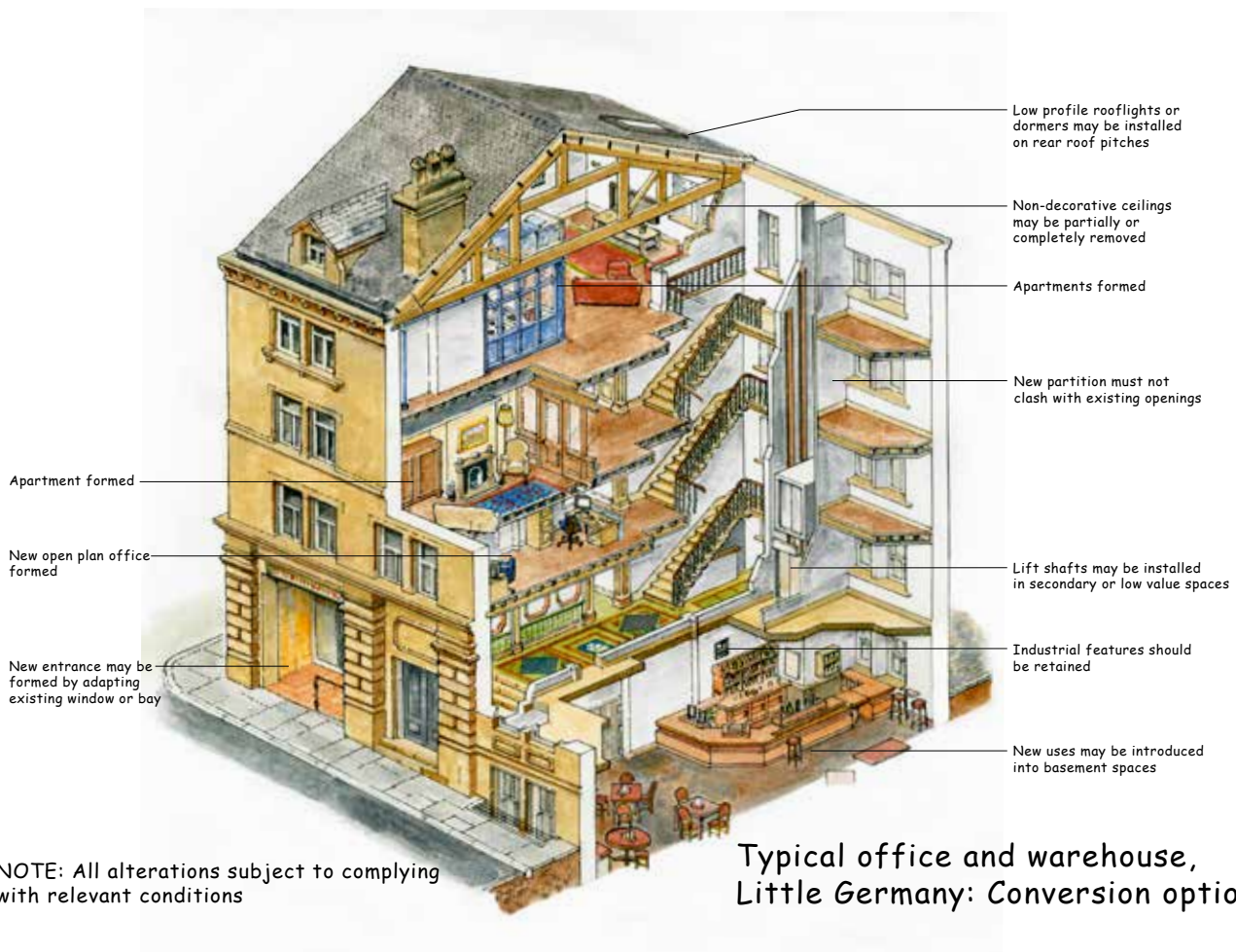




Historic England

# Drawing up a Local Listed Building Consent Order

Historic England Advice Note 6



# Summary

The purpose of this Historic England Good Practice Advice note is to provide information to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG). While it supports the implementation of national policy it does not constitute a statement of Government policy itself, nor does it seek to prescribe a single methodology or particular data sources. Alternative approaches may be equally acceptable, provided they are demonstrably compliant with legislation, national policies and objectives.

