

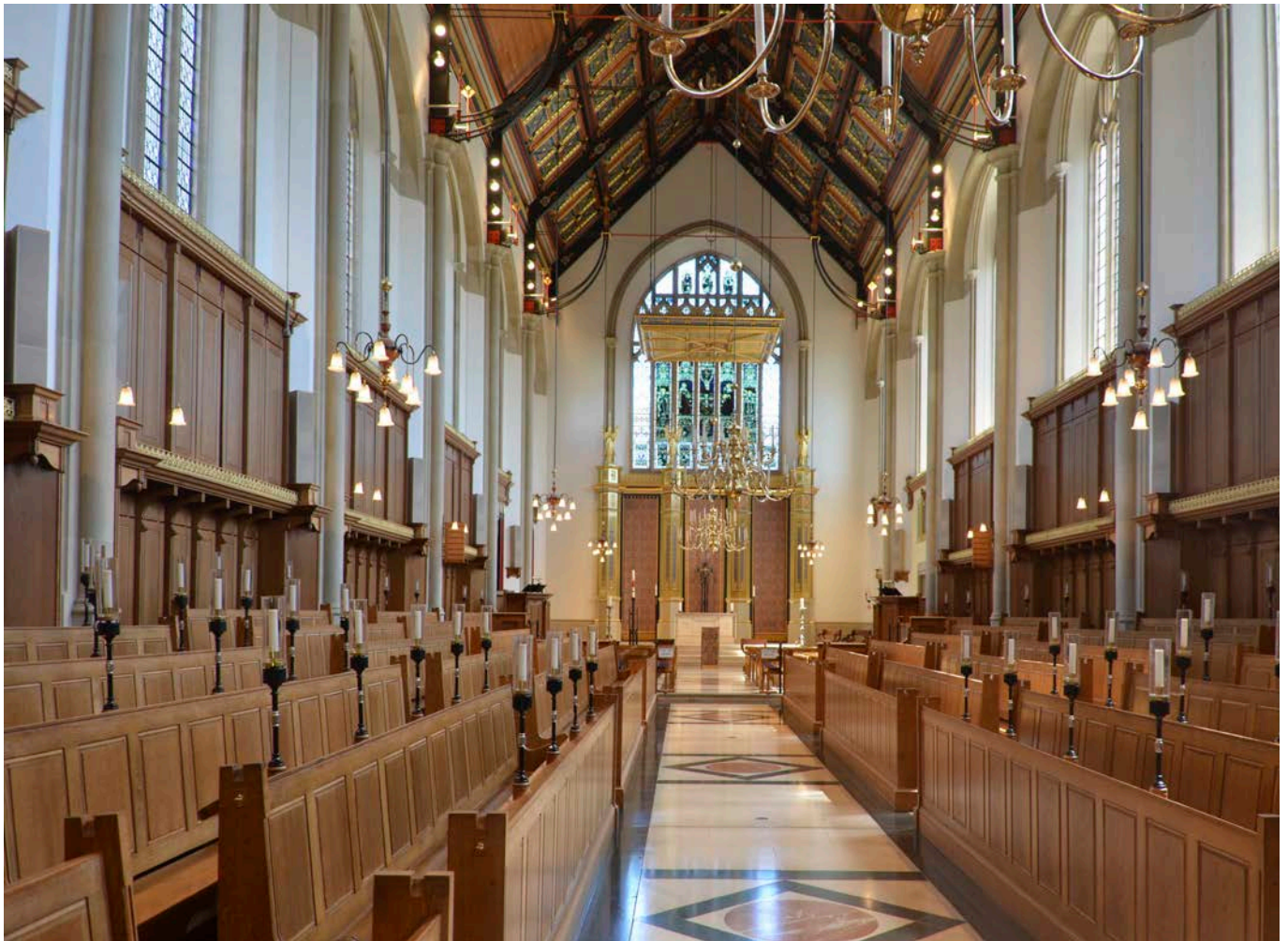


Historic England

Towards a Strategy for the National Heritage List for England: A View from the Amenity Sector

Matthew Saunders

Discovery, Innovation and Science in the Historic Environment



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SUMMARY

This report, commissioned by HE, makes a number of recommendations, principally for a national re-survey involving additions to the total and a revisit of the “minimalist” lists compiled before 2005, to ensure that they match the standard of present Listings.

CONTRIBUTORS

See Appendix 1b

ACKNOWLEDGEMENTS

See Appendices 1a- 1d

ARCHIVE LOCATION

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DATE

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Front cover photograph: Tonbridge School Chapel, Kent (see also Appendix V, Figure 7). A particularly egregious example of a listing description which doesn't reflect the fact that the interior concerned has been completely rebuilt, as shown here, after a fire of more than thirty years ago

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1 INTRODUCTION

1.1 Preamble

I was commissioned in November 2018 by Historic England to consult with the voluntary conservation movement and report on the present state of, and future strategy for, Listing in England. Appendices I a-d provide further details of the commission, those who responded to the call for evidence, working methods and bibliography.

I am very grateful indeed for the responses from the National Amenity Societies and other correspondents which have, I hope, given depth to the observations. The standard disclaimer – that I take responsibility for the report and that any mistakes are mine – smacks of cliché but is heartfelt.

There is little else in the responsibilities of Historic England that ranks above the identification and protection of historic buildings and sites (see [appendices II and III](#)); without it thousands of buildings would have been lost. The situation has improved vastly from 1979 when there were applications to demolish 693 listed buildings but using the annual set of figures compiled by AMS since 1978 there have been applications to demolish 8,700 buildings in that 40 year period – buildings that could well have come down but for the protection of Listing. It is the surest way to prevent degradation and loss and I feel the weight of responsibility and a great sense of privilege at being asked to advise, on behalf of the voluntary sector, on how it might be honed and improved.

1.2 Overview and Summary

a) Praise where praise is due

After some ten months of intense absorption with the present Lists, I emerge full of admiration at how sophisticated the system has become in the seven decades or so since it was introduced as part of the post-war settlement, in 1947.

Without contradiction, the National Heritage List for England now represents the greatest concentration of applied and pure facts on the physical heritage of England available anywhere. No other library, archive or university resource comes within range apart from Pevsner's "Buildings of England". Applied - because its principal task is to protect - pure because, at its best, a listing description can easily prove the single most useful concentration of facts on the asset concerned; as good as an (un-illustrated) guide book.

It is an extraordinary and remarkable achievement – with full credit to Government, English Heritage and Historic England and all the staff involved, past and present. I have also emerged with a profound appreciation for the professionalism behind it. HE spends impressive amounts of time in considering listing cases. The papers rehearsing the listability of No 1 Poultry for example are exemplary – tautly argued and with a nuanced

command of English¹. In exceptional cases the Advice Reports can run to 6 or 8 pages (including administrative texts and maps) with scholarly apparatus of a standard one would expect in an academic journal. Many of the thematic surveys extend the frontiers of collated knowledge.

And it is a system that is unafraid to risk loss of face. Several refusals to list can be followed by a change of heart (of which No 1 Poultry is one). In the (in)famous case of “Torilla” at Nast Hyde in Herts (FRS Yorke 1934-35) the building was listed Grade II 1984, delisted on appeal in the same year and relisted, at Grade II* in 1993, despite having been effectively wrecked by vandals in the interim (it has now been fully restored). Landmark Victorian buildings were eventually added to the Lists after rounds of refusals and repeat applications – as with The Angel, Islington and Alexandra Palace, that dominates its hillside in North London.

And, of course, a system that is brave enough to ask an outsider to report on its activities!

I have been so struck by the inclusivity of building types and assets that are regarded as listable that I offer Appendix IX in homage and thanks for a system that displays such cultural imagination.

b) The problem

The great majority of existing Listings, particularly those compiled in the 20th century, are inadequately explained and described. HE is painfully aware of this as an issue and it was the wish to elicit further thinking on how it might be tackled that lay behind the commissioning of this report.

The sense of dissatisfaction with the state of the “deficient” or “minimalist” Lists is in some measure because the present more meticulous standards have not been revisited on the several hundred thousand early listings which are now seriously showing their age and inadequacy when silhouetted against current practice. However one measures it (see 2.2) there are far more “minimalist” list entries than there are ample ones in the new post-2000 format. As a result, Government, through DCMS and HE, is dramatically asymmetric and inconsistent in its impact on its citizens.

The other principal finding is that an appreciable number of potentially listable buildings (judged by present criteria) are not on the statutory lists, thus laying many of them open to destruction or damage; all the more frustrating because, without a systematic resurvey to a concentrated timetable, they are likely to be put forward for listing but at a pace which dictates that some will have been destroyed, others mutilated in the interim.

1 And if this is regarded as no more than one would expect in such a high level case, C20 drew my attention to a more “standard” refusal, that on Unwin’s Showroom, 46 – 50 Piccadilly, York, which ran to 7 pages (albeit with some repetition between the “assessment” and the “factual details”, the latter intended to form the bulk of the description should Listing have been approved).

c) The problem tackled

I lay out various ways in which both these weaknesses might be tackled and prioritised.

As elaborated below, there are three main methods – spot or reactive listing and the systematic survey, which broadly-speaking, boils down either to the horizontal (geographical) or the vertical (thematic).

d) Spot or reactive Listing

Reactive (at one-time known as spot) listing (see [glossary](#)) remains vital and it should always be treated as the priority. It needs to be, as it is at its best, light-footed in process and inviting in its usability, given that it is the principal method of saving a building that comes under threat. The public expects HE to act speedily in such cases and earns credit for doing so. HE should continue to prioritise reactive listing over the Enhanced Advisory Service which may promise a recommendation before 12 weeks but which diverts resources from the free reactive cases where emergency listing has on occasion been effected in a day².

