



Removing a Building from the List

March 2017

If a building is considered by the Secretary of State for Culture, Media and Sport to be of special architectural or historic interest it will be included on a list of such buildings. The List is maintained by Historic England. This guidance provides an overview of the application process for removing a building from the List, also known as de-listing. It should be noted that an application for de-listing is a separate process from the review of listing decisions, which is a challenge to the validity of a recent listing decision. More details can be found on the [DCMS website](#).

Why might a building be removed from the List?

- The statutory criteria for a building being included on the List are that it holds special architectural or historic interest. The Secretary of State will remove a building from the List only if it no longer meets these criteria.
- The general principles that the Secretary of State for Culture, Media and Sport applies when deciding whether a building is of special architectural or historic interest are set out in the [Principles of Selection for Listed Buildings](#) (DCMS 2010):

Architectural Interest – to be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;

Historic Interest – to be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.

- The Secretary of State can only take into account a building's architectural and historic interest when considering an application for de-listing.
- An application for de-listing may be made because new evidence is available about the lack of special architectural or historic interest of the building, or a material change of circumstances, for example fire damage.



When can applications for de-listing be made?

It is established policy that:

- An application for de-listing can only be made after notification of inclusion on the List has been published and any related review process has been completed. For information on the review of listing decisions see the [DCMS website](#).
- Applications for de-listing will not generally be considered if: the building has had a repairs notice served on it; or is currently the subject of an appeal against refusal of consent; or if a prosecution or enforcement action of any kind, is in hand. Both listed building consent appeal and enforcement appeal procedures give appellants the right to argue that a building is not of special interest and should be removed from the List. Where one of these processes is already underway, the issue of de-listing is more properly addressed as part of that process.
- We would be unlikely to carry out an assessment for de-listing if works are imminent, underway, or listed building consent has been applied for or granted, unless a decision on de-listing would be helpful to inform the listed building consent process. The decision on whether to take an assessment forward in these circumstances is made on a case-by-case basis in consultation with the owner and the local planning authority as appropriate.
- We would not look at a building for de-listing that is currently the subject of an urgent works notice or compulsory purchase procedure.
- Extra care is needed with fire-damaged buildings. Experience shows that special interest may remain even when considerable damage has been done to the fabric, both by fire and by the use of water to put the fire out. A de-listing application will not normally be processed until the causes of fire have been established and enforcement action leading to some form of restoration or repair ruled out.

How should applications for de-listing be made?

- Applications for de-listing should be made to us in the same way as listing applications, by availing of either our free service or our [Fast-Track charged-for Enhanced Advisory Service \(EAS\)](#). EAS can provide a greater degree of certainty and timeliness in our advice to the Department for Culture, Media and Sport (DCMS), providing clarity sooner over whether a building should be listed or not, this paid-for service fast-tracks our part in the listing process. For more information on making an application please see the [online application form](#) on our website.
- In order to make the most efficient use of our resources, those who apply under our free service will need to provide as much supporting evidence as possible to show why it is believed that the building no longer has special architectural or historic interest. This should include written information, photographs, and maps where appropriate. Then, based on the application and supporting evidence, we will make an initial assessment to judge whether the building appears to meet the criteria for de-listing. If, after initial assessment, we judge



that the building appears to meet at least one of the criteria for considering de-listing, we will then take the case forward to a full assessment under the free service. Under our free service the time we take to complete our assessment depends on relative priority with other cases and as such there is no guaranteed timeframe for providing advice to DCMS.

- If under the free service it appears, from the information provided, that the building does not meet at least one of the criteria for de-listing then the application will not be taken forward. In this case applicants may like to consider applying for a [Listing Enhancement](#), one of our EAS services, which will set out more clearly what is protected as part of the listing. It is also possible to exclude parts of buildings from protection, providing further clarity for those managing the building.
- Those applicants who choose to apply for de-listing under our charged for [Fast-Track EAS](#) should also provide as much supporting evidence as possible to show why it is believed that the building no longer has special architectural or historic interest, however, as we are able to recover our costs in undertaking the assessment, the case will then be taken straight to full assessment and a timeframe for providing recommendations to DCMS agreed.
- At this stage, if approved to proceed and regardless of whether the case is being dealt with under the free service or under our Enhanced Advisory Service (EAS), we will then notify the local authority and the owner that the application has been received and will be taken forward.
- Owners and the local planning authority can then forward onto us any further information or comments they might have on the special architectural and historic interest of the building. This will help us with the final assessment.
- During this assessment, we will consider the claims to special interest. In so doing, we may undertake historical research, and make comparisons with other examples of the same building type.
- In most cases an inspection will be undertaken, although this is not always necessary. Where we consider that an inspection is desirable, the owner's permission will be sought.
- We will then draft a consultation report, which will be sent out to the owner, applicant and local planning authority for their comments. The consultation report sets out the history and background information about the building proposed for de-listing, together with a description of the building. This report will form the basis for our assessment as to whether the building no longer meets the criteria for listing.
- Consultees will be asked to send in their responses within 21 days from the date of the consultation letter.
- It is important to note that we can only consider comments on the special architectural or historic interest of a building.
- We will then consider all representations made before finalising our recommendation to DCMS. The decision on whether to de-list is taken by the Secretary of State.
- After the Secretary of State has come to a decision, the owner, applicant and local authority will be notified, and a letter sent detailing the reasons for the



decision.

Notes on applying for de-listing

- De-listing is only recommended after careful consideration has been given to each case. The vast majority of buildings that are listed have been correctly identified as having special interest.
- It should not be assumed that the List description encompasses all aspects of the special interest for which the building was listed. Older List descriptions in particular were often tools for identifying a building, rather than an explanation of its special interest. Even the more extensive modern descriptions will not necessarily cover all aspects of the special interest.
- We have published a series of Selection Guides that shed further light on our approach to assessment of candidates for listing and will aid understanding of what constitutes special interest. They are an aid to understanding, not a definitive description of any building type. They can be found on [our website](#).
- Under the Data Protection Act 1998 the identity of an applicant for de-listing will not be revealed unless they give their express permission. For more information on our privacy policies please see our [access to information](#) pages on our website.

How should I report a listed building that isn't there anymore?

- Sometimes permission is given by a local authority to demolish a listed building and it remains technically listed. If you think this is the case please email: minoramendmentstotheList@HistoricEngland.org.uk. We will then ask the local authority to confirm that the building was legally demolished before de-listing it.

Contact Details

listing.enquiries@HistoricEngland.org.uk

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@HistoricEngland.org.uk