations (e.g. thermal insulation). English Heritage have published excellent guidance on Energy Efficiency and Historic Buildings in relation to the application of Part L of the Building Regulations: [Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings](#) (Also Part 8, J)