



## Draft Historic England advice note: *“Energy Efficiency and Traditional Homes”*

### Historic England consultation

Date: 13 September 2019

### Preface and context

1. This is draft new Historic England (HE) advice, aimed at owners, consultants, local authorities, and others. It is intended to be a Historic England Advice Note (HEAN), one of about ten HEANs which sit beneath HE’s three over-arching Good Practice Advice Notes, which in turn lie beneath the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), and the relevant legislation (mainly the two 1990 planning acts).
2. This consultation can be found at or from <https://www.historicengland.org.uk/about/what-we-do/consultations/guidance-open-for-consultation>.

### The CLA and this consultation

3. The CLA’s 30,000 members manage at least a quarter of all heritage, including hundreds of thousands of buildings. CLA members are therefore responsible for a much greater volume and range of heritage assets than any other stakeholder organisation. Many of these buildings – probably well over 100,000 in total – are ‘traditional homes’ within the scope of this document and consultation.
4. CLA members are also extensively involved in change to heritage assets of all types, making many thousands of heritage-relevant planning and listed building consent (LBC) applications each year. Again, many of these involve traditional dwellings.

### General comments

5. Subject to the points below, we welcome this draft advice document.
6. We are somewhat unsure of the need for it - most of its content is covered in other HE advice - but we do not have strong views on that point. What is needed, as soon as possible, is much better advice on whether listed building consent (LBC) and/or planning

permission are needed for the various categories of works to heritage assets, including “energy efficiency” works. The lack of such advice causes great uncertainty for all parties involved, especially local authorities and owners, costly uncertainty because it leads to unnecessary owner workload, unnecessary local authority enquiry workload, and unnecessary LBC and planning applications. This document does not cover that. That is however an exercise HE is currently working on with the cross-heritage-sector Historic Environment Protection Reform Group (HEPRG).

## Specific comments on the text

7. We have a number of specific comments as follows:

### Summary/introduction

8. This needs a more positive (though still carefully-worded) statement about the practical benefits of climate change mitigation work, so that the advice does not read primarily as a list of risks and reasons not to take action. It is absolutely true that most interventions carry potential risk, and that following Building Regulations and EPC recommendations blindly carries considerable risk, and that this and other advice needs to point this out, but it needs a more positive emphasis on identifying the interventions (often not those emphasised in EPCs) which carry least risk and most benefit. CLA guidance, for example, says that it is nearly always possible for works and behavioural changes to achieve some combination of lower energy bills and/or higher comfort, and lower carbon impacts, than the starting point, in a way that also pays financially, so the exercise is likely to be worthwhile.

### Paragraph 17

9. This recommendation to seek a comprehensive energy assessment is of course excellent advice, at least where an owner is contemplating significant works with the potential for significant cost and risk. The CLA strongly recommends this in its own guidance, and we know some of our members are doing this, but it is evident from the small number of firms offering this service that very few of the several million owners of traditional dwellings are seeking advice in this way. Most probably are either (i) taking no action because this is a complex area and they do not know what to do, or (ii) relying on generic and often inappropriate or ineffective EPC recommendations, or (iii) going to suppliers with a vested interest in specific products, who are unlikely to provide balanced advice, or (iv) going to advisers with insufficient experience of traditional buildings.

10. This therefore needs more detail. Firstly, it needs to point out the need to use advisers who are (i) unconnected to specific products, and (ii) experienced with traditional buildings. Secondly, it needs to point out the financial benefits of obtaining comprehensive advice, especially in avoiding the unintended consequences of installing measures which are expensive but ineffective, and often damaging to the building and/or occupier health.

11. Thirdly, it also needs to suggest how to find such advisers - the advice has limited value without this. In practice as above this is difficult because few firms fit these requirements (the CLA guidance lists only a handful). HE could usefully research this area, and add a

link to further information on potential advisers provided by HE or by another sector body. This would then help to increase demand for this kind of advice, which in turn would help to encourage increased supply.

#### Paragraph 28

12. This section is about controlling risks and benefits, so the reference to LBC in this paragraph belongs in section 4.
13. The sentence “If householders are not sure if listed building consent is required, they may always check first with their local planning authority” is problematic in several ways, but again this is better left to section 4, as below.

#### Paragraph 34 - listed building consent

14. This draft is clearly not intended as a complete guide to whether LBC is needed for interventions to listed buildings. The need for that advice is urgent - see 6 above - but HE is intending to provide that elsewhere - again as noted in 6 above.
15. Paragraph 34 does provide a general introduction to the need for LBC, but needs some amendment. In particular “affect the character” is too vague: this should quote the relevant part of section 7 of the 1990 Act rather more precisely, ie “affect its character as a building of special architectural or historic interest”. It should also reference or link to further advice on the need for LBC, though this is currently very limited; as soon as possible this should be amended to refer to the advice noted in 6 above.
16. Paragraph 34 should definitely not use paragraph 28’s suggestion that “householders... may always check first with their local planning authority”. Such advice, if followed, would drive yet more hard-to-answer enquiries to under-resourced local planning authorities. The advice should encourage owners to take advice from an appropriate professional or craftsperson (with a link to the professional advice page on the HE website), or from the local planning authority. Again, this - given that professionals and craftspeople and local planning authorities are all likely to struggle to answer questions about the need for LBC - should become much easier when the new advice in 6 above has been published.

#### Paragraph 35 - planning permission

17. This again is only an outline of the requirement for planning permission. It would be better to say more explicitly that internal works will not require planning permission, and to add the word “materially” before “alter” in line one.
18. It might also be better to give a few examples of the most relevant permitted development rights, and to provide a link to the GPDO. The statement “Permitted development rights never apply to listed buildings” is of course incorrect as a general statement (though it is probably true of most of the permitted development rights specific to this area).

Paragraph 36 - local authority advice

19. This should probably read “Many local authorities...” rather than “Most...”. More importantly, almost all of this local authority advice is inaccurate and/or out of date to a greater or lesser extent, so “may be helpful” would be more appropriate than “should always be consulted...”.

Paragraph 40 - let property

20. It would be highly desirable to add a little more detail to this paragraph, especially given that many readers will lose patience with the lengthy and complex Government guidance. In particular, it would be helpful to say that the 2015 PRS/MEES Regulations only apply to buildings which are required to have EPCs, and that many traditional buildings, especially those which are listed or in conservation areas, will be exempt from the need for EPCs, or can be made exempt by carrying out all the work (if any) listed in EPC recommendations which does not damage their significance. It would also be helpful to note the exemptions in the Regulations most likely to be relevant to traditional buildings, ie the solid wall exemption, the 5 per cent devaluation exemption, and the £3,500 cost cap exemption (which is likely to exempt the works which carry most physical risk, like wall insulation, because they are the most expensive). This paragraph should also reference chapter 3 in the Government guidance which is specifically concerned with risks to traditional buildings.

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