

COUNTRY LAND & BUSINESS ASSOCIATION MEMBER SURVEY 2005-06 - WHO PAYS FOR HERITAGE?

SUMMARY

1. **This survey demonstrated – if any demonstration is necessary – that protected historic buildings are expensive for their owners to manage and maintain.**
2. **Few, if any, respondents seemed to have an objection in principle to the protection of historic buildings. But the survey suggests that there are major problems with the practicalities. In particular, it showed that the system for dealing with alterations and improvements to protected historic buildings is in a mess, and in need of urgent change.** 90 per cent of respondents who commented were unhappy, or very unhappy, with the system. Moreover, some listed buildings are clearly crumbling because their owners are not obtaining consent for changes which would make them financially viable – this is bad news for owners and bad news for Britain's historic buildings.
3. **The survey suggests that the implicit contract under which owners accept restrictions for the benefit of the public in exchange for financial and other help has, especially for the private owners who own two-thirds or more of heritage, largely broken down.** 84% felt that government is doing little or nothing to help. Grants are scarcely available (and even where they are, owners often feel that the extra costs and bureaucracy involved made claiming the grant uneconomic). This is widely resented. Anecdotal evidence outside the CLA suggests that increasing numbers of listed building owners think the system so unreasonable and expensive that they are simply bypassing it, and that enforcement is rare – again, this is hardly good news for Britain's historic buildings.
4. This is a highly unsatisfactory state of affairs. **Some possible solutions are outlined in section 25.**

A. BACKGROUND

5. Some 500,000 buildings in England and Wales are considered to be of such special architectural and historic interest that they warrant a level of **protection** above that provided by the mainstream planning system. They are recorded in lists compiled by English Heritage and Cadw, essentially to protect them for the benefit of the public. Using different procedures, monuments can be scheduled, and larger areas can be given a lesser degree of protection as Conservation Areas or as Registered Parks & Gardens. In choosing buildings or areas for protection, economic factors like maintenance costs, suitability to current needs, other potential uses, and state of repair are, in principle, not considered.
6. There are current proposals – the Heritage Protection Review, strongly supported by the CLA – to streamline and improve this system of protection; the survey results confirm the need for this.

7. Linked to the protection regime is a **consent** regime: owners cannot alter protected buildings without first obtaining listed building and/or other consents, over and above the need (in most cases) for planning permission.
8. CLA members manage or own half the rural land of England & Wales, and therefore tens of thousands of listed buildings. This heritage survey sought to research the kinds of historic buildings members owned, how much they cost to maintain, and how successful are the systems for protection, consent, and grant aid. There were nearly 250 respondents (see Appendix 1 for further detail). This is, as far as we know, the only such survey of historic building owners.

B. MAINTENANCE COSTS

9. Survey respondents spent an average £29,000 pa each on maintaining listed buildings in their ownership. This will be more than the average across all CLA members, because respondents owned more than the average number of listed buildings, or *all* owners of listed buildings, for similar reasons, but shows that historic buildings are expensive to maintain and that owners are spending substantial sums.

C. ALTERATIONS AND IMPROVEMENTS TO LISTED BUILDINGS

10. A high proportion of respondents had carried out work on listed buildings and more than 100 of them made specific comments¹ about the experience, good or bad. All the substantive comments are reproduced below². The main conclusions are:
 - (a) No owners opposed the entire system, or said that there was no legitimate public interest in the welfare of historic buildings they owned (and only a few said explicitly that far too much was being protected).
 - (b) However, some 90% are clearly unhappy, or very unhappy, with the system for managing alterations and changes of use.
 - (c) All who commented on funding and grants are unhappy or very unhappy with the tiny amount of grant funding available for privately-owned historic buildings, and the difficulties involved in seeking it.
11. A number of points should be made about this:
 - (a) This is anecdotal evidence, though given the number of cases involved it would be hard to argue that it has no statistical validity.
 - (b) The respondents may not be representative: those who had bad experiences are probably more likely to respond³.
 - (c) CLA members may not be representative of all listed building owners, though respondents covered a wide range, from those (a substantial proportion) with a small listed house and a barn to major estates with dozens of protected buildings and monuments.

¹ These comments were in an "Additional comments" box, which asked "...it would be helpful to hear of problems or assistance members may have encountered with local authorities/conservation officers in obtaining listed building consents for restoration or associated change of use."

² Some have been edited to reduce length.

³ In this context it should be noted that some 88% of listed building consent applications are approved, and only 12% are refused. However, this statistic must substantially overstate the proportion of proposals (as opposed to applications) which are given satisfactory approvals, because the statistic only covers applications actually made and pursued to decision stage. Some potential applicants are so disheartened by their own or others' previous experience that they abandon their proposals before putting them forward, some are abandoned at pre-application stage, and some are withdrawn before decision, often after lengthy delays. Moreover, even of those that are approved, some are subject to conditions which make the proposals non-viable, or otherwise unacceptable to the owner/developer.

