

Advice Guide 2

# Making a Listed Building Consent Application

Ag freastal ar an Dún  
agus Ard Mhacha Theas  
Serving Down  
and South Armagh



Comhairle Ceantair  
an Iúir, Mhúrn agus an Dúin  
Newry, Mourne and Down  
District Council

## Introduction

The primary provisions for listed buildings are contained in The Planning Act (Northern Ireland) 2011. This legislation details the District Council's responsibilities for Historic Buildings following the transfer of Planning Functions in 2015. This legislation is supplemented by the publication of further legislation issued within The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 and The Planning (Listed Buildings) (Amendments) Regulations (Northern Ireland) 2016.

Section 80-103 of The Planning Act, deals with planning controls specially with "Buildings of special architectural interest" over and above the normal planning process.

When a building is listed, it is listed in its entirety, with all the interior and exterior protected. This also includes protections for:

- Any object or structure within the curtilage of the building and fixed to the building
- Any object or structure within the curtilage of the building which has been present since before 1st October 1973

The listing therefore includes structures fixed to the listed building including walls, railings, gates, outbuildings and structures within the curtilage of the building, but not attached. This includes ancillary related buildings such as stable blocks or gate lodges.

New development within the curtilage of a listed building will generally require planning permission and in certain circumstances will also need listed building consent. There is no legal definition of the curtilage of a listed building. The extent of a curtilage will depend on the facts of the individual case and the circumstances of the individual sites.

## Examples of when a Listed Building Consent (LBC) is required:

- Extensions of any kind.
- Alterations such as adding, removing or replacing outbuildings, skylights, window openings etc.
- Demolition, full or partial, including ancillary structures.
- Rebuilding part or all of the building (chimneys, roofs, walls etc).
- Removal or addition of features (railings, gates, garden walls, driveways etc).
- Stone removal or replacement, including stone cleaning.
- Removal or addition of render.
- Changes to shop fronts, erection of signs and other advertising.
- Changes to window materials, detailing and design, including proposals for double glazing.
- Alterations to layout, including floor levels and internal partitions including changes of use.
- Alterations to features which may be of interest and add value to the listed building. This includes stairs, fireplaces, panelling, plasterwork, doors, tile work, light fittings and window furniture.
- Removal of historic fabric (floors and roof trusses etc).

If you are unsure about whether you require Listed Building Consent for the proposed works, you can seek a determination from the Council under section 102 of The Planning Act 2011. Please be mindful that the Council will in some cases have to consult with Historic Environment Division of DfC. We will aim to have a written response to you within 21 days from receipt of the request.

**Prior** to submission of a Listed Building Consent it is important to have fully considered the building regulations. Failure to consider the building regulations at an early stage may mean that further information is requested by Historic Environment Division (HED) at a late stage in the application process. This will delay your application.

**Regulation 2** of The Listed Building Regulations stipulates the information to be provided for all Listed Building applications. These include:

- a. The Description of works to which it relates
- b. Postal address of the building
- c. Name and address of the applicant
- d. A plan to identify the building
- e. A site location plan
- f. Plans necessary to describe the works
- g. A Design and Access Statement.

Points (a) to (c) will be contained within information requested on the LB1 form, while points (d) to (f) will be detailed on the submitted plans. The Design and Access Statement is a stand-alone document.

# Completing the LB 1 Form:

## Q1a. Applicant Name and Address

**1a. Applicant's** name and address

**1b. Agent's** name and address (if any)

Name:		Name:	
Address:		Address:	
Town:		Town:	
Postcode:		Postcode:	
Tel:		Tel:	
		Ref. No.:	

It is a requirement by legislation to complete the Applicant Details, including full name and title. Please also enter the house or flat number, name (if applicable) and street name in the street address field. The town, county and full postcode should also be entered. If the application is being submitted by an agent, such as someone who is acting on the applicant's behalf, all correspondence, including the decision letter, will be sent to him/her.

## Q1b. Agent Name and Address

Please enter the Agent Details, including full name and title. Please also enter the house or flat number, name (if applicable) and street name in the street address field. The town, county and full postcode should also be entered. If the application is being submitted by an agent, such as someone who is acting on the applicant's behalf, all correspondence, including the decision letter, will be sent to him/her.