The National Amenity Societies nearly all have experiences of a listing being secured within a few days but in a small number of cases having to wait several years, in which period the building concerned has been lost or damaged. The record length of time taken seems to have been that of the “Little Chef” by Sam Scorer at Markham Moor, Notts where the listing request was lodged February 2007 but not successful until March 2012³. In some cases this is because of difficulties in gaining access (where Section 88 powers are used very sparingly)⁴. HE is to be thanked for not necessarily walking away when demolition has commenced⁵.

One way to speed up the process would be to revisit the suggestion that HE should be autonomous with the Secretary of State being drawn into the process only for the determination of appeals. However I have received no representations at all on the current duality, it was not part of my brief and, when the matter was last raised, it met with a mixed response from the National Amenity Societies. This is such a critical issue that it deserves a study of its own and this report is neutral on the matter.

-
- 2 It was illuminating to read in Cherry/Chitty p90 that between May 2005 and May 2010, 913 reactive listings (10.8%) came internally from EH staff, only slightly less than the 1,045 or 12.3% from local and national societies.
 - 3 CAMRA quotes the case of The Olde Tavern, 22 Victoria Road, Kington where the significant seating arrangements were destroyed in the two years that lapsed after the lodging of the application.
 - 4 At the beginning of 2019 some 20 cases were a standstill because of access questions.
 - 5 As in the case of the Constitutional Club at Huntriss Row, Scarborough, where the building was listed 6 weeks after the request and despite the fact that demolition of the less important rear sections had begun.

It is sometimes argued that because 2 in 3 applications do not result in listing, that this makes it too scattergun, even wasteful. But apart from noting that a number of the historic thematic surveys have themselves led to numerically modest additions, the fact that 2 out of 3 does not lead to affirmation, does not mean that HE efforts up to that point can be dismissed as abortive. The files on the rejects should provide solid ammunition for considering secondary means of protection through inclusion in a Conservation Area or on a Local List. A negative based on robust decision-making may disappoint the applicant but it may instill the opposite reaction in the owner and it remains a respectable act of good governance. 2 out of 3 seems to be a reasonable ratio for an emergency device which must of necessity be testing the margins of the selection criteria. Reactive listing will remain the principal interface between HE and the concerned citizen, given that resurveys, being driven by an agenda, will be more professionally-led. The concerned citizen or civic society is much more likely to be the originator in reactive listing than any other listing media and HE will be perceived in high profile in how it is seen to react.

e) Geographical resurvey

Of the survey options, geographical and thematic, the most satisfying has to be the geographical. Taking an overview of a complete district holds the promise of universal coverage and that must be the safest guarantee of fairness, consistency and maximum protection. It also seems the most reliable way to take into account contribution to place and the local context (something, incidentally that the Selection Guides, categorised by building type, may inadvertently downplay see [2.3.2](#)). Everything short of that feels like an interim. The first resurveys had all the challenge of tackling the tabula rasa but the sort of geographical survey advocated here, sometimes seventy years into the listing process, will be more of an exercise in collation and infilling. I really do think that the time has now come to build on the cumulative reactive listings (scores, even hundreds of them added to each of the greenbacks), “reviews”, “mini-reviews”, “Defined Area Surveys”, and “thematic surveys” and pull threads together to emerge with the ultimate Big Picture. Revisiting everything, employing present criteria can begin with the light-touch exclusion of complete streets, where every building can now be seen (and in the case of thousands of structures of minimal interest discounted) at the touch of a mouse on Google Street and Google Earth. The survey can then move on to the more intensive examination of the serious candidates, say in the historic centre to the city, town and village. The optimum candidate area for the resurvey has to be the complete local authority district but primacy could go to the historic hearts. I would expect there to be a ranking of priorities, depending on the importance of the settlement, and the date of the last synoptic overview. Such a programme would have to be phased but it really does have to start.

The logic would be for existing listings to be re-examined where descriptions are deficient and/or the listing is regarded as suspect, at the same time as an examination afresh of the plausible candidates for addition.

The author is working with HE on tentative tables of possible candidates. I would hope too that parallel to the geographical overview would be a modest revival in the thematic programme.

I am working with HE on recording thematic surveys that have already been undertaken (including cross-fertilisation from EH/HE research projects and publications and other websites).

Appendix XII offers hugely tentative suggestions for further thematic assessments. Unashamedly, these suggest revisits of more “traditional” building types which have not so far been analysed in depth – for example, almshouses, assembly rooms, dovecotes, masonic halls, public schools and windmills.

High-favoured candidates within that tentative list are shown in bold. I report as the last item in the Recommendations on offers to help, building on earlier work, on Maltings (Amber Patrick), Public Houses (CAMRA), Cinemas (CTA) Theatres (Theatres Trust) and on 20th century buildings (C20Soc).

I posit in Appendix XI that the proposals outlined here will generally have a benign impact on local planning authorities.

f) Report by Martin Cherry and Gill Chitty and later developments

The last systematic overview of Listing policy and practice was that carried out in 2010 by Martin Cherry and Gill Chitty⁶. That was in turn preceded in 2004 – 07 by the Heritage Protection Review itself⁷. However the latter ran out of parliamentary time and was only implemented in part.

Where Cherry/Chitty, and to a lesser extent HPR, proposed sensible measures that were not taken up I have, shamelessly, stolen such ideas and incorporated them in my own list of recommendations.

The decade since Cherry/Chitty has seen seismic change that has transformed the landscape in ways that can be argued to militate against the sort of advances I propose but have at the same time facilitated “smart” means of carrying them forward.

The negatives are real and largely centre on the collapse in HE funding, particularly after the 2008 recession. This is down by at least 40%. This is outpaced even more by the 50% reduction in the support grant for local authorities. The two great partners in conservation, central and local Government, both stand visibly weakened, although the £92m awarded earlier this year to HE to play a key role in the Government’s initiative on the High Street is very encouraging.

6 See [bibliography](#). They consulted 257 LPAs, the EH regional teams as well as my constituency, in the National Amenity Societies – and had the huge advantage over me of being able to carry out “the largest ever such consultation”.

7 The most ambitious return to First Principles since Lewis Silkin, proposing a single “Heritage Consent”.

However, there are further real reasons for optimism:

- a. The IT Revolution, which opens up everybody to everything, seems to know no bounds and 5G is imminent. By 2019 71% of the UK population had a smart phone⁸. Every organization worth its salt has its own website and blog and it is only possible to operate as a full citizen if you are online. Planning applications must be lodged electronically and that is becoming increasingly true of requests for funding. Access to information and misinformation has never been easier – which creates a further appetite for authoritative reliable information. The online-savvy citizen is increasingly demanding accessibility, transparency and the imprimatur of authority when it comes to verifying facts on the web. But he or she is also able to contribute so much more easily to the assembling of such information in the first place. The electronic revolution has empowered Government and Citizen alike.
- b. Civil society is in rude health, some antidote to the much-publicised “debunking of the expert”. This not only maintains the number of potential volunteer partners for HE but consolidates their own lobbying power.
- c. Conservation and the Historic Environment are increasingly popular causes. There are now more members of the National Trust (at 5.6m) and English Heritage (969,000) than that of all political parties and the Church of England combined.
- d. The “emergency” status of Climate Change should place a premium on the need to conserve the embodied energy inherent in listed buildings, many of them built under a traditional “green” culture with a reliance on thick walls and local materials. The Historic Environment, with its intrinsic capacity to reassure, is a natural ingredient in the Government’s “well-being” agenda.
- e. And Historic England, itself a very recent creation of 2015, is now increasingly geared to further action through the advantages offered by NHLE Online (2011); the Enterprise and Regulatory Reform Act 2013 – encouraging COIs and exemptions in the coverage of a given listing ; the new “sift criteria” agreed with DCMS in 2013⁹; the Enhanced Advisory Services 2015 – which is not without disadvantages but has created a new revenue stream; and the “Enrich the List” initiative of 2016 (on which see [section 6, page 47](#)).

8 www.bankmycell.com

9 The building concerned must now be under threat, part of a strategic programme or be of evident significance.

2 THE PRESENT STATE OF LISTING

2.1 The Significance of Listing

Listing is the Bedrock of the system of protection for historic buildings in England (see [Appendix II](#)). It is without equal in the world and its reputation is one of the principal elements of English (and British) “soft power” abroad. Nothing else in the protective regime would make sense without it and everything else – the parallel systems for parks and gardens, battlefields and wrecks and the substitute systems, as in Ecclesiastical Exemption, follow its spirit and format. It is instrumental in deciding exemptions to the General Permitted Development Order (GPDO) on extensions to domestic accommodation that were made permanent in May 2019. It is a critical factor for all grant-givers – no unlisted place of worship was eligible in the joint EH/HLF scheme for that building type between 2002 and 2013¹⁰.

It is effective – the number of listing entries has now passed the 400,000 mark¹¹ and yet the tally of applications to demolish now bumps along at a mere and literal handful a year, the majority of those dictated by irredeemable collapse or one of those euphemistic Acts of God such as fire. Whereas in 1979 applications were lodged to demolish 693 listed buildings in their entirety, in 2016 it was a mere 3, one to floods, two to fire¹². The total number of Listings has risen in inverse proportion to the applications to demolish, a hugely gratifying ratio¹³. This can only mean that the vast majority of (particularly residential) Listings are accepted by the owner, at least short of any subsequent application to demolish or de-list.