- (d) Some of the respondents were no doubt proposing undesirable changes. But this cannot always have been the case, and experienced conservation staff with enough time should usually have been able to suggest a compromise, or if that were not possible at least to have explained the issues to the owner in a way which would not have left him or her feeling aggrieved.
- (e) Some (but by no means all) of the cases were several years old. If things have changed, perceptions may take time to catch up with reality.
12. All this said, the picture is not a happy one. Of 113 respondents' comments⁴ reproduced below⁵, only 12 (10%) could be said to be happy or reasonably happy, and 101 (90%) are unhappy or very unhappy. Some of the more interesting or representative comments have been picked out in bold to make the list easier to skim-read:

MEMBER COMMENTS

- Case 1. **Local authority very unhelpful and criticise more than encourage. If they had helped us we could have worked together. The planning committee who came to inspect seemed to have zero knowledge of historic buildings and little appreciation of the cost and time that these projects take. But we feel we have left a property in excellent state of repair and much more beautiful for the following generation.**
- Case 2. Obtaining listed building consent or planning consent seems to be a very lengthy procedure, even for very straightforward proposals (eg erecting garden fence).
- Case 3. **The conservation officer by his own admission knew nothing about half-timbered buildings, and the external repairs only went ahead when English Heritage got involved.**
- Case 4. Obtaining listed building consent is a nightmare in this area although EH have helped us persuade the local authority on several occasions.
- Case 5. **The conservation officer and planning officer in our district council have been invariably helpful. English Heritage on the other hand are unhelpful, bureaucratic and out of touch with reality.**
- Case 6. **We like English Heritage, who have had a sea change in attitude that began with Jocelyn Stevens, and continues with Simon Thurley. They can still be frustrating, but are far more realistic to the [needs of] the private owner. More difficult can be the county and local authorities who tend to overpreserve, possibly through lack of contact with old buildings (we even had to resort to the High Court over one appeal), but they are improving.**
- Case 7. **We have not in the last 10 years had any problem with change of use, indeed the local authority has been very helpful.**
- Case 8. **Every effort is now made by the council to prevent ANY re-development or change of use. In this they are fully supported by English Heritage, although neither are capable or willing to offer any suggestions as to what should be done with an increasingly uneconomical Grade II* house**

⁴ These represent more than that number of buildings on which members had worked, or wanted to work, because some members had dealt with several listed buildings.

⁵ Member comments, obviously, do not necessarily represent the views of the CLA.

- requiring £100,000 for re-wiring etc etc other than sell it to someone else (we have tried that!)**
- Case 9. The planning officers have a very negative attitude towards any alteration to a listed building.
- Case 10. **The local conservation officer only knew how to say no, and he did not have any understanding of how to interpret legislation, which we had to do ourselves.**
- Case 11. I feel that local builders and I have a better knowledge of the buildings than English Heritage [though] I have found a local government officer quite helpful.
- Case 12. **Obtaining consents is time-consuming and expensive, but our local authority has been positive and helpful.**
- Case 13. The listed buildings officer was over-prescriptive, inconsistent and illogical in some of his demands.
- Case 14. We have farmhouse, several listed cottages and barns. Local authority has been reasonably helpful.
- Case 15. **The cost of converting and modernising the buildings must have come to £750,000+. Conservation officers are a blight, unhelpful and aggressive – total bureaucracy.**
- Case 16. English Heritage are obstructive and unhelpful. I am constantly battling with them and the local authority heritage agent.
- Case 17. The local authority are very helpful though obtaining early C16th bricks is becoming impossible.
- Case 18. **The purpose of listing is...to protect our built heritage from vandalism and decay. Is it achieving its purpose at a reasonable cost to the taxpayer, and without making the owner's life impossible? Definitely not. An array of busy-body conservation officers working to personal agendas cost a fortune and frustrate owners' wishes, most of the time without good cause.**
- Case 19. Local authority [who deal with Grade II buildings] sympathetic to updating Grade II farmhouse. Others' experience of English Heritage [who have to be consulted where listing is Grade II* or I] is of inflexible intransigence and a very high-handed approach.
- Case 20. We are fortunate to have a sympathetic local conservation officer and listed building officer at the district council. However, this has been built on personal relationships and cannot be guaranteed in the future.
- Case 21. **The understanding conservation officer has gone – not replaced by a competent person.**
- Case 22. I feel that English Heritage are a pain but sometimes there is no choice but to go along with their expensive process.
- Case 23. The district council handle listed building consents effectively.