## Q2. About the Application Site

### About the Application Site

2. Give the full postal address of the building (*outline in red on site location map and give name of townland if known*)

Please provide the full postal address of the application site. Enter the house or flat number, name (if applicable) and street name in the street address field. The town, county and full postcode should also be entered.

## Q3. Proposed site works

3. Please give details of the proposed works (e.g. demolition, alteration, extension)

Please give an accurate description of all works involved in the proposal. You should include external and internal works together with any proposed change of use.

## Plans to be submitted accompanying an application for listed building consent.

To understand the scale of the impact of the change on historic buildings, the level of detail must be appropriate to the impact of the proposed change. Listed Building Consent applications often require much more detail than full planning applications. This outlines the amount of technical detail and specification needed for a building control application.

## Plans submitted should include the following:

**The site location map** should be submitted at a 1:1250 or 1:2500 scale, clearly outlining the entire site in red.

**The site layout plan** clearly identifying the location of the listed building which will be subject to the works applied for.

**Existing and proposed elevations, floor plans and section drawings** at a scale of usually 1:50, including levels, clearly indicating areas proposed for alteration or demolition. This drawing should be accompanied by a key indicating:

- The historic fabric to be retained.
- The historic fabric to be removed.
- New interventions and construction.

These drawings should also clearly detail the following:

- Schedule of proposed works.
- Schedule of materials and finishes, including the specification.
- Door and window schedules, including repairs and alterations.
- Stone schedules, including cleaning, repairs and alterations.
- Internal and external photographs dated, numbered and crossed referenced to the floor plans.
- Perspectives, photomontages, models or computer visualisations to show the impact of the new works on the listed building and its setting where applicable.
- Landscaping proposals at a scale of 1:500, including a planting plan and schedule detailing suitable tree and shrub species, planting positions, densities etc.
- A method statement of how the existing fabric will be protected during the works.
- Structural engineers report for proposal involving partial or full demolition, clearly outlining the condition of the existing building and what effect partial demolition will have on the remaining building.

# Design and Access Statements for listed building consents

The D&AS must include:

- a. **Statement of Justification** – explaining why the proposed change should be considered desirable or necessary, including a development appraisal where appropriate.
- b. **Statement of Significance** – explaining the historic and architectural special interest of the building.
- c. **Concept** – explaining how design principles and concepts have taken account of the special interest of the listed building explaining what policies have been considered with regards to access. This also involves how alternative means of access have been considered, and what mitigation measures have been taken to minimise the impact of the proposals on the special interest of the building.
- d. **Impact Assessment** – describing the impact of the alteration on the buildings special architectural and historic interest.
- e. **Consultation Summary** – providing, where appropriate, an overview, of pre-application consultation, such as with HED, Building Control etc. Please then explain how that advice has been considered.
- f. **Management Strategy** – where universal access has not been possible, maybe because of constraints. This should explain the measures taken to minimise the impact and manage alternative access arrangements.
- g. **Structural report** (if applicable) – this should be completed by a conservation accredited engineer. It identifies defects and proposes remedies, when works include significant elements of demolition or rebuilding.



## Commencement

Section 94 (1)(a) of the Planning Act 2011 prescribes that listed building consents are conditional on the works approved being started within 5 years of the date of the consent.

## Ecclesiastical exemptions

Section 85 (8) of the Planning Act 2011 removes the requirement under Section 85 (1) to apply for listed building consent to works for the partial demolition, alteration or extension of an ecclesiastical building, which is for the time being used for ecclesiastical purposes or would be so used but for the works. This exemption relates solely to the listed building consent and does not negate the need for planning approval where works proposed constitute development. **In a situation where the total demolition of a listed ecclesiastical building is proposed, it should be noted the exemption for not requiring a listed building consent does not apply.**

## Change of use

Applications for full planning permission for a change of use of a listed building may be submitted without further details where they relate solely to the use of the building. If works to the listed building are required, all details of the intended internal operations should be included on a submitted listed building consent. In the rare situation where change of use alone, without any internal works, is proposed to a listed building, a listed building consent is not required.



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0300 013 2233 (Council)  
0300 200 7830 (Planning)  
council@nmandd.org  
www.newrymournedown.org

**Oifig an Iúir**  
**Newry Office**  
O'Hagan House  
Monaghan Row  
Newry BT35 8DJ

**Oifig Dhún Pádraig**  
**Downpatrick Office**  
Downshire Civic Centre  
Downshire Estate, Ardglass Road  
Downpatrick BT30 6GQ