



Building Preservation Notices (BPNS)

Questions from the 4 July 2024 webinar

General:

Do Historic England expect a large increase in LPAs serving BPNS as a result of legislative changes?

We are not expecting a substantial increase in the number of BPNS served.

Do you expect that LPAs are now more likely to apply for listing through the BPN process than apply for listing in the regular way?

Whilst the risk involved in a Local Planning Authority (LPA) serving a BPN is now greatly reduced due to the removal of the right to compensation, a BPN should only be used where there is an imminent threat to the potential special architectural or historic interest of a building. If there is no immediate or imminent threat, then an LPA can submit a listing application through the usual route.

If a BPN has not been served but an application for listing has been submitted or is in process, is the building protected (until the listing process is complete)?

No, a building is not protected whilst being considered for listing. The only way to provide protection to a building that is under threat and may meet the criteria for listing is by serving a BPN. If there is concern about works that are taking place to an unlisted building (including a building being assessed for listing, but where no BPN has been served), then the LPA would need to consider what those works are and whether authorisation is required.

The consultation process:

Who in the Listing Team provides the consultation response?

Our Regional Listing Teams cover the whole of England; you can find contact details for your regional office [here](#). Once we receive your consultation request, the application will be considered by the Regional Team and a response provided to the applicant.

Is there concern the consultation period will reduce the efficacy of BPNS in providing immediate protection?

Even before the legislative changes to the process were in place, LPAs have generally contacted Historic England before serving a BPN to seek advice. During the indemnification pilot LPAs had to discuss the indemnification request with us before serving a BPN. Whilst our target is to respond within 3 working days, we will endeavour to turn this around more swiftly if we are made aware of an imminent threat, such as construction or demolition starting on site.



When is the BPN consultation request 'activated'?

The 3 working days starts from the moment an LPA submits a consultation request through our online system.

What happens if Historic England doesn't respond to a BPN consultation request within 3 working days?

We will always endeavour to return a consultation response within 3 working days and the response may indeed be quicker than this. If we are unable to respond within this timeframe, we will contact you to let you know when you can expect a response and that there has been a delay. The LPA should wait to receive the consultation response before serving the BPN.

Serving a BPN:

Do LPAs need interior images of a building they are considering serving a BPN on?

If you suspect that there might be historic fabric within the interior that could be of special architectural or historic interest, you can still consult with us, even without interior images. If you have photographs from sales particulars, previous visits or sourced through web searches (rather than taken by the LPA) you should also include these in your application. The same can be said for archival images.

What assessment does the LPA need to submit for a BPN? Is it similar amount of information to a listing request?

The form asks for the same information as a listing application, however we note that the LPA may have less information to hand when serving a BPN. If we feel that we will require more information either on the building's special interest, or the threat to such, we will request this in our consultation response.

If the LPA goes on to serve the BPN following our consultation response, they will need to send us the notification as confirmation that it has been served along with any additional information not previously provided. We will then change the BPN consultation request to a listing application in our system, so a separate listing application won't be required.

Does the BPN applicant need to know the details of the legal owner of the building to apply, and can the applicant request to be anonymous?

The LPA doesn't need to know the details of the legal owner when requesting a consultation response, however this information will be helpful for Historic England in determining both access for site visits etc and for notification of the final decision. We therefore ask for this information as part of the application/consultation process. If the information becomes available after the consultation is requested, please contact us.



Only LPAs can serve BPNs, and we require contact details for the person at the LPA managing the case. Neither the name of the individual at the LPA who served the BPN, nor the name of the owner will be made public during the listing assessment, or afterwards. However, Historic England is subject to FOI/EIR and requests for details of both owners and applicants could form part of a formal request.

What happens if a building sits between two LPAs?

In this instance the LPA serving the BPN should ensure that the neighbouring LPA is aware, and you should make Historic England aware of the situation when requesting a consultation response. If a BPN is served and the building is assessed for listing, we will include both LPAs as consultees in the process.

Is a building protected from the point of submitting the BPN notification to Historic England? Or from the point it is served?

The building is protected from the point of the LPA serving the BPN, once they have received a consultation response from Historic England. Once served, please provide your regional HE office with a copy of the notification, and any information either requested in the consultation response or obtained since the consultation request was submitted. We will then be able to process the information as a listing application. We will also update the NHLE to include basic information on the BPN served.

Will buildings served with BPNs appear on the HE 'Search the List' map?

There is a map marker used for buildings served with BPNs. This remains until a listing decision is made.

Can heritage consultants, heritage organisations or members of the public serve a BPN?

Only the LPA can serve a BPN, except in London, where Historic England have the concurrent right to serve one alongside London Boroughs.

Threat to the building:

Is severe dilapidation and imminent collapse considered to be a threat? What about if there is evidence of deliberate neglect?

When serving a BPN, the level of threat should equate to a potentially imminent loss of historic fabric. If the poor condition doesn't equate to a potentially imminent loss of historic fabric, but the building is considered to possess special architectural or historic interest, the regular listing route should be used. We also offer a [fast-track listing service](#) which can speed up the assessment process.

Is it the case that buildings can be delisted on the basis of poor condition, and that an otherwise 'listable' building might be rejected on that same basis, even if a BPN has been served?



Condition is not a factor in making a listing recommendation. What is important is the extent of the remaining historic fabric, as this is intrinsic to the building's special architectural or historic interest.

Planning and Listed Building Consent:

While a building is subject to a BPN, can Listed Building Consent be granted?

If a BPN has been served on a building, then if works are proposed in relation to that building, Listed Building Consent (LBC) will be required. Engagement with the LPA is encouraged regarding those works and the need for consent. An example of this might be if immediate works are required to stabilise or secure a building.

Can a BPN still be served if there is prior approval, i.e. for demolition?

Yes, a BPN can be served if there is prior approval. If a BPN has been served on a building, then it is treated as a listed building and LBC would be required regardless of any planning permission or prior approval in place. Discussion with the LPA is encouraged regarding the proposed works and the status of the building.

9 July 2024