- Case 24. **Local authorities are generally more obstructive, impractical, and dilatory than English Heritage. The local conservation officer has almost brought major restorations to a halt, occasional absurd requests for materials, eg lead roof for a potting shed!**
- Case 25. The planning authority are consistently unhelpful in that they give no definite advice, and they are inconsistent in their decisions and allow some things to some people and not to others.
- Case 26. **A pond EH has decided is a mediaeval moat in fact was dug as a slurry lagoon for the dairy enterprise.**
- Case 27. Our experiences have been neutral [but] currently plans to re-slate the roof are facing unnecessary delay.
- Case 28. We have to submit all plans to the district council, who have been reasonably flexible.
- Case 29. The conservation officer is ignorant and ill-informed. He sticks rigidly to his rulebook and lacks the intelligence even to apply this with regard to particular circumstances. The bureaucratic burden he imposes is a serious disincentive to carrying out repairs or improvements to listed buildings.
- Case 30. **We have “won” all the cases I have been involved with, but the inconsistencies of planning decisions are incredibly depressing, and I have no faith in the knowledge, objectivity or honesty of planning departments (and planning committee councillors are worse).**
- Case 31. We have always enjoyed a helpful relationship with our Conservation Officer but he is unusually well-informed and enthusiastic. The main problems are VAT, public access requirements of any grant, and the cost of just applying for a grant!
- Case 32. **My local authority is of extremely little help. It wishes to maintain a listed building stock for its own prestige, yet is un-communicative, even obstructive, when dealing with those of us who are struggling manfully to maintain this heritage. I am a marginalised “stakeholder”.**
- Case 33. Probably like many other owners, I do not relish being told what I can or cannot do, by officials who do not have to pay for or put up with their decisions.
- Case 34. **We feel straightjacketed. EH are most difficult. Direct clashes between ecology (trees, wildlife, etc) and archaeology.**
- Case 35. No problems to date with local authority in obtaining consents. Planning further works so will have fresh experience soon.
- Case 36. **National Park Authority were very supportive in all the listed building applications which were all passed with no fuss. English Heritage gave us a free survey and remain very helpful.**
- Case 37. I have been seriously affected by planning authorities. They refuse modifications to allow use of listed buildings for modern agriculture – actual extra costs as well as a refusal.

- Case 38. The staff in the employ of the local authority are not impressive.
- Case 39. **The approach and attitude of conservation officers needs to undergo a radical transformation, from the all-too-often 'jobsworth' approach to [working] with the owner to achieve a reasonable outcome. A more targeted application of the rules would make the whole business far less onerous. For example, it is only the cob walls and the three main roof beams in my barn which are of [importance], but she still wants full drawings of the roof where all I want to do is replace rusty corrugated [sheeting] with new – I have tried to argue the point but the rulebook is on her side. This needs to change.**
- Case 40. We have a very uncooperative conservation officer, who is not prepared even to negotiate. He will for example not allow us to remove an insignificant Edwardian fireplace to open up the original C17th fireplace (and investigate damp in the wall) on the grounds that it 'is part of the evolution of the house'. His other refusals are not backed up by any logic.
- Case 41. **Too often conservation officers and English Heritage people are driven by their particular and often peculiar view of historic buildings. For example, I wanted to convert a Grade II barn with a high threshing door. The first council officer said it should be glass panelled. We drew up plans, with big glass panels. He left the job. His replacement looked at the plans, said there was too much glass, and that the doors should have windows set in boarding. In other words it was an issue of taste and nothing to do with the history of the building.**
- Case 42. In many cases it is the attitude of officers as individuals that decides issues.
- Case 43. **The conservation officers behave as if they have sole knowledge on what is right despite the fact that they are relatively young, have never lived in such a building, and do not have to share the worry. They also behave like dictators, and assume all owners are philistines. The result is huge worry, much-increased fees and huge delay.**
- Case 44. The planning and conservation issues [on the addition of a conservatory] were unnecessarily protracted and tedious. The conservation officer offered an alternative design of his own – a sort of Georgian orangery, which would have cost at least £100,000.
- Case 45. **The system lacks consistency between different authorities and within my authority. When [new] developments are put up either side of a listed building which break conditions nothing is done. Many craftsmen are not interested in the work when they know a property is listed because of the extra hassle, delays, etc.**
- Case 46. Overzealous conservation officers, who insist on their own opinions...without understanding the terms of the Act...and couldn't "busk it" in the private sector.
- Case 47. The data held by the local authority varies enormously. In some cases it is so sketchy that they are unable to provide assistance or guidance in respect of planning consents.