Listed building owners do not of course speak with a single voice, and it would be arrogant to attempt to put words in their mouth, but most reactions, by private individuals, do seem to be a mixture of pride (that can trigger a desire to know more on history and conservation practice), tinged with real misgivings at the threat of increased bureaucracy¹⁴.

10 It is used to decide internal budget regimes (universities with listed buildings receive a more generous budget settlement than those without) and conditional exemption under national taxation. It is the means to identify recipients of rate relief and, until recently, to grant exemptions under VAT.

11 This compares with 30,000 in Wales, 47,000 in Scotland, (3,707 in Category A as at 2016,) and 8,500 in Northern Ireland. The total number of buildings protected in England is nearer 500,000 structures as some listings cover terraces. 8% of the total are listed at Grade II* or Grade I.

12 The AMS kept annual inventories of applications to demolish listed buildings between 1978 and 2016.

13 Requests for de-listing are less likely to affect longstanding listings; most such requests affect new additions.

14 There is greater elaboration in the HE Listed Buildings Owner Survey commissioned from Adala.

It may be counter-intuitive to note that the Listed Property Owners Club, which has made it its business to articulate the negative concerns of its members, adopts a largely positive view on its website¹⁵.

Anecdotal evidence suggests that the “British Listed Building” plaques (with their distinctive roses) are being applied to the more marginal listings. Those sporting such a badge must surely be expressing pride rather than defiance.

And loss can lead to concerted action to ensure it never happens again. Each of the National Amenity Societies was founded in the aftermath of tragic demolitions at The Adelphi (The Georgian Group), The Euston Arch (The Victorian Society) and The Firestone Factory (Twentieth Century Society); SPAB emerged in anger at the over-zealous restoration of Tewkesbury Abbey. The controversial demolition of the Victorian Library (first listed then de-listed by EH) in 1993 in that Midlands’ town spawned the Kidderminster Civic Society, which still flourishes.

For more on the impact of Listing on owners and its multiple uses outside Town and Country Planning see [Appendix II](#).

At present 2% of the building stock is listed (with higher percentages in settlements like Berwick on Tweed). 98% is not. It may be contentious to say so but there can be too much Listing. It has to remain special and too indulgent an approach would dilute the respect it needs, a vital ingredient to its proving effective. The Listing of buildings within the first generation is rightly exceptional – aesthetic and practical “snagging” is an accepted part of the building cycle. We must never reach a pitch where a present generation might be put off commissioning buildings of quality lest they be subsequently listed. There must never be a perverse inducement to go for the banal, suppress initiative and stifle innovation lest lives might be plagued by the “Heritage Police”. That is one argument for sticking to the Thirty Year Rule.

There must be clear faith in the “Heritage Premium”.

I have been toying with the idea that we might do more to instill a sense of pride, particularly for residential properties, by some sort of occasional low-key ceremony. Just as Blue Plaques are unveiled, might there be recognition of the public duty being performed by listed building owners through the handing-over of a certificate or, where a defined area has been resurveyed, a public gathering, real or virtual, of those affected, to say thank you and to explain?

As the number of residential buildings is increasing at a vastly higher rate than the losses, the listed home as a percentage of the total is likely to go down which means that the headline 2% figure is set for a mathematical decrease, even if the present number of annual additions and updates (300 in 2018 if one excludes War Memorials) is considerably increased in future years. So the statistical risk of appearing to “stifle” will become progressively less well-founded.

15 The LPOC was invited twice to submit comments to this review but did not do so.

Neither must the reformed descriptions advocated in this report embrace features that do not enhance the arguments for Listing (except where they might be recommended, indirectly or otherwise, for removal, concealment or any other form of mitigation).

The architectural heritage has to be a continuum and the Listing system can only succeed if it is seen to encourage a mix of conservation and sensitive, imaginative change.

2.2 Minimalist List Descriptions (with observations on need for further listings)

The history of Listing is one of systematic campaigns followed by periods of consolidation and steady as she goes. On the back of some trailblazing work in 1944, Listing as we know it began in 1946/47 after the Lewis Silkin Planning Act. This was followed by a resurvey 1966-82 which gave rise to the period of the “Greenbacks” although the first, that for Buxton, did not emerge until 1970. This ran out of steam and was kick started spectacularly by Michael Heseltine in 1982 in the “accelerated resurvey”. This wound down in 1989 but not before the total had more than doubled, 110 fieldworkers had been employed and some £4-5m expended. There were limited “List Reviews” in the 1970s, a more ambitious Urban List Review launched in 1989 which in turn spawned later “mini-reviews”. These lists known as “Bluebacks” emerged in the 1990s (the last being that for Bath in 2010) with Green and Blue-backs alike being supplanted by the transformative embracing of the electronic revolution, through NHLE, in 2011. The heroic period of thematic studies was the 2000s. The only geographical resurveys of recent years have been limited to the “Defined Area Surveys”.

As freely admitted in NHLE online “Understanding the List Entry”, Listing descriptions are non-statutory and famously for identification only – simply to confirm that the right building has been identified. Over the years they have grown from one or two sentences to 5 or 6 pages with a working, but misleading and unreal, assumption held by many outsiders that everything of interest has been included. The original brevity assumed that the principal user would be the informed Conservation Officer, who needed minimal instruction but since then their number has declined and users have expanded hugely among the general public – hence the 4m annual “hits” on NHLE. This growth in expectations seemed a natural supposition for the layman to make – after all, in the words of Peter Beacham, the progenitor of HPR, “Whatever the law says, the fact is that an intelligent well-observed list description is more useful than a bare external identification”¹⁶.

All the Listings that preceded the “Heseltine” campaign of the 1980s and many from that period are already dubbed by HE as “minimalist” or in the less-harsh phrase, “descriptive”. These are generally characterised by clipped descriptions, mostly describing the front elevation only with the absence of any explanation of the reason for either the listing itself or the grading chosen. The total is impossible for HE to calculate accurately, short

16 Peter Beacham in “*Listed Buildings: The National Resurvey of England*” Transactions, Ancient Monuments Society 1993 p57.

of a systematic trawl, but we could be talking rather shocking numbers. If “minimalist” entries are taken to be coterminous with the first date of major improvement (2000, with marked advances after that in 2005 and 2011) HE’s calculation is that we could be dealing with some 366,000 entries¹⁷. The figure would be reduced were those picked out in the “accelerated resurvey” of the 1980s excluded on the grounds that they are themselves better than their predecessors – indeed many of the descriptions from that period have stood the test of time, although thousands still deserve the “minimalist” tag. Many reflect the stress on securing protection rather than explaining why, and a timetable that precluded any targeted, let alone primary, documentary research. As late as 1990, 379 complete Lists, covering set urban or rural areas, were regarded as “deficient”¹⁸. Cherry/Chitty reported 2010 (pp10, 48-50) that 75% of LPA respondents felt that the existing lists were inadequate.

Moreover, the assessment of function between the various structures within a listed farmstead is poor in the first Lists. Today the current Thesaurus under “browse terms” on the NHLE is much more refined and covers scores of functions and sub-functions that are absent from the minimalist List Entries¹⁹.

Some descriptions were inaccurate at the time of designation or have become so through alteration, authorised or not²⁰. There is no automatic provision for changes sanctioned by LBC to be reflected in revisions, let alone illegal changes or Acts of God. Tonbridge Chapel (photo, Appendix V) is still down as if an untouched work of 1902-09, rather than a high-complete reconstruction by Donald Buttress after the disastrous fire of 1988 (and very soon to be eligible under the Thirty Year Rule for relisting in its own right as one of the most-accomplished last throws of the Gothic Revival).

17 Deborah Mays and Neil Guiden email to the author. Roger Bowdler told “*The Victorian*” (March 2017) that the figure was 95% of the total although in my view that is overly pessimistic.

18 The injunction to the first Listers (*Ancient Monuments Society 1993 Vol 37 p22*) was “only look at the village centres and go up no farm tracks”. The 1946 desk instructions, which persisted until 1968 actively discouraged internal inspection (*Harvey “Listing as I Knew it” 1994 AMS p99*). This almost invited omissions and bare descriptions. In the account of the Heseltine resurvey in (*AMS Trans 37, 1993 op,cit*) those in charge in Essex, Devon and Cornwall insisted on internal inspection but those in other areas did not. Carole Ryan, former Shropshire Conservation Officer confirms that a whole settlement in the Oswestry area (Argoed), with 16/17th century houses was missed. Beacham (*AMS 1993 op cit p57*) recalled that “the listing criteria for farm buildings were still in their infancy and the resurvey listings (in SW) were somewhat sporadic”. Jane Hatcher, one of those employed confirms in the same account that hardly any agricultural buildings of any kind were listed in Richmondshire (*op cit p65*). Michael Tagg (Conservation Officer, Bassetlaw) is convinced some 1960s schedules were simply repeated in the Heseltine resurvey and/or never re-visited as there is so little change on wording – and Kathy Fishwick, AMS trustee, says the same for Warrington. The residual deficiencies of East and West Sussex are readily acknowledged. A small part of N Yorks was never visited following loss of “right-of-entry” (*AMS 1993 op cit p51*). Stephen Johnson (formerly of EH but writing on behalf of *Society of Antiquaries 21/12/19*) refers to the Lists as “seriously analytical in Devon, poor in Norfolk”.