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[www.HistoricEngland.org.uk/advice/planning/consents/err-act-2013](http://www.HistoricEngland.org.uk/advice/planning/consents/err-act-2013)

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**Front cover: Little Germany, Bradford**

Image used in the public consultation © Historic England

# Background

## 1 What is a Local Listed Building Consent Order (LLBCO)?

1.1 Local Listed Building Consent Orders were introduced by [section 60](#) of the Enterprise and Regulatory Reform Act 2013. They allow a Local Planning Authority (LPA) to grant listed building consent for an extended period for works of any description for the alteration or extension of groups of listed buildings in all or part of their area, or buildings of a particular description in their area. This is a pro-active and blanket grant of consent, which means that owners of those listed buildings will not have to make individual applications, but will be able to proceed with the works, subject to any conditions that may be attached to the Order.

1.2 The Order may not grant listed building consent for works of demolition. That is, works of demolition which go beyond any works of alteration to a listed building which comprise some element of demolition.

1.3 Such Orders allow works which would otherwise require a series of applications for listed building consent to be dealt with by a single consent mechanism, potentially covering a much longer period. They have the potential to act as a focus for development of consensus between multiple owners and local planning authorities, to establish well-understood approaches to common issues of maintenance, repair or minor alteration, to increase certainty over the aspirations and requirements of all parties, and to save time and resource for owners and LPA alike. They will allow the LPA to spend less time on minor and well-understood works to well-understood listed buildings in their area, and will make it easier for owners to get on with minor and uncontentious changes.

## 2 What can an LLBCO cover?

2.1 An LLBCO can cover any kind of work which might be granted listed building consent in the normal way. There will still be a duty on the local planning authority in granting listed building consent by way of an LLBCO to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2 Listed Building Consent granted by an LLBCO may be granted subject to conditions. These conditions are the same as those that could be attached to a listed building consent which is granted in the normal way.

2.3 LLBCOs are likely to be of most use covering groups of similar or related buildings in multiple ownership, where predictable and routinely consented works are commonly carried out across the group.

The kinds of listed buildings for which an LLBCO might appropriately be used include:

- Groups of similar or identical buildings, such as townhouses, estate villages, or commercial properties
- Multiple units in multiple ownership, say in modern listed blocks

2.4 Groups of buildings where works are routinely consented against well established design or repair specifications, or where an LPA has produced detailed design guidance which is regularly used, and may inform the consent granted by LLBCO.

2.5 Exclusions may be specified by area or description to remove from the order atypical buildings within the identified group, where the grant of listed building consent might have less acceptable impact on special interest.

### 3 What will an LLBCO look like?

3.1 It will be in writing, and clearly identify the land and listed building or buildings to which the order would relate, using mapped information or a statement. These buildings may be located in all or part of the local planning authority (LPA) area, or may be identified by a description of their type.

3.2 The LLBCO will describe the works for which the Order would grant consent, and include any plans or drawings necessary to describe these works. Conditions may be applied as for a grant of listed building consent, and their discharge or modification may be required in the same way as for conditions attached to a grant of listed building consent.

3.3 It will include a 'statement of reasons' for making the order, which will contain an assessment of the likely effect of the proposed works on the special architectural or historic interest of the listed buildings to which the order would relate; and a reasoned justification for making the Order.

3.4 An LLBCO will benefit from being clear and concise. It will be helpful to draft the Order as a positive statement, setting out categories of works which are consented as its primary focus; this will be clearer and easier to observe than including too much detail of what is not permitted, and will also avoid any implication that anything not on the list of exclusions is permissible. Model headings for an LLBCO are set out in this document.

# Setting up an Order

## 4 Drafting an LLBCO

4.1 A review of consent activity over the period leading up to making an LLBCO will be helpful in working out whether or not an Order will promote efficient handling, and will highlight the buildings and types of work which it might usefully cover. It will be more effective if drafted to reflect known and frequently applied for categories of work.

4.2 In considering whether conditions may need to apply to the grant of consent under the Order, it may be helpful to consider whether details are to be signed off for the life of the Order through method statements, drawings etc. forming part of the Order, or whether a more flexible approach is required that would see them viewed and signed off in advance of the relevant works being commenced.