- Case 48. The local authority has been sensible recently in connection with a small internal change to a door opening. The same authority was just plain silly in connection with a different building; the application being to remove a 1950s concrete structure from the outside. [We provided] photos of how it would look after the work had been carried out [but] a fair amount of aggravation before consent was granted.
- Case 49. **It is frustrating dealing with conservation officers from different authorities all whom have different views and no consistent approach.**
- Case 50. Whenever we have needed to do work requiring listed building consent, our council has fortunately not had a conservation officer and the decision has been left to the planners who are more sympathetic and helpful. When there is a conservation officer they considerably increase the cost which [would be] OK if they coughed up the extra.
- Case 51. These buildings are within the National Park whose agents do not seem to be effective.
- Case 52. Previous antipathy to change of use. New conservation officer more pragmatic but consents for change of use will be hard fought by other planners.
- Case 53. **There should be a much clearer national policy, detailed [enough] to avoid local differences attributable to the personal preferences of those who have authority.**
- Case 54. Considerable assistance and advice received from the National Park conservation officer. Encouraged to apply for grant aid...survey carried out at National Park's expense... but restoration of shippon likely to cost £40,000 – will be most expensive log store in [the county].
- Case 55. **[Historic buildings] treated within [the same National Park as in the previous case] as museum pieces, rather than as lived-in and working premises; considerable problems in gaining permission for works and adaptation for handicapped or elderly. Change of use (without external modification) of old farm outbuildings is essentially impossible or exceptionally difficult. Long delays over decisions. After permission eventually granted, capricious subsequent rulings, based on whims of changing National Park staff, cause considerable problems and expense.**

Wider effects and viability

- Case 56. **We have tried to apply for change of use for the barns. Extensive negotiations have already cost over £30,000 and the council require even more surveys – bats, archaeology, etc. The project is definitely not viable now and I will abandon it. The planning authorities are destroying our heritage!**
- Case 57. The local authority do not seem to support diversification on the estate that would result in better maintenance of listed buildings. A current application to change use of a listed building is being altered to the point that it will be wholly unviable.
- Case 58. The problem is that there is a lack of interest by this government in heritage... As a result conservation budgets are dropping.

- Case 59. **Despite two years of work and consultation the application has still not reached committee. This appears to be due to lack of experience in the planning office and no-one prepared to take responsibility for sensible decision-making. Enabling consents would help many of us maintain heritage and would cost taxpayers nothing.**
- Case 60. Trying to convert Grade II folly into a dwelling. Listed building officer is putting restrictions in preventing use as a house.
- Case 61. **EH have agreed to an increased footprint to provide kitchen and bathroom facilities.**
- Case 62. Cadw let us change our garage into a flat, but would not allow us to extend enough to put another bedroom into the flat. We own the building; why can't we be allowed to extend as much as we like?
- Case 63. **House is listed but all the farm buildings fall into the curtilage [and so listed as well]. These are expensive to maintain, of no economic benefit, and the planners are very reluctant to consider any sort of alternative use. They are a worry whereas at least we can live in the house!**
- Case 64. Gave up, because cost to restore original windows etc not viable – & listed building officer did not want any plaster on the walls and [said we should] hang tapestries instead!
- Case 65. [Need] new freedom to modernise in keeping with appearance, and financial support and incentives to do so.
- Case 66. **There is great objection from the National Park to change of use which would make restoration and maintenance viable... None of our buildings are suitable for modern agriculture. There are no grants towards maintaining the present roofs... Having just spent £10,000 this year on restoration, I feel like letting the next building rot and crumble.**
- Case 67. Have just completed conversion of one barn to 4-bed house for holiday lets. To my surprise obtained consent for conversion [of other farm buildings] to 2 houses but required demolition of barn store [so] did not proceed.
- Case 68. **In recent years conservation officers have become incredibly inflexible regarding alterations, even of a minor nature, laying down impossible conditions. Change of use has become nigh impossible. The requirement for bat surveys before work is undertaken is bureaucracy gone mad.**
- Case 69. The cost and time involved in applying for listed building consents and the additional cost and time involved in carrying out the work, and the supervision involved, is in many cases disproportionate and tends to encourage work not to be carried out, and certainly encourages consideration of how to carry out the work without going through all [the bureaucracy].
- Case 70. **The local planning dept is the biggest headache we have had to deal with on any renovation or restoration project and make so many demands it does make you wonder if it is worthwhile or whether you should just let the buildings deteriorate.**

