

A Guide to Owning a Listed Building

Information Leaflet



Historical Buildings in the North York Moors

The vibrant landscapes of the North York Moors are steeped in history. Our built environment, and in particular our beautiful historical buildings, are a fundamental part of the incredibly rich cultural heritage of the area. The survival of special building traditions and local architecture continues to play an important part in defining the unique character of the National Park; and protecting this irreplaceable heritage is an important part of the Authority's work.

The National Park contains in excess of 3,000 Listed Buildings which includes amongst others: modest cottages, ornate villas, medieval parish churches, rural farmsteads, decorative mileposts and industrial complexes, all of which are of national significance.

Protecting and preserving these irreplaceable parts of the nation's heritage is important in securing a sustainable future for all and guaranteeing their continued survival for generations to come.

The Authority regularly receives queries from the public and professionals who are planning to or carrying out works to Listed Buildings and we are happy to advise and ensure such works are sympathetic to these historic properties.

Owning a Listed Building in the North York Moors National Park

If you own a Listed Building, when you purchased your property your Solicitor should have carried out a search to establish whether it is listed or not. The national register of Listed Buildings is available on line at www.historicengland.org.uk/listing/the-list/.

There are three grades of Listed Building:

- Grade I: Buildings of exceptional interest (currently 35 within the Park)
- Grade II*: Particularly important buildings which are of more than special interest (currently 80 in the Park).
- Grade II: Buildings of special interest which warrant every effort being made to preserve them (currently 2,899 in the Park).

If you are looking to buy or sell a Listed Building we can offer a **homebuyer's assurance report** service.

This involves a site visit by an officer who can survey the building to determine whether the Authority is of the view that all alterations have the required Listed Building Consent. If you need any further advice please contact the Building Conservation Officer or Planning Officer.

How much of my building is listed?

It is often a common misconception that only the front of the building, or that described in the listing description text, is listed. This is not the case. The list description is primarily for identification purposes it is not an assessment of its significance.

Listing covers the entire building both the exterior and interior of the building and includes: interior features that are fixed to the buildings, such as doors, fireplaces, ceilings and staircases; all later additions to the property; boundary features, any building or structure erected before 1st July 1948 within the curtilage of the building, often called **curtilage listed buildings**.

For farmsteads please be aware that the curtilage will often include agricultural buildings, dairy buildings, cow byres, stables etc. as a result of their functional link to the host building. It is the responsibility of the local planning authority to determine the extent of 'curtilage'. If you need any further advice please contact the Building Conservation Officer or Planning Officer.

What are the implications of a listing?

Listing does not mean that further changes will not be allowed. It is the local planning authority's duty to control changes to Listed Buildings by ensuring that a building's architectural and historic interest is carefully considered before any alterations are approved. Change can often be accommodated if the special character of the building, which makes it worthy of listing, is understood and respected.

However, there are restrictions on what you can do and any alterations which would affect its special character as a Listed Building either internally or externally will require **Listed Building Consent**.

Works which require consent include, but are not limited to the following:

- Extensions: including porches, dormer windows and conservatories.
- Demolition: of any part of a Listed Building and some objects and structures within the curtilage of the Listed Building.
- Alterations: to the exterior and interior fabric of the building.

How do I apply for Listed Building Consent?

Application forms and guidance notes are available from the National Park Authority office and are also available on the Authority's website.

Listed Building Consent and Planning Permission are different types of approval although you may sometimes need both approvals for the same work.

Regardless of whether you need Listed Building Consent, planning permission or both you will only need to fill in one application form (NB no fee is payable for a Listed Building application). In addition, you may require approval under the Building Regulations. It is therefore important to check with officers.

The Authority provides a structured **pre-application enquiry service** in order to enable homeowners to access professional planning advice on what works require listed building consent and also the acceptability of your proposal. There is a small charge for this service and further details can be found on the National Park's website.

When submitting your Listed Building Consent application, detailed supporting information (i.e. a robust Heritage Statement, accurate and properly scaled drawings, material specifications, joinery details, photographs etc.) are essential. To this extent you are strongly advised to employ a professional agent to prepare the necessary details and drawings.

In the event that consent is granted the Authority is likely to attach conditions. These may require you to submit further information before work commences. All conditions should be read carefully and must be complied with. If consent is refused you have the right to appeal to the Secretary of State.

Maintenance and Repairs

It is important to maintain Listed Buildings in a good state of repair. Repairs using traditional materials and building techniques on a 'like-for-like' basis may not require consent; however, you are very strongly advised to check with the Authority before starting work.

The responsibility for keeping Listed Buildings in a reasonable state of repair rests with the owner. It is sometimes possible for the Authority to offer

specialist professional advice and/or grant assistance in cases where buildings are on the Authority's 'Buildings at Risk' register. If, however, the owner fails to take reasonable steps to preserve the building, the Authority can serve either an Urgent Works Notice or a Repairs Notice specifying the works necessary for the proper preservation of the building.

What happens if I undertake work to a Listed Building without the necessary consent?

It is a **criminal offence** to alter, extend or demolish a Listed Building without the necessary consent or to carry out work not in accordance with a consent already granted. The penalties for undertaking unauthorised works may include large fines or even terms of imprisonment imposed as a result of conviction in the Magistrates or Crown Courts.

Unlike development to non-listed buildings works carried out without consent do not become exempt from enforcement action over a period of time.

You may also have trouble selling a property which has not been granted listed building consent or a Certificate of Lawfulness for work carried out, as lack of permission from the planning authority will be revealed by the legal search.



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