4.3 LPAs may wish to prepare their own pre-approved standard details, specifications, method statements and other supporting documentation to accompany the Order and assist in its efficient working.

4.4 An LLBCO could include provisions for advance notification to the LPA of the commencement of works consented under the Order, or for confirmation of their completion. However, care should be taken to avoid introducing requirements which undermine the process efficiencies the Order is designed to achieve.

## 5 Duration of the order

5.1 There is no time limit for the duration of LLBCOs set out in law. The LPA may consider it expedient to set a time limit for the Order and include this within the Order itself.

5.2 Setting a time limit for the Order would be good practice in ensuring that the Order continues to meet appropriate standards and principles for conservation, and continues to have regard to the special interest of the buildings which it covers. Conservation principles, the understanding of individual buildings and methods available for repair and maintenance change over time, so approaches may need to evolve: a consent granted today may not be the correct one for a generation hence.

## 6 Other preparatory work

6.1 A record (written, photographic or graphic) may form a helpful benchmark to help with future assessment and monitoring of the Order. Recording may also be appropriate as works are undertaken, to assist the LPA in monitoring the Order – the form this will take may helpfully be set out in the Order, linked to any requirements for those undertaking works to notify the LPA. It would be good practice for any such records to be archived, for example as part of the local authority's systems for recording planning permission/consent and/or within the Historic Environment Record (HER). In all cases, care should be taken to avoid introducing requirements which undermine the process efficiencies the Order is designed to achieve.

6.2 LPAs may wish to prepare statements of significance and statements of impact in relation to buildings which are to be the subject of the Order, to assist the efficient working of the Order.

## 7 Consultation and publicity

7.1 Relevant owners and other interested parties must in law be given an opportunity to comment on the draft LLBCO. The [Planning \(Local Listed Building Consent Orders\) \(Procedure\) Regulations 2014](#) ('the LLBCO Regulations') set out the consultation and publicity arrangements for LLBCOs.

7.2 The consultation and publicity process broadly follows that for Local Development Orders. The regulations require that, where known, owners of listed buildings affected by the Order need to be notified of and given a minimum of 28 days to comment on the LLBCO. A simple notice for this purpose and use as a site notice is contained in the regulations.

7.3 Historic England must be formally consulted on any draft Order which would grant consent in respect of any Grade I or II\* building, or any building owned by the LPA. This is a minimum requirement and LPAs may also wish to consider whether other local or national groups, such as the National Amenity Societies, have a particular interest or expertise in the building or type of building which could helpfully be brought to bear on the draft LLBCO.

7.4 For the purposes of consultation and publicity the LPA will prepare a draft Order and a "Statement of Reasons" for making the Order, including an assessment of the effect of the proposed works on the special architectural or historic interest of the buildings and a reasoned justification for the Order, taking into account relevant planning policy. The reasoned justification will clarify the rationale behind the Order at the outset, but may also prove a useful reference point for review of the operation of the Order, appropriately modified to take account of consultation and publicity responses.

## 8 Adoption of the order

8.1 Once consultation responses are considered the LPA may consider it appropriate to modify an Order before adopting it. The Order will not be valid until it is formally adopted by the LPA.

8.2 Once adopted, for clarity and transparency it would be good practice to record an Order and make it publicly available on the LPA website, having due regard to any data protection issues. The LPA may also wish to consider whether it would be beneficial to record the Order as part of its systems for recording planning permissions/consents and in the relevant Historic Environment Record (HER). The LPA may also want to consider how the LLBCO might link with the Local Plan or any Supplementary Planning Document.

8.3 Regulations require that Historic England is sent a copy of the adopted Order (and is also given written notification of the revocation of any Order). Electronic notification would be preferred to enable the Order to be made available for public viewing online, subject to having taken account of any data protection issues.

## 9 Revision or revocation of an LLBCO

9.1 The commitment to an LLBCO does not end with the finished document; regular review will be helpful, and may give rise to revisions to ensure that the Order remains fit for purpose for instance by adding or removing a consented work or modifying a condition or specification associated with a consented work, following the consultation and publicity requirements set out in the Regulations. An Order may helpfully be reviewed against its stated justification, the Statement of Reasons.