Philosophy and materials

- Case 71. **The protection of modern additions to listed buildings needs review – I have recently had a refusal to demolish a red brick lean-to WC attached to a lovely stone building.**
- Case 72. Planning officers and English Heritage are not reasonable about sensible changes that enable overall historic significance to be retained – eg you have to put up lath and plaster instead of plasterboard [even though] it is going to be covered up.
- Case 73. **Turning a listed building into a hotel, we had to deal with 17 different officials. Conservation officers have little knowledge of their subject – they rigidly stick to the rule book, for example about 10 years ago they were insisting that all extensions to listed buildings had to look like extensions, & on an extension to a thatched building we had to threaten to go to court because they wouldn't let us thatch the extension.**
- Case 74. With the advent of superb modern materials such as Cotswold 'Conservation' tiles, which have improved out of all recognition, it is unreasonable to insist on the use of 150-year old stone tiles for roof replacements, which quadruples the cost or more.
- Case 75. **Local stone all top end of price range but conservation officer insists, which is totally understandable.**
- Case 76. Problems were in the detail rather than the whole scheme, eg new extensions requiring slit windows to look like old tithe barns when they clearly were not.
- Case 77. The Council have a constructive attitude to building conservation and re-use. The issue locally is that extensions to listed buildings are expected to be different and identifiable – not to match in. This seems a great shame and means additions can look incongruous.
- Case 78. The roofs are made of stone. Look-alikes for replacement are not allowed – very costly.
- Case 79. **As SAM [Scheduled Ancient Monument] rules forbid me to repair [a C14th dovecote] without cumbersome bureaucratic procedures, I have to break the law every time I replace a roof tile. I have no desire to allow this lovely historic building to become a ruin, though that is clearly the desire of EH. It ought to be listed instead.**

Funding and grants

- Case 80. **The majority of the money was spent in 1995 when dairy farming was profitable. We have now converted to organic but it is still not providing any spare cash. If farming was more profitable we would definitely spend more money looking after the listed buildings, as we have in the past.**
- Case 81. **It seems all too easy to list buildings and then not give any financial support to owners who [face] very much more expensive repairs. With the present decline in farm incomes many historic buildings are going to be abandoned or fall into general decay.**

- Case 82. No assistance was given when I converted a granary in 1997. I now have two barns needing re-roofing but so far have not had success in getting a grant.
- Case 83. **It does not do to have the obligations [ie of listing for public benefit] without the benefits [ie of public support].**
- Case 84. The hassle and intrusion...that grant applications require make them unattractive. Furthermore they usually require a ridiculously high standard of work and if they are less than 50% then of no benefit by the time the higher standards and bureaucracy have been costed out.
- Case 85. I do not apply for grants because the extra work that would be required by English Heritage would make the work uneconomical. I also fear that English Heritage would try to interfere in how one uses the building.
- Case 86. **Any support comes with such bureaucratic and sometimes technically unrealistic conditions that it is not worth pursuing.**
- Case 87. **Being privately owned puts us at the bottom of the grants pile, well under publicly and charitably owned buildings, but we have to compete with these organisations to attract tourists or commercial users. I fully understand the need to protect public money, but conditions can be attached to grants. At present the playing field is very uneven.**
- Case 88. We have applied for grants, which cost us money and we got nothing.
- Case 89. **The [whole county] in fiscal year 2003-04 had, I was told, only £25,000 for assistance for listed buildings.**
- Case 90. Applied for grants but never heard anything.
- Case 91. Level of assistance is derisory. Project cost to [convert] a Georgian banqueting tower (at risk) to a holiday let of £150,000 - £200,000, grant aid of £18,000 – a ridiculously small amount.
- Case 92. Rigid and high specification requirements for grant applications – additional costs equal the grant.
- Case 93. **I was told that English Heritage had no money for Grade II listed buildings when we had to find £100,000 plus on the chimneys.**
- Case 94. Conversion of stable block ...a project that created jobs in the rural economy...[EH offered small amount then] bunched out [of offering grant] at the last minute because they said it [should be] Grade II rather than II*.

Tax and other issues

- Case 95. **Zero VAT on improvements and full VAT on repairs to listed buildings is illogical and contrary to the need to keep listed buildings in good repair.**
- Case 96. I feel very strongly that if the country wants to preserve its important buildings it should contribute to upkeep and the best way would be to zero-rate VAT on repairs to listed buildings.
- Case 97. It seems inappropriate that improvement rather than repairs should be VAT-exempt: it should be the other way round.

- Case 98. The VAT burden on repairs, which are essential to preserve the fabric of the building, is inequitable and should be reduced or removed altogether.
- Case 99. **0% VAT on improvements rather than repairs is not only silly but clearly encourages change rather than conservation.**
- Case 100. New houses – VAT refunded. Listed houses – VAT charged and no refund. Heritage of 18th Cent being lost and in some cases becom[ing] derelict.
- Case 101. The crazy aspect was that the EH definition of repairs is totally different from the IR. The IR said that unless the roof was repaired exactly as before (even though to do so would be illegal as it was a corrugated asbestos roof) it would be an improvement. The fact that I was reinstating it to its original condition did not count. EH called this a repair!
- Case 102. I was appalled by the discourtesy at English Heritage over the placing of listed buildings on the internet and their general incompetence about the concession to not have a photograph. They are arrogant and seem unable to give an individual reply to a letter. I have the CLA and my MP to thank for obtaining this concession. EH were offensive throughout.
- Case 103. **I do not trouble the local authority on listed buildings when carrying out repairs... repairs on a like-for-like basis [are] exempted from the need for listed building consent.**
- Case 104. I feel it best not to involve conservation officers because they tend to insist on the most expensive remedies, eg using expensive oak timbers even though they will never be seen.
- Case 105. **Often best to avoid local authorities as their ignorance produces delay, cost, bureaucracy.**