19 Within the farm, the thesaurus ranges from pigsty to manure shed, from henhouse to linhay, from loosebox to shelter shed. A similar obliviousness to discrete functions can pervade the older listing of industrial complexes and dockyards where the present thesaurus differentiates, for example, between mastponds, roperies, and gauging station.

20 Cherry/Chitty p34.

Every single correspondent has decried the quality of the Minimalist entries, although appreciative of why a brief schedule was regarded as a price worth paying in order to speed up a process where the priority was designation rather than description²¹.

Examples of the deficiencies, to stand alongside Tonbridge, are legion.

1. The very worse are still identified by an occupant (sometimes from the 1950s) rather than the address or are described on the basis of photos of the same vintage.
2. Hundreds of concealed timber frames are still unrecognised. I would deduce that several thousand descriptions still conclude with “Interior not inspected” even though what is an admission of inadequacy was written, two generations ago, in the 1950s, and has not been redressed since.
3. To take just one building type, The Theatres Trust reports that most of the London theatre listings date from between 1950 and 1970 and even that on the Grade I Theatre Royal Haymarket is poor. There is almost invariably nothing on machinery or fixtures and fittings. Only a few theatres have Statements of Significance or Conservation Plans that might offer some compensation
4. Major buildings like Newnham College Cambridge still stand without any mention of their designer whilst hundreds by architects that are identified have nothing on the interior.
5. There remains the occasional true “howler” licensing negative consequences. The Pevsner volume “Lancashire Liverpool and the South West” refers on page 620 to what he considers to be the “best interior in the town, a splendid banking hall” which he then describes at some length. The building it serves, the former Nat West in Winwick Street is listed but the description completely fails to mention the banking hall. An application in 2020 to convert the building to a boutique hotel specifically excluded the banking hall where it should have been central to the project.

There are many more examples in Appendix V – and many more not included there.

a) Repercussions

Does this matter?

The National Amenity Societies, without exception, think that it does.

- i. There must be a reputational risk where DCMS/HE descriptions are so obviously lacking but the situation is far more serious than that. Anecdotal evidence from Conservation Officers is legion that the List Entries are simply ignored on the assumption that at their most clipped they won’t offer any useful enlightenment.

21 Although there is not a universal view on how this might be addressed. The HHA told me that “minimalist lists” are only rarely the subject of complaints by their members to head office. However 25% of members enquiries to CLA (Thompson 1/02/19) relate to confusion over what is or is not listed given the vagaries of the description.

- ii. Deficient descriptions are leading to losses.
 - a. They feed the old canard that if it is not in the description it is neither significant nor covered.
 - b. This is mostly through lack of mention of an historically significant item which then ends up in a skip. The circle is a vicious one as quantifying such losses is challenging as the very lack of reference in the description means that the great majority of such activity remains under the radar. But I have received a lot of evidence to that effect from Conservation Officers²².

“A failure to describe in most cases anything other than the front elevation and the exclusion of the interior except in the most perfunctory terms (“a good 18th century staircase”, probably glimpsed from the hall or open doorway) can also result in unauthorised alterations and demolitions – a “catch me if you can” mentality – and greatly diminishes compliance, enforcement and quality assurance when the building faces proposals for alterations”. Bob Kindred

- c. There is also clear evidence that lack of mention is going hand in hand with lack of applications for LBC. S S Teulon’s highly roguish Elvetham Hall, (Hart Council), Hants is listed II* but there is absolutely nothing in the Entry on the interior. Examination of Hart Council’s website record of applications (unusual for being comprehensive since 1931 – hence the choice of this example) shows not a single application for changes to the interior of the Hall since listing in 1973 (for more see [Appendix V](#)).

This chimes with the clear perception of many Conservation Officers, articulated by key IHBC officers like Bob Kindred and Paul Butler, that as much as 80% of works to listed buildings, most of it internal, is carried out without LBC²³. This must be set to continue because of the assumption shared by many that an item not mentioned in the description is therefore not protected, especially where there is no mention at all of the interior.

- d. Even experts can be fooled by lack of mention, and its Little Sister, sporadic mention. Rob Walker, longstanding member of most of the Societies and former Conservation Officer to 3 LPAs, has quoted cases to me where even Planning Inspectors were misled into assuming that only items specifically mentioned are protected. He referred with feeling to an elderly couple who were told by their estate agent that only the front elevation was listed (as only that was in the

22 Gaby Rose, Yorkshire Dales NP 22/07/19.

23 There are 28,000 applications per annum for LBC, some 5,000 of which involve demolition in whole or part.

description) and were prosecuted when they subsequently put in windows in UPVC on the other elevations²⁴.

- e. Lack of sufficient elaboration can also be damaging. The lists for Arthington Hall, Leeds stated that the front conservatory was “(by Waterhouse)” but left it at that with no clear explanation that the figure referred to was nationally significant – consent to demolish the conservatory was given in 2016, on the back of a demonstrably inadequate grasp of its significance. If that description had been updated in accordance with current practice with an asterisked elaboration at the head of the “Reasons for Designation” which would have explained the importance of Alfred Waterhouse, there seems good reason to doubt that that demolition would have taken place.

In the lists for Bury St Edmunds the schedules regularly state that “no visible part of the building appears to be prior to the 19th century in date” – a disclaimer that seems loaded with the potentially dangerous assumption that what is not seen is less important and that the “19th century” produced nothing of significance. A standard sentence suggesting further examination would seem less complacent.

- f. Lack of description of what was present in or on the structure can hobble Enforcement Action when a feature that is of interest is destroyed subsequently but has not been mentioned at the time of Listing²⁵.

And the opposite – reference to the significance of a given item – can have beneficial results. The unauthorised works to the first floor at the Grade II* listed 67 Dean Street Soho in 1989 were successfully prosecuted in part because the interior was described as “an exceptionally complete panelled interior” as long ago as February 1958 (NHLE no 1066916). The fine was then a biting £14,000 plus £10,000 costs²⁶.

- g. Lack of mention offers no help when it comes to Heritage Crime and the tracing of stolen fixtures such as doorcases and fireplaces, especially when the building is vacant.
- h. And on a lesser but practical point. The four National Amenity Societies that have chronological specialisms (SPAB, GG, Vic Soc, C20) rely upon accurate descriptions to allow them to decide whether or not to take up a particular case, referred to them under the mandatory consultation regimes, both secular and ecclesiastical.

24 And as representative of many such canards, The Statement of Significance at St Mary’s Purton, Wilts of 2018 at 3.2.4 asserts that the “screen, although well-made, is not mentioned in the listing, and has only local value”; “the pews were not considered significant enough to be mentioned in the Grade I listing for the church”.

25 Cherry/Chitty p72 and reported by a number of correspondents for this report.

26 Gaby Rose, Conservation Officer for Yorkshire Dales specifically cites deficient descriptions as leading directly to losses – “so often we do not even know what has been lost or altered”.

- i. Once the text is suitably authoritative and made a lighter read with illustrations, the possibilities of spreading the message through discrete publications, online or otherwise, becomes more feasible – and maybe, self-financing through crowd-publishing possibilities like “Unbound”²⁷.

b) Need for action

- i. The inadequacy of the minimalist entries is highlighted when they are juxtaposed with the exemplary quality of the descriptions of the last decade that are now expected as a matter of course. I can take any number of examples. Those for the centre of Ramsgate seem a model of their kind. The description of November 2018 for 2 Friar’s St and 40 Market Hill, Sudbury, Suffolk, gutted by fire 2015, not only brings out the wall-paintings and 20 layers of wallpaper but refers to an isometric sketch of exposed timber framing that was then covered up in the rebuilding²⁸.

The new descriptions have set a standard which is not yet being followed for the vast majority of their predecessors. Unless this inconsistency is addressed the contrast will continue to be stark and, I would suggest, unacceptable. Moreover the accident of the date of Listing can make the problem more profound. Leaving aside many 20th century structures, it is a truism that the more uncontestedly historic the building, the more likely it is to have been picked up in an early round of Listing. That means that it is more than likely to be labouring with an inadequate description²⁹.

c) The problem is well understood.

The ongoing HE consultation on Statements of Heritage Significance warns quite clearly that a statutory (or Local) Listing description “will lack a description of the asset’s significance” – where of course it is at its most useful when it does precisely that.

HE is well aware of the need for review as a general principle.

- i. HE’s own guidance on Local Heritage Listing suggests under 5 in the Cycle (pp 7 and 15) that such Local Lists should be regularly reviewed. “Lists that have not been reviewed for a period of years are more open to challenge, for example at a planning appeal”.

27 Which claims, worldwide, to have raised just short of £8m from 222,000 subscribers, since its establishment.

28 The 5-page updated description of Ayscoughfee Hall, Spalding, Lincs (ref 1359532) is now far more comprehensive than the Pevsner entry. That of St Mary Putney again has an inclusivity with a brief essay on the famous Putney Debates of 1647 that renders it the equivalent of a full guide. The revised description of 2008 on Soane’s Moggerhanger, Beds (1137422) summarises the building in 3 pages after its major architectural recovery commenced in 1995. And yet there is no guarantee of excellence – the lengthy two-page assessment of The Church of Our Lady Immaculate of 1827 at Stoke by Nayland, issued in 2003 still states “Interior not inspected”.

29 The Bocking Windmill in Essex, one of the most important in the county has, as a result, been listed Grade I since 1951 but by the same token has a description that is still utterly mute on the interior.