9.2 While a LLBCO is in force the LPA is required to prepare annual reports as to the extent to which the order is achieving its purposes and make these available to the public. This requirement could be a useful prompt for review, especially during the first years of the Order.

9.3 The LPA may at any time prepare a revision of a LLBCO, and may be directed to do so by the Secretary of State.

9.4 A LLBCO may include provision permitting the completion of works granted listed building consent by the Order if that consent is withdrawn after the works are started but before they have been completed. Where an end date has been set and an Order expires, or where an Order is revised or revoked, there is a very small risk of compensation liability if abortive works have been carried out or any loss sustained which may be attributed to the expiry, revision or revocation. This liability can be avoided if the procedures in regulation 7 of the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014 are followed.

9.5 LPAs may wish to make clear in any supporting information prepared for their LLBCO that once the Order expires or is revoked, any works previously covered by the Order which have not been started, will no longer benefit from the consent granted through the Order.

9.6 The Secretary of State may also at any time, by order, revoke a LLBCO if of the opinion that it is expedient to do so but must give reasons for doing so and must consult the LPA first.

9.7 Arrangements for publicity and notification where an LLBCO is revoked are included in the regulations.

## 10 A breach of the order

10.1 As an Order confers listed building consent for specified works, a breach of the Order by carrying out works not authorised by the Order may lead to enforcement action.

## 11 Further sources of information

11.1 [Regulations for Local Listed Building Consent Orders](#), and in the accompanying [Explanatory Memorandum](#) contain further information.

# Model Headings

## Sections 26D - G and 28A and Schedule 2A Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

### 1 Introductory

THE LOCAL LISTED BUILDING CONSENT ORDER is made on the .....day of .....20.....

### 2 The listed buildings covered by the order

This may be set out in writing, or, for the avoidance of doubt, by means of a plan, with the relevant buildings or parts of buildings outlined or shaded. The designated status of buildings may need to be indicated in sites where there are a mixture of buildings listed at differing grades.

A summary of significance of the buildings as relevant to the purposes of the Order may be helpful at this point – this need not be a full assessment, which may be appended to the Order for information.

### 3 Description of the consented works

Details of the listed building consent granted under section 8(1) of the Act in respect of specified works for the alteration or extension of the listed building(s) to which the Order relates, including any conditions to which consent is subject.

### 4 Statement of reasons for the consented works

As required for consultation and publicity purposes, appropriately modified to take account of consultation and publicity responses.

### 5 Purpose of the order

Why the order has come into being, why it is appropriate, and what issues it is intended to address.

### 6 Term of order

Dates from ... and to ..... (a period of no more than X years from the starting date of the Order) – if to be included.

### 7 Other particulars:

- Recitals
- Definitions
- Statutory Provisions and Covenants

An Order may also include:

- Provisions enabling the local planning authority to direct that the consent granted by the order in respect of works of any description does not apply to (a) a listed building specified in the direction (b) listed buildings of a description specified in the direction (c) listed buildings in an area specified in the direction



- Provisions about the making, coming into force, variation and revocation of such a direction (including provision conferring powers on the Secretary of State)
- Arrangements for the completion of authorised works begun under the terms of the Order when consent granted by the Order is withdrawn after the works are started but before they are completed

## 8 Possible appendices

### Key information

- **Site Location Plan**
- **Drawings, schedules, specifications or method statements** - referred to in Sections 5 and 6

### Supplementary information

- **List Description(s)**
- **Special Interest of the Listed Buildings**  
Definition of the site and listed buildings involved in terms of their special interest, and agreed priorities for their protection. This might include any statement of special interest which has been prepared to support the Order
- **Surveys**  
Written, graphic or photographic, which underpin the contents of the Order
- **Conservation Plan or Statement**  
Any relevant policies, guidelines, standards, principles, strategies and documentation that the LPA considers will inform the Order, which are either to hand where a Conservation Plan or Statement is in place, or are to be compiled to support the Order
- **Definitions**  
Clarification of any terms used in the Order that are technical or may be subject to differing interpretation

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