Disagreement with all or aspects of the system of protection

- Case 106. I consider that ALL Grade II (inc II**) should be delisted as I consider that listing substantially restricts the use of buildings and is not good for the economy of the country. Alternatively to encourage delisting local authorities or government should be liable for ALL maintenance on listed buildings.
- Case 107. I question the whole idea of listed buildings. Apart from a few really special and attractive buildings, many could be removed and their absence after perhaps 15 years would cause no comment and no sense of loss.
- Case 108. **It seems to me quite wrong that the owner of a building to be listed is not even consulted, ...despite taking on the liability of listing.**
- Case 109. **The listing process is wholly arbitrary, [done by] 'Consultants' hired by Cadw with apparently the slimmest of qualifications, certainly none in relation to the significance of the building in a local context. The listing process describes the process in the briefest of details with none of the precision of the original (1947?) procedure.**
- Case 110. I have two ancient monuments both scheduled in the last 10 years as a fait accompli with no chance of appeal.

- Case 111. **Traditionally owners were able to express themselves through the architecture of their choice. As a result such a variety of architecture exists in England. This is now frozen by the present legislation. Is there any way in which the situation can be amended?**
- Case 112. Our authority apparently is allowed to decide the extent of the curtilage within which the listing occurs... in effect listing 3 other buildings.
- Case 113. **Owners must be informed in plain English of what their responsibilities are. When we took over my family home, the onus was on us to find out. An educational pack would have been helpful. There's much ignorance amongst listed building owners of what is and what is not acceptable.**

BACKGROUND – THE CONSENT REGIME

13. The analysis below draws on the Local Authority Conservation Provision Study (LACPS), published in 2003 by English Heritage and the Institute for Historic Building Conservation (IHBC), and on evidence given by the IHBC and others to the House of Commons Select Committee on Culture Media & Sport in early 2006, as well as the CLA member survey.
14. The effective management of the historic environment must sometimes involve difficult judgements. For example, if a local planning authority (LPA) refuses to allow a financially-viable use of a Grade II granary, redundant for any agricultural purpose, is it realistically likely to be fully maintained? Can the LPA really argue that the owner's proposed use would so compromise the integrity of the building that decay and collapse is better? Even if it would, can it work with the owner to improve the proposal so that it becomes acceptable, or are there other uses which would achieve an adequate balance of viability and change to the building? Judgements like these require enough conservation knowledge to decide which elements of a building are truly significant and which are not. They also require an understanding of the property market and the local economy, and time, maturity, and tact.
15. In general terms, listed building and grants casework on Grade I and Grade II* buildings (which together make up about 8% of the listed buildings stock) is handled by English Heritage (Cadw in Wales). Grade II buildings – the great majority – are handled by the LPA, the district or borough council, or unitary authority, or by the national park authority in national parks. Many proposals also require planning applications, normally handled by the LPA. In practice therefore many applications are handled by both planning and conservation staff, and often by EH (or Cadw) as well. Many are also copied to other staff, for example where they are thought to have potential highways or ecological impacts, so that a considerable number of people may get involved, sometimes late in the process.
16. The LACPS in 2003 painted a very discouraging picture of LPA conservation work. LPAs had an average of just 1.7 conservation staff each, and some had none at all. Where there were conservation staff, many had little or no training or experience in conservation, a complex and technical subject. They were often underpaid, had low status within their authorities, and limited career prospects. Good conservation staff were being lured by higher salaries into planning or into the private sector, and vacancies were difficult to fill. Those who remained struggled to deal with enormous workloads, and had little or no time to undertake proactive work like monitoring buildings at risk or enforcement. Evidence given by the IHBC and others to the House of Commons Select Committee on Culture Media & Sport in early 2006 suggests that the position has not improved.

17. EH in contrast is making real efforts to improve its own case-handling through its 'Constructive Conservation' and 'Transforming Casework' campaigns. The aim is not only to speed up decision taking, but also to change the philosophy from protecting historic buildings from change to proactive and responsible management of the historic environment. EH's own figures and research suggest significant improvements, and there are already hints of this in the survey.
18. EH has also made attempts to help LPAs, for example by setting up the HELM website www.helm.org.uk and by encouraging increased provision of conservation staff, though these have been hampered by resource cuts at EH and within LPAs.