- ii. Martin Robertson, one of the key figures in the accelerated programme of forty years ago envisaged a re-survey every twenty years³⁰. The reality is that some of the List entries have not been re-assessed for seventy.
- iii. EH on “Conservation Area Character Appraisals” 1996 states “where asked to make a direction under Section 76 of the Act (allowing LPAs to carry out urgent works to preserve an unlisted building in a CA) the Secretary of State is more likely to do so where the area’s special interest has been clearly defined and published”. The equivalent of an Appraisal with a listed building is surely an adequate description.

The legislation on Conservation Areas in general also requires review, even if only “from time to time”.

The NPPF puts great stress on the importance of decision-making within the Historic Environment being “evidence-based”.

Forgive the apparent haughtiness of the remark but this does seem to be a case of a requirement placed on others to update and review that is not being applied when it comes to DCMS and HE and their own Listing responsibilities.

I am emphatically not saying that the First Principle of each Listing should be regularly revisited. Far from it – Listings should stand in perpetuity other than where wholly exceptional arguments for delisting in a given case are accepted. Rather the revisit should be of the description – to ensure that it is accurate, up to date and understandable³¹.

d) The dangers in the minimalist description

- i. The only argument advanced in favour of a minimal description is that such a comparative tabula rasa allows a suitably qualified professional to assert their own take on “interest” and “significance”. Where such a person is in possession of the full facts and the full range of sensibilities, it might be an incidental advantage, but it is the only perceived upside and I fear can only apply in a minority of cases. All listed buildings in those LPAs that are without any access to a Conservation Officer and those owners who are not using a conservation-accredited professional are at an immediate disadvantage. IHBC told me of their finding that “in 2018 26.7% of authorities in England had no conservation advice or part-time advice for two days a week or less” (Fiona Newton 17/12/19). Some Conservation Officers from the heroic years, such as Stephen Earl at Great Yarmouth, have left virtual bibles for their successors but they stand out precisely because they are so rare. And where a Conservation Officer, returning from a site visit, writes up his or her site notes which may offer some insights on that elusive interior, such notes do not as a matter of course migrate to the public file but tend to stay on the confidential case file (which has a short

30 AMS Trans 1993 op cit vol 37 p25.

31 In Northern Ireland, the Dept for Communities can claim that there are full descriptions attached to the 75% of the List that have been revisited since 1997 as part of the Second Survey (admittedly from a significantly more modest total of 8,500 listed buildings).

shelf life in some LPAs). Moreover it is normal practice in many LPAs for the “minor” LBC application to be determined by a DC Officer without reference to the Conservation Officer³². A DC Officer is more than likely to be relying on a description that is practically useless for his or her purposes. The silent page can licence the genuinely or willfully ignorant to run amok. And this is against the onus placed on the citizen to be conversant with all legal obligations placed on him/her – “Ignorance is no Defence”.

- ii. The need for expert guidance available for each listing is the greater if the “processing of planning applications by alternate providers” authorised in Section 161 of the Housing and Planning Act 2016 is both implemented, which it has yet to be, and is extended to listed building consent. I gather that that prospect has recently been re-opened. Such “approved agents” may well be without the expertise of a dedicated long-term Conservation Officer.
- iii. The lack of a centrally compiled description might also be an issue were charges for LBC to be levied. This is a proposal that divides opinion, the National Amenity Societies being against, but if it were to be introduced, applicants might demand a “better” service. A key element in that service would be a clear explanation of why the building has been listed, and at the grade chosen and what constitutes its significance or interest. And I would argue that you cannot, in fairness, charge an owner for LBC (admittedly at present only a threat) and also charge for updating a description through the Enhanced Advisory Service. We need to be reducing the asymmetric financial burden on those who own listed buildings.
- iv. There is rarely anything on relative significance and that is leading to hyper-caution by some planning officers who rather than being permissive are going to the other extreme by refusing any alteration – the most effective way of bringing the whole system into disrepute³³.
- v. The reality of many under-staffed planning offices today is an increasing number of desk-bound decisions – without site visits. It is rather chilling to be told that the chief items of evidence adduced internally, to place against the evidence of the applicant, can be a combination of a minimalist List Entry and Google Street View, especially in those LBC cases which do not trigger consultations with HE or the National Amenity Societies. And if that is combined with the principal source of advice to owners being their builder³⁴ you can have an unholy marriage between minimal fact-finding and self-interested advice. By the same token lack of mention allows estate agents to wilfully mislead over the extent of listing.

32 Conversations with several including Stephen Gandolfini, Conservation Officer, Scarborough.

33 Submissions from Bob Kindred, AMS Trustee and Andrew Derrick, formerly of Georgian Group both 2/01/19

34 HE Listed Building Owners Survey 2015 Duncan McCallum.

- vi. There seems to me to be some obligation to supply a List Entry of useful length upfront as, unlike planning permission, there is no statutory procedure whereby applicants can seek a determination (from LPA or HE) of what requires consent and no equivalent of Certificates of Lawfulness, Permitted Use or Development under section 192 of Town and Country Planning Act 1990. The alternative of seeking pre-application observations normally attracts a fee.

e) Redress

- i. It is argued by some that the deficiencies can be compensated for given the obligation on applicants to accompany LBC applications with Design and Access Statements (and Heritage Statements) that need to describe the interest and significance of the asset concerned. “Citizen conservation” instead of Government decree; but the asset might be misunderstood, especially where there isn’t an officer at the LPA able to critique let alone refute³⁵. It also puts the onus on the benighted owner to second-guess the reasons for listing and/or the grade where this is nowhere spelt out. This does not seem good or fair governance. Where plausible or indeed exemplary Design and Access Statements have been supplied it might be argued that these remain in the public domain as part of the online backfiles of the LPA website – and can therefore be consulted by future applicants. But this seems a sneaky way to substitute for official silence, can impute authority to that piece of work that may not be justified in a given and crucial particular and may soon be out of date. It also seems likely to fall foul of GDPR and copyright provisions³⁶. A piece of work that was purchased in a commercial transaction between owner and consultant or other professional cannot be assumed legally-speaking to be in the public domain and therefore open to everybody³⁷.

Moreover, D and A Statements have to be prepared only when a building is the subject of an application for LBC – the many that are not, will not have benefitted. This puts any potential new owner at an immediate disadvantage. There is an expectation that such a person will be informed by a listing description as to what is significant about the structure that is about to be purchased. That is not at present happening where the description is “minimalist”.

- ii. HE/DCMS is to be congratulated for introducing its Listing Enhancement service under The Enhanced Advisory Services programme in 2016 (which also of course embraces a Fast Track service for applications for additions to the Lists or the granting of COIs and “screening for potential listing”). This, at an average cost of £2-4,000, (but which may be as high as £13,000), provides for “a new-style list description with clarity over the specific features, the extent of statutory protection and more detail about the special architectural and historic interest”. There is a

35 Conversation with Paul Hartley, Conservation Officer at Stockport and others.

36 Such reports and their photographs remain the copyright of the professional practice not the client.

37 Informal soundings with a major practice suggest that some do take pride in thinking that their work might be made more widely available. Many of their reports are already deposited on the web and the archives are curated by two paid archivists. But such a sense of public service is unusual.

concomitant promise from DCMS that their confirmation (or not) of the revision will take place “within a quicker and guaranteed time frame, usually 12 weeks”³⁸ “However take-up has been modest and it seems unreasonable, to this outsider, to charge the citizen for seeking such basic information as to why his/her building has been listed^{39 40}.

- iii. It is true that the Historic Environment Records (which as Scheduled Monument Records tended to concentrate on archaeological sites) can also be consulted although there is no cross-reference system from NHLE to point that out. In any case, the HERs are very variable in quantity (some just reproduce the listing description – so the consultee would be going round in circles), and, despite the obligations of NPPF, they are not universal in provision. Some have no input from professional staff, being entirely volunteer-led and others charge for any access (that for Tyne and Wear covering 5 Districts has nothing online and charges an average of £100 for staff time. Their website actively discourages its use for planning purposes). Local Studies Libraries and County Record Offices may prove more fruitful but again are variable.

There must be a counter-risk too that an expanded List Entry might be taken by users as being all-embracing. All and any updated Entry therefore needs to display the essential caveat that the information given is not claiming to be either definitive or comprehensive. They must all remain open to future amendment and elaboration⁴¹.

f) Length of descriptions

I have received a number of representations⁴² that the post-HPR schedules are too long – too dense to read at one go. It was suggested that there was only limited value in 4 or 5 pages of text without photos or plans – and that readability would be improved if, as with scheduled monuments and many of the recent Listings, the description began with a standard introduction which put the building type, material or designer in context.

38 “*Historic House*” Spring 2019 pp44-46

39 HHA (11/01/19) think it, and “ETL”, are too little known.

40 Jonathan Thompson 1/02/19, Observer on the Joint Committee but submitting evidence from the Country Landowners Association states:

“Where it is used, the EAS seem to work, but there are some gaps which reduce their usefulness, especially: (i) an apparent reluctance from HE in some cases to engage in the issue of what is covered by the listing and a reluctance from HE to engage at all even under the EAS in cases where either there are no proposed works, or where the scope of the works (as with most changes to Grade II buildings) is outside the scope of those normally referred to HE by LPAs (*HE argues, plausibly in that context, that priority should go to cases where there is threat*). These gaps need to be addressed if the EAS are to work properly in furnishing clarity and/or improved descriptions at no public cost (the CLA is picking these issues up with HE)”.