SURVEY FINDINGS

19. As reported in point 10 above, of the 113 member comments, only about 12 (10%) could be said to be happy or reasonably happy, and the rest (90%) are unhappy or very unhappy. There are reasons, set out in point 11 above, to question whether the respondents are fully representative of CLA members or listed building owners, but the negative response is too big to be ignored.
20. Most CLA members' bad experiences seem to have been with local authorities, though this may be because most casework is handled by LPAs⁶.
21. Some comments suggested that EH's case handling has improved over recent years. There is however no reason to believe from the survey that LPA case handling has improved: the LACPS in 2003 painted a damning picture and the CLA survey appears fully to endorse this.
22. It is clear from the survey that there are many CLA members who are determined to give their buildings a future, whatever obstacles are placed in their way, and even when it makes no economic sense to spend the large sums of money required. Some are taking a very long-term view, looking several generations ahead. There are others who would like to do so, but cannot because they are struggling on small incomes. Widespread unhappiness over the consent system however appears to be reducing members' enthusiasm considerably ("I feel like letting the next building rot and crumble").
23. There was a general feeling that public help, especially in the form of grants and/or tax relief, ought to be available as a quid pro quo for the disbenefits of listing. Few had received historic building grants, in many cases probably because they had Grade II buildings and only the tiny minority of buildings which are Grade I or II* have any realistic chance of grant aid. Apart from these, the only respondents who had received grants and seemed happy were those who had (many years ago, and so not included in the comments above) received grants of 60% or more. Historic building grants now are generally 10% to 40%, and those who have received them seem to have been traumatised by the process and/or found that the benefit was fully outweighed by the costs and the delays, additional fees, and higher labour and materials costs resulting from grant conditions. A few farmers (non-farmers are ineligible) had received agri-environment funding (one commented that his barns were in good order but his other listed buildings were derelict).
24. Some members (comments 103-5 above) have decided to avoid the need for consent, seeing the whole system as too unreasonable, bureaucratic and expensive. None said that they were breaking the law, and presumably they are simply doing like-for-like repairs which don't require consent. (From anecdotal evidence outside the CLA,

⁶ In many cases both EH and LPAs were involved, and in some instances owners may be confusing the two.

however, it's clear that some owners are less scrupulous, carrying out alterations without seeking consent, and assuming – often correctly – that LPAs don't have the resources or skills needed to take enforcement action).

POSSIBLE SOLUTIONS

25. From evidence in the CLA survey and elsewhere, the current listed building protection, consent, and grant regimes are clearly not working adequately in many cases and action is needed:
- i. Implementing the currently-proposed Heritage Protection Review⁷ (HPR) should give everyone the feeling that at least the protection part of the system is simple, fair, and transparent, with wider consultation and rights of appeal.
 - ii. Alongside the unified designation regime proposed in the HPR should be a unified consent regime, tied as closely as possible into the planning system.
 - iii. PPG15⁸, the key guidance used by decision-takers, is in many ways excellent, but needs to be updated. Its statements on the importance of financial viability need to be reinforced because they are often misunderstood or ignored.
 - iv. EH must continue its 'Constructive Conservation' programme, changing attitudes and improving efficiency, and communicate this to its own staff, to LPAs, and to owners/applicants. There are still conservation staff in LPAs and EH and Cadw who are knowledgeable and experienced and yet are taking decisions which are wrong for the buildings they are supposed to be safeguarding, because they are ignoring viability and assuming that any change to a listed building other than proper conservation repair is by definition undesirable. 'Protecting' a redundant historic building from a change that would have given it a viable future is *failing* to protect it.
 - v. Much of the current problem is undoubtedly caused (see point 16 above) by LPA staff who handle cases poorly and don't take good decisions because they don't have the training and/or experience and/or time needed to do this skilled job properly. All local authorities need to be obliged to employ (directly or otherwise) enough staff with conservation expertise adequate for the historic building stock they should be safeguarding. In practice, this can only happen if this is brought into the reward and funding mechanisms which now largely drive what local authorities do. While experience with planning reform does not suggest that this will be easy, steady improvement can be achieved.
 - vi. Higher budgets from which to recruit and retain the right people will have to be part of the solution, but not all improvement necessarily requires greater resources. For example LPAs can be encouraged to use conservation teams, perhaps shared between two or more LPAs, so that staff are not isolated and have a career structure (with, say, 3-6 area conservation officers and an experienced and formally-qualified senior conservation officer who deals with the more difficult cases and can be used as a sounding-board by the others).

⁷ At the risk of stating the obvious, the problems outlined above are not a consequence of the HPR. They already exist, though the devolution to LPAs the HPR involves will, if steps are not taken as below, make them more acute.