41 This is repeating the advice of Cherry/Chitty.

42 CAMRA, Victorian Society etc.

I agree that the architectural elements in the descriptions can be heavy going, indeed almost impossible to follow without photos or room plans, whereas the historical scene-setting and the précis of reasons for listing tend to flow much more easily. I am worried too at the time it takes to compile such lengthy accounts. I strongly advocate the greater use of illustrations ([Appendix VI](#)) and although I believe in the virtues of a standard template not all items therein of course will apply. I suspect that in most cases 6-7 pages can be reduced to 4 or so with greater use of illustrations (and maybe hyperlinks).

g) Selective approach (Appendix IV)

The lack of an expanded description matters less for some buildings than for others.

Perhaps counter-intuitively⁴³, the more important the building, the less the need for a new assessment by HE itself. The great cathedrals, country houses, properties owned by bodies such as The National Trust and The Landmark Trust have, since the initial listing, nearly all been subject to comprehensive in-house studies. The Conservation Management Plan (CP/CMP) is but the most supreme example of that. Every potentially redundant Anglican church (unlisted, listable and listed) is the subject of a comprehensive assessment and inventory compiled by the Church Buildings Council (CBC, formerly CCC) that is available online (with password access) (see [Recommendation 26](#)). That of course includes those subsequently vested with the Churches Conservation Trust. Many dioceses, such as Truro and Southwell, have exemplary databases and the CBC's own Church Heritage Record has ambitions to cover the whole of England. A CMP is a standard obligation for every building that is the subject of an NLHF grant offer. In Lincolnshire the County Council has prepared a CMP for all historic properties in its care⁴⁴ (CMPs for historic gardens are being drawn together by The Gardens Trust)⁴⁵. Some buildings open to the public will have substantial guides which will not need duplicating.

However, the vast majority of listings will not have been elaborated by other parties in other contexts since designation and the strongest argument for concerted action by, or through, HE should start with them.

h) A comprehensive approach

As a basic guide, all descriptions should be sufficient to allow informed decision-making, by owner and LPA alike, to promote conservation of the entity and its significant elements – to preclude both the ultimate tragedy of destruction and the loss of detailing and character⁴⁶.

43 And against some of the observations that I have received.

44 Green Balance report by Richard Bate October 2011 on Historic Buildings owned by Local Authorities www.helm.org.uk

45 And are available at www.parksandgardens.org and at Hestercombe; some compensation for the recent destruction of their own set by NLHF

46 The adequacy and length of description has been a priority in Scotland since 1975 – AMS 1994 David Walker “The National Resurvey of Scotland” p92.

The ideal remains that all lists should include set elements.

This would include “health warnings” in the form of mastheads that should be applied to ALL descriptions, especially those likely to remain “minimalist” or “deficient” until their turn for revision comes round but also those that have been revised.

Such warnings would no doubt need to be vetted through expert legal advice but might usefully state that Listing covers:

- a. the exterior and interior
- b. any fixtures and (immoveable) fittings, whether described or not
- c. any attached structures which at the date of listing were ancillary and in the same ownership and
- d. any pre-1948 structures which at the date of listing were in the same ownership, even if these are not mentioned.

The wording at the foot of every Scottish listing is a precedent:

‘The legal part of the listing is the address/name of site which is known as the statutory address. Addresses and building names may have changed since the date of listing. Even if a number or name is missing from a listing address it will still be listed. Listing covers both the exterior and the interior and any object or structure fixed to the building. Listing also applies to buildings or structures not physically attached but which are part of the curtilage (or land) of the listed building as long as they were erected before 1 July 1948.’

They might also make it clear that any archaeological interest might only be fully understood following further professional examination or excavation

Any statement that the description is for identification only might also be applied to the markedly minimalist but would be misleading when introducing one that has been revised.

It is clearly not realistic to suggest that all “minimalist” lists should be revisited in one campaign. I therefore suggest in Appendix IV possible prioritisation.

i) How is the problem to be tackled?

Appendix VII suggests possible approaches – an internal campaign by HE, utilising the almost limitless “grey literature” on its files, maybe with external financial support and maybe buying in the help of external partners, a precedent being the Cadw condition surveys of 2012; support from LPAs, likely to be in kind rather than cash; building on the potential for substantial voluntary effort, of which there are a number of precedents orchestrated by Civic Voice, the possibilities presented in the Localism Act and tools such as the (now-defunct) “Know your Place” website and its equivalents such as HE’s

own “Knowing your Place” initiative of 2011; established sources of expertise in specialist societies and the help of sympathetic owners. Or, much more likely, a mix of all of these.

Against this background I would regard an expansion in the capacity of ETL and greater dependence on HERs as worth doing but essentially palliative.

The initiative could be the greatest opportunity for citizen engagement marshalled by Government since the Heseltine campaign of the 1980s.

(Appendix VIII offers thoughts on the present consultation procedures).

In the list of priorities, expanding the lists is more important than deepening understanding of those already protected although the two need not be, and should not be, mutually exclusive. My suggestion for a new round of geographical surveys would embrace both.

I now turn to the need for the expansion in the number of structures protected by statutory listing.

2.3 Criteria for listing

I am very conscious that the DCMS issued an updated version of its Principles of Selection, as recently as 19th November 2018.

As the 2018 version still uses yardsticks of some catholicity, leaving much room for interpretation, I have relied on that use of the language of the broad sweep to advocate the compelling candidacy of some of those presently excluded, not least because it is only the present modest pace of additions that has denied them listing, not any intrinsic demerits. At the current rate of new listings (leaving aside War Memorials and the more unpredictable battlefield of post-war Listing) the Lists will have some 10,000 additions in thirty years' time. This report argues that those buildings deserve the protection of statutory listing as soon as practicable, both for their protection and to counter the present damaging imbalance between those listed in the 20th century and those included since.

a) 1850 watershed

The most obvious structural change from November 2018 has been the extension of the watershed (before which largely unaltered buildings would normally be eligible for Listing), from 1840 to 1850. This has in fact resuscitated a pivotal date that had been in

use from the first when the Secretary of State was advised by scholars such as Sir John Summerson⁴⁷. In the Long View it is 1840 that was the newcomer.

I received sufficient divergent views on this matter for these conclusions to remain rather stoutly neutral. However, there were many observations that the indivisibility of 1850 as a watershed was impossible to defend. The beginning of the second full decade of Victoria's reign carried no inherent significance for most building types and there is little attempt to argue as much in HE's own Selection Guides. There is therefore a strong argument for "smart" watersheds tailored to the particular circumstances of a settlement or building type. In a number of types, for example the theatre, 1850 tightens up the criteria precisely when its greatest period of expression had yet to come⁴⁸. Where does a cut-off date of 1850 leave the domestic house which achieved European standing from the 1880s through the studies of Hermann Muthesius (*"Das Englische Haus"*)?

I largely skirt post-war listing precisely because it has such an informed and tenacious champion in the Twentieth Century Society (and for its role 1914-39 see [2.3.1d](#)) C20 and HE are engaged in a perpetual round of creative tension that produces results that are normally well capable of intellectual defence, and where some of the key refusals, such as Dunelm House, Durham, have been at the hands of the Secretary of State. Such is C20's command of the landscape that I get the clear impression that it draws the attention of HE to nearly every possible candidate (certainly where it is under threat) from the post-war canon (and argues that it can do this even more scientifically if it were financed by HE to examine each building as it comes into eligibility under the Thirty Year Rule – see [Recommendation 43](#)). There are so many interesting buildings prior to 1914 that there be no guarantees that anything other than a selection ever come to the attention of their particular champions, despite the best of endeavours⁴⁹.

If reactive listing can only ever be so scattergun, this must be a further compelling argument for the justice of a comprehensive geographical survey.

47 AMS 1994 op cit p52 The Maclagan Committee decided in 1946 that buildings after 1850 proposed for Listing should be presented to Sir John Summerson and HR Goodhart-Rendel who would in effect take the decision. The first Inspectors seem to have been surprisingly free from prejudice against the works of their fathers' generation. Frank Kelsall in *"Not as Ugly at Stonehenge: Architecture and History in the First Lists of Historic Buildings"* the Annual SAHGB Lecture 2008 shows how forward thinking were those who set policy in the early years. Sir John Summerson's Lists included 4 buildings by Lutyens, Waterloo Bridge and an London County Council fire station at Belsize Park. Peter Fleetwood-Hesketh's Liverpool Lists of 1952 embraced a church by Paley and Austin and Giles Gilbert Scott's Anglican Cathedral.

48 The Theatres Trust believes the greatest threat is to Edwardian and interwar theatres, when the most significant of all specialist architects like Matcham and Bertie Crewe were still producing some of their masterworks 14/01/19.

49 As it is, The Victorian Society had the capacity to submit 97 reactive listing applications in the ten years to the end of 2018, nearly all in recent years lodged by an expert volunteer – of those, incidentally, 22 were refused, 45 successful with 11 mostly successful requests for upgrading. Submission from Vic Soc 22/11/18.

2.3.1 Priority areas

Even where decisions are governed by the present criteria there are still substantial exclusions (implied as much in the need for, and the very existence of, an ongoing programme of regular reactive listings).

Some key examples are given in Appendix XIII.