⁸ Planning Policy Guidance Note 15, Planning and the Historic Environment, September 1994, available from www.planningportal.gov.uk

- vii. e-application and other IT developments (provided they work) can substantially improve efficiency, freeing up staff from managing case-load so that they can concentrate on achieving the best solution for each building in their care, and notifying other local authority departments where appropriate so that if (say) a bat survey is really essential this can be communicated nearer the beginning of the process rather than the end.
- viii. These changes would save a substantial number of listed buildings which are currently mouldering but for which there would be a market solution if consents could be obtained with less expenditure and frustration.
- ix. But there is a significant minority of listed buildings which these changes by themselves would not save, because even with consents available at lower cost there would still not be a market solution. Maintaining these does require grants or tax concessions. Some can be made viable with a single injection of capital; others – remote barns are an obvious example – may need permanent support if they are not to decay. A nil or lower VAT rate on listed building repairs would clearly help considerably. For agricultural buildings, agri-environment or rural development funding should be the solution. Where buildings are owned by public or voluntary bodies the Heritage Lottery Fund may be a solution, and the HLF should be encouraged to fund further partnership schemes including private sector partners. EH and Cadw should be providing funding for the rest. The continuing and substantial real-terms cuts in their grants budgets are therefore a serious problem, and furthermore only about 10% of grant goes to the private sector although it owns at least two-thirds of heritage. The problem would be reduced if they increased this proportion, because the private sector is generally ineligible for other funding, but increases in EH's and Cadw's overall grants budgets would obviously be a much better solution.

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APPENDIX 1 – DETAILED SURVEY RESULTS

There were 243 survey respondents, distributed across England and Wales:

| | |
|-----------------|------------|
| England | 221 |
| North East | 8 |
| North West | 13 |
| Yorkshire | 24 |
| East Midlands | 22 |
| West Midlands | 36 |
| East of England | 30 |
| South East | 40 |
| South West | 48 |
| Wales | 22 |
| Total | 243 |

These respondents owned nearly 1,500 listed buildings:

| | GI | GII* | GII | Total | % of Total |
|---------------------|-----------|------------|------------|--------------|-------------|
| Residential | 66 | 158 | 707 | 931 | 63% |
| Agricultural | 5 | 24 | 398 | 427 | 29% |
| Commercial | 4 | 10 | 103 | 117 | 8% |
| Total | 75 | 192 | 1,208 | 1,475 | 100% |
| % of Total | 5% | 13% | 82% | 100% | |

18% are thus listed at Grades I or II*, higher than the national average.

Over 6% are **derelict or at risk**:

| | | |
|----------|----|------|
| Derelict | 57 | 3.8% |
| At risk | 39 | 2.6% |

Respondents **spent** on average £29,000 per annum each on the maintenance and repair of all types of listed buildings in their ownership or care. Most is spent on Grade II buildings, very few of them open to the public.

57 respondents have received **grants** from organisations such as EH, Cadw, the Heritage Lottery Fund, local authorities, or from agri-environment schemes. Of these only three have received lottery funding. Some members have successfully tapped into funding from the now closed Environmentally Sensitive Area and Countryside Stewardship Schemes (funding may be forthcoming from the new Environmental Stewardship Schemes, but the potential extent of this is unknown).

EH grant aid is available only for the small minority of Grade I and Grade II* buildings. 57 respondents had received a total of just under £0.5m over the last 10 years, an average of £8,700 each, though the regional distribution was very uneven, with a very low probability of receiving grant outside northern England, for reasons which are unclear:

| Region | Total survey respondents | Respondents receiving EH grant aid | Totals |
|-----------------|--------------------------|------------------------------------|---|
| North East | 8 | 8 | |
| North West | 13 | 12 | |
| Yorkshire | 24 | 23 | |
| East Midlands | 22 | 3 | |
| West Midlands | 36 | 6 | |
| East of England | 30 | 0 | |
| South East | 40 | 1 | |
| South West | 48 | 4 | |
| Total | 221 | 57 | £495,000 |
| | | | Average £8,685 per recipient |

6 Welsh respondents had received an average of £31,000 each in **Cadw grants**:

| | Total survey respondents | Respondents receiving Cadw grant aid | Total |
|--------------|--------------------------|--------------------------------------|--|
| Wales | 22 | 6 | £186,868 |
| | | | Average £31,144 per recipient |

18 respondents had received a total of £217,000 from **local authorities**, and some £417,000 had been received from **agri-environment funding**.

Most respondents felt that a single flat rate of **VAT** for both repairs and alterations would be better than the current system in which repairs are taxed at 17½% and alterations and new build are (at least in theory) free of VAT:

| Flat rate preferable | Not preferable | Don't know | No response |
|----------------------|----------------|------------|-------------|
| 58% | 11% | 21% | 10% |

There was a strong view that the **government** is not keeping its side of the heritage bargain:

Question: How well do you feel the Government provides general support to the owners of listed buildings?

| Very well | Well | Not at all | Don't know |
|-----------|------|------------|------------|
| 0% | 6% | 84% | 10% |

Finally, the survey also looked at members' expenditure on **buildings insurance**, and at whether all owners paid for 100% cover. Total spend was almost £900,000 pa, an average of some £4,000 per respondent. 80% insured for full reinstatement cover, but 20% did not, of whom 2% insured for less than half of reinstatement cost.

Copies of the survey questionnaire are available on request.

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