The “salons des refuses” are very varied but there are recognisable batches:

- a. Some of the omissions are clearly mistakes – investigators following the early injunction not to go down farm lanes and “waste time” were clearly under implied instructions not to ferret out all candidates.
- b. Buildings with early cores. For every existing listing where a concealed timber frame, medieval undercroft or cellar, or early staircase in the attic, has been missed out in the description of an existing listing ([Appendix IV, section 7](#)) there must be a building that has been omitted from the Lists altogether. A comparison between the grey literature of bodies such as Devon and Cornwall Buildings Groups, The Essex Historic Buildings Group and the Domestic Buildings Research Group in Surrey confirms how many early listable buildings haven’t yet been added to the Lists (partly because of the gentlemanly code which gets the researchers through the door on condition that there was or is no feeding back to the LPA or HE). And, if truth be told, this is the flipside of an overindulgence of some simple and altered vernacular structures that found their way onto the first Lists, where they would more than likely have been rejected today if judged against present criteria (and would in many cases still fall to be protected by inclusion within a CA)⁵⁰.
- c. Victorian and Edwardian buildings⁵¹ 71% of LPAs agreed in 2010 that this category was under-listed, a higher percentage than for any other category⁵². (There have been many adventurous Victorian listings since but the problem remains severe as shown in Appendix XIII)⁵³.
- d. Those from between the Wars⁵⁴ where of course C20 is also the champion. Examples are given in Appendix XIII.
- e. Some industrial sites. I have surmised this from spot checks of the existing lists and taken some general advice from AIA. This is an area where further research is

50 This is especially true of the mullion-windowed “Pennine cottage”, so characteristic of Kirklees and Calderdale, a type that saw little development between the 17th and early 20th century. These were included in their droves. The extended submission of James Darwin has many examples of the implausibly listed and implausibly unlisted in Suffolk.

51 Cherry/Chitty p57 – they cite Portsmouth p54, and Bradford p44 in particular.

52 2010 Cherry/Chitty p123

53 There does not appear to have been any further comprehensive tapping of such opinion since but Cherry/Chitty found that 34% of the 150 LPA responses in 2010 “viewed the quality of the Lists as inadequate or worse”. 47% of them thought them “satisfactory” and 19% “good or excellent”.

54 A view shared by 69% of LPAs in 2010 Cherry/Chitty p123.

definitely necessary but it seems a fair supposition that only some of the deficiencies unearthed by Chitty/Cherry (page 39) have been overcome in the decade since.

It is known that bridges and locks were under listed because of the agreement with the British Waterways Board to list only representative examples, during the accelerated survey – although this has been offset in part by discrete surveys since on the Great Western Railway line and the thematic on “Dorset Bridges”, 2015-16 (which led to 34 Listings or upgrades). The Heseltine survey was itself a pioneer in the understanding of significant sections of industrial archaeology, such as the tin industry in Cornwall. So were the subsequent thematic surveys of esoteric building types like the laundry, and the more mainstream – the buildings of the Brewing and Malting industries, steel-framed Northern mills⁵⁵ the bottle kilns of Stoke and the crafts of Lace-making and Jewellery. All these pushed the boundaries of scholarship but the pace of understanding at industrial sites is moving so swiftly that only new surveys can capture the architectural manifestation of that fuller understanding. Nearly all industrial processes based in buildings are best understood from internal inspection.

See also [Appendix XII](#) on Possible new Thematics under “Industrial” – where I also suggest the need for a survey of Windmills⁵⁶.

- f. Agricultural buildings⁵⁷. The accelerated resurvey of the 1980s did not cover large swathes of the South East and Suffolk and many rural hinterlands of small towns⁵⁸. Cherry/Chitty (page 92) reported in 2010, and it still seems to be the case, that farm buildings are rare candidates for reactive listing – they lack obvious champions in a civic society and can be invisible from the street⁵⁹. The 2009 survey by Gaskell, Edwards and Bibby⁶⁰ suggested that only 5% of historic farm buildings were then protected⁶¹. The year after, in the Cherry/Chitty review, this was the building type which scored considerable dissatisfaction among LPAs with 41% considering that it was poorly represented. HE’s own regional guidance on “Farm Buildings and

55 AMS 1993 p73 op cit

56 Although the Heseltine resurvey did give a great boost to the understanding of many other hitherto neglected areas – for example the handloom weavers cottages in Lancs and the bastles of Northumbria which went up from 61 listings to 228; the 1993 AMS account (op cit) acknowledges that virtually all Hants granaries were included but hardly any survivals from the coal industry were (Edwards points out that in Hampshire nearly all cartsheds are excluded (Bob Edwards 9/02/19)). Martin Robertson, the principal organiser of the accelerated resurvey, alongside Brian Anthony, came to the view that there had been no national consistency of selection and that farm (especially Victorian and later) and industrial buildings had been poorly served. (AMS “*Listed Buildings: The National Resurvey of England*” edited by Martin Robertson, 1993 passim).

57 Historic Farm Buildings Group newsletter, passim.

58 Cherry/Chitty p16

59 Also see Cherry/Chitty pp94 and 103.

60 *Historic Farm Buildings: Extending the Evidence Base* University of Sheffield published by English Heritage 2009.

61 See also J Lake “*Historic Farm Buildings*” 1989.

Traditional Farmsteads”, commenced in 2006, has clearly made a great advance in the knowledge base⁶².

One clear sub-type where there is a need for a thematic survey is the Dovecote (see [Appendix XIII](#)).

- g. Buildings thrown up by scholarship, some of it HE’s own. It must be a matter for real concern, for example that key buildings by key architects remain unprotected. As an exemplar I quote the case of “Eller How” (illustrated in [Appendix XIII](#)). This was built by Francis and George Webster of Kendal at Linsdale in The Lakes as their own house and is included in Roger White’s recent book on “The Cottage Ornee” as emblematic of this branch of the Picturesque. It is a clear candidate for II* and yet is currently unlisted (and on the market). STOP PRESS; a successful application to list has been lodged. Francis Webster’s grave at the village church is listed but not his house. The Listing of AWN Pugin’s Wilburton Manor, Cambs (NHLE no 1460737, July 2019) is welcome but the fact that it had been unlisted hitherto and subjected to unsympathetic alterations and additions just illustrates what could have been avoided had the listing of a significant work by a major figure been conferred at an opportune time.

And to take another example at random - the survey completed in 2012 which threw up 33 examples of graffiti of ships in Winchelsea has not been carried across to the Lists (National Trust, Arts, Buildings and Collections Bulletin 2013) in the form of new or amended Listings.

The feeding-across from “pure” to “applied” scholarship is very rare. The “Informed Conservation” series of EH/HE has several asides on the threat posed by the absence of Listing. That on Alston Moor, Cumbria (July 2013) laments the lack of listing among industrial and vernacular structures in outlying hamlets and farmsteads and continues “a good deal of the area’s important vernacular building stock has not, to date, been recognised by this national protection regime”. To an outsider this seems like an argument to maximise cross-fertilisation between the HE Research and Listing teams as was done in the survey of the Northamptonshire shoe industry which led to the listing of the Trickers factory in St Michael’s Rd, Northampton (This issue is being addressed in the HE “Change” programme).

Cherry/Chitty also reported (pp39-42) clear deficiencies in educational buildings, places of worship, transport structures, cinemas and theatres and sporting buildings but these have been addressed since, at least in part, by reactive or thematic listings. As with all building types, however, there must continue to be an openness to further additions. Chapels (see [Appendix XII](#)) remain a clear priority.

62 Given the incentive to convert farm buildings into houses inherent in the Prior Approval provision for such development, listing becomes a vital tool to highlight those where historic fabric and character might be at risk. (Only Listing and, to a lesser extent, inclusion within a Conservation Area, can safeguard those traits fully, given that the stress in Prior Approval is only on setting and external appearance).

Appendix XIII illustrates the great variety of present exclusions from the lists, some express (Salon des Refuses), and others that have not yet been formally considered but which would be regarded as qualifying, in the opinion of the author, and that of those who have contributed to this study. The list of demolitions in the West Midlands outlined to me by Tim Bridges and Andy Foster (Victorian Society, Birmingham) confirms the scale of loss in an area where national criteria are proving too selective and Local Listing and Conservation Area designation are inadequate.

With some listable buildings already over the line and others that clearly deserve to be so, there are issues of fairness and consistency. The sense of good governance depends on citizens being treated equally and that perception is undermined where similar structures are treated differently, with one listed, the other not. This must also apply, by logical extension, to the principles behind de-listing and the granting of Certificates of Immunity. There may even be issues of fairness at the border. There is a general acknowledgment that the regimes in Wales and Scotland are more inclusive in both listing itself and its grades⁶³.

2.3.2 Selection Guides

One excellent way that HE attempts to dispel the mystery of the Listing process is through its own Selection Guides, first issued by EH April 2011 and rebranded as HE December 2017. An extension in their number is to be encouraged.

There are however two difficulties with them:

- a. Their purpose is to examine a building type against its peers not its neighbours. This means that where a building type has produced consistently memorable structures, for example the Town Hall which always attempted to express the civic pride of a given settlement, or a bank which so often went for a corner site and high-quality display, some settlements will lose out where an unexceptional but well-executed expression will not be listed as it has peers of marginally greater interest elsewhere. A street of indifferent quality can be made by a landmark which may yet lack full scholarly approval. Similarly, a virtually identical design in a street of outstanding diversity will not stand out as much. The Guides do need to lay greater stress on context.
- b. There is no salon des refuses so all we are shown are those above the line. Photos of the rejected, especially where they are marginal, rather than “no-brainers”, might be higher risk but it would be more informative.

There is one building type in which the Listing of one should not automatically lead to the listing of all – the telephone kiosk where statutory protection is correctly guided by location, visual impact and whether the survivors are single or multiple. There is a quite understandable indulgence with War Memorials which “are generally considered

63 Cadw’s document on “Understanding Listing in Wales”, September 2018 illustrates on page 5 a red brick terrace of 1909 in reserved Edwardian Baroque at Bala, Gwynedd, listed at Grade II*. It would almost certainly have been listed in England but at a lower grade.

listable on the grounds of their strong cultural and historical significance in a local and national context”.

Selection Guides are not to be confused with “Introductions to Heritage Assets” which themselves cover an impressive gamut – from Mechanics Institutes, Jewish Burial Grounds, Shopping Parades, Amusement Parks, Signal Boxes, Drill Halls, Housing for Disabled Veterans to chapels, suburban public houses and 19th century convents and monasteries. There is the need for more of those too.

2.3.3 Four observations

Before venturing thoughts on how these “sins of omission” might be addressed I offer four further overarching observations.

- a. The lists should never be regarded as closed – (Recommendation 1).
- b. Applicants should be encouraged to use comparators – although there needs to be due recognition of context.
- c. At present, given the limit on resources, there have to be triggers for a request to list to rise to the top of the in-tray. At present sale is not such a trigger. It should be, indeed the Societies are aware of cases where it has already been so⁶⁴. Any new owner has the right to know what he/she can do and what the predecessor might have done by the way of loading the otherwise unencumbered estate with an incubus. It is likely in simple practical terms that a minority of those properties will be offered with vacant inspection – the ideal opportunity for a basement to roof space inspection (see Kindred 2/01/19)⁶⁵. See [Recommendation 13](#).
- d. The present working DCMS policy of not entertaining repeat applications (27/03/19) within 5 years should not apply to updates in existing listings – although applicants should be encouraged not to come in for piecemeal revisits.

2.3.4 A nationwide resurvey

But how is the update of the existing listings and the addition of the new ones to be achieved? There are three main methods - spot or reactive listing and focused resurveys, whether thematic or geographical.

It must be a matter of real concern that the coverage of many major historic settlements is a combination of a baseline survey, many of them nearly half a century old which has never since been systematically re-visited. Subsequent expansion and improvement has only been through the essentially interim device of myriad spot or reactive listings reinforced by thematic studies which are necessarily limited in their scope, with a few “reviews” and “Defined Area Surveys”. The archetype List is therefore a mixture of majority

64 SPAB: Poverty Cottage, Shropshire.

65 See Cherry/Chitty p89. The present triggers are outlined at Mynors page 73.

“minimalist” listings, patent omissions, an occasional DAS and exemplar new additions that present a legitimate picture of what all Listings could and should be like.

Major historic settlements are still obliged to work with supposedly comprehensive resurveys that are now decades out of date – Cambridge, 1972 (with 198 additions/changes since), Chelmsford (1978, with 190 additions), Colchester (1971 with a staggering 1,098 added to the original 511), Exeter (1974 where the figure is 1,007), Whitby (1972, where 35 additions only since then bringing the total to 476 is clearly an inadequate response to its significance and vulnerability) and Winchester (1974, clearly so inadequate the other way with its 617 entries that it has undergone 1,653 additions and amendments since). And there are geographical inconsistencies – all the Lists in the North East postdate 1985 and those in the North West, 1983.

There is now an almost complete reliance on ad hoc or reactive listings. This is not an intellectually plausible way to refine the lists let alone address the clear sins of omission and commission highlighted in this report.

It is also a comparatively laborious process and the outside world has a strong sense of being caught in a logjam (and, even more often the anticipation of a logjam – I have encountered many potential applicants for Listing, among LPAs and the National Amenity Societies who are put off applying as they doubt success and fear that applications will not be taken forward for assessment).

For reasons already explained, it is absolutely essential that reactive listing continues but I would urge strongly that consideration goes to reviving systematic resurveys, both geographical and thematic.

The arguments against systematic geographical resurveys were well rehearsed in Cherry/Chitty and I do not deny them. The lack of manpower and resources, within both HE and LPAs, has become irrefutably worse since 2010.

Even so, some potential facilitators have become vastly more instrumental in the same period.

I suggest that the process begins with two filters:

5. I have already touched on the IT Revolution (see [page 6, section a](#)). This has yielded such transformative vehicles as Google itself (and equivalent search engines) and, in particular, Google Street and Google Images. It is now possible from one's own computer to draw down images of virtually every exterior in the country – to identify complete districts and streets where a physical resurvey would be rewarding but also those where there is no need to venture as the present Selection Criteria would not apply. Such instruments would facilitate elimination – to know what need not be assessed. Thousands of buildings can thus be identified as legitimately unlistable through a desk-top exercise.
6. At the other end of the spectrum, the application of some of the filters where a great deal of work has already been done (for example virtually all listings after 2005)

should enable a further round of legitimate if interim exclusion. I would also, counter-intuitively, exclude some of the greatest buildings in the country which have been well served since their first listing (see [“Selective Approach” page 19](#) and [Appendix IV](#)) and can for the most part stay in the Lists as they are. Their outliers, the stables and garden buildings on a great estate and the structures in a Cathedral Close, would need to be part of the resurvey but probably not the principal edifice.

Having thus identified the no-hoppers, the fully revised and those updated by others, the first for permanent exclusion, the second two for interim, the geographical survey can begin.

There clearly are priority candidates and ample scope for phasing. I attempt to outline some in Appendix IV.

7. Parallel to these introductory processes, there will have been a sifting of the huge stock of grey literature. Appendix XII builds on that and suggests areas where additional thematic surveys are desirable and achievable.
8. LPA intelligence is vast and mostly online. I have yet to meet a Conservation Officer who admits to spare capacity but they do know their way around their own public and case files. They should be able to highlight where critical information compiled by LPAs can be found. Any number of civic and archaeological societies have similar archives and there are the back files of the National Amenity Societies.

The application of these filters and the marshalling of the secondary documentation would of themselves throw up many “hopefuls” that are not already listed.

At this, and I hope at any, stage, potential partners (see [Appendix VII](#)) will be galvanized into offering to help. A grand design underway attracts momentum where a gleam in the eye cannot.

9. An excellent starting point would be the Local Lists for in those areas where they exist they have, at their best, been the equivalent of a full geographical survey by people with an insider’s knowledge. Even more useful are those that are illustrated.

The “exclusions” in Point 2 would need to be revisited to ensure that the end result was truly comprehensive but as a revisit that should entail less time and effort than work afresh.

I submit, that major historic settlements, of which Cambridge, Ipswich, Oxford, Colchester, Whitby and Winchester (where the Lists are clearly inadequate) are but exemplars, and these and others that further searches might reveal should be systematically reviewed/resurveyed, against present criteria

Every settlement deserves a List that aims to be definitive (but not finite). Only a fully geographical survey can bring that assurance.

I fully accept that such a national resurvey would have to be prioritized by area and might benefit from pioneering pilot projects.

Second best

Failing even this being advanced, HE should, at the very least, publicise the ability of LPAs to protect buildings rejected for listing through designation as a “non-designated heritage asset”. Despite my misgivings (section 5.7 page 44) such a status is proving effective at both LPA and PINS decision-making levels in protecting hundreds, maybe thousands of buildings.

If a systematic revisit of existing listings is also rejected, then ETL should be further promoted but with caveats (see [section 6 page 47](#)).

3 LISTING FOR HISTORIC INTEREST

From the outset in 1947 structures could be listed for “architectural or historic interest” and it is critical that the word was “or” not “and”, thus lending each adjective apparently equal weighting. And right from the earliest days, places of the profoundest cultural memory have tended to be in the highest grade. The Listings of the houses of Dickens, Keats, Dr Johnson, Shakespeare, Bronte, Kipling (Batemans), Austen, Tennyson, Charles Darwin, Wordsworth and Karl Marx (his home in Dean Street and his grave in Highgate Cemetery) have all been at Grade I⁶⁶.

The supposition in the early days seems to have been that this element of the Listing programme would come with vocal public support and anecdotal evidence suggests that this is still the case⁶⁷. The concept of the great person’s house, the literary or artistic shrine remains strong and I found overwhelming support for a programme that protects structures for historic reasons.

EH/HE, and Government, has shown huge enterprise in a listing programme that has, over seventy years, protected a range of buildings as varied as St John’s Hotel, Hull, as Philip Larkin’s local; the painter, W.P. Frith’s childhood home at 35 Regent Parade, Harrogate; the location for Samuel Taylor Coleridge’s incarceration for a life-changing week in 1794, the Pest House at Townlands Hospital, Henley on Thames; the studio built by Benjamin Britten 1971 at Horham, Suffolk and his birthplace in Lowestoft; 99 Kells Lane, Gateshead listed II* in 1976 as the home of Sir Joseph Swan 1869-83, where he laid out the first wiring for domestic electric lighting; P.J.B. Harland’s International Modernist house at Pensel Wood, Somerset for Sir Arthur Bliss; the Casbah Club, Liverpool (Hayman’s Green) set in the basement of a villa of 1860, which operated 1959-62 and was the “performance birthplace of the Beatles”; Cedar Lodge, Steeple Aston, Oxon, for many years the home of Iris Murdoch; Nelson’s best surviving home at 103 New Bond Street; 158-160 Twickenham Rd, Isleworth, LB of Hounslow, where Vincent Van Gogh taught in 1876 when it was a school; the birthplace of J Arthur Rank at 371 Holderness Rd, Hull (not listable on architectural grounds); Fletton Towers, Peterborough, the childhood home of LP Hartley; Reddish House, Broad Chalke, Wilts where Sir Cecil Beaton lived and died and which he embellished; the seaside shelter where TS Eliot began “The Wasteland”; and Sir Giles Gilbert Scott’s self-designed house at Clarendon Place. Even the continuous but the non-celebrated slips in, as at Nancewrath Farmhouse of 1840 at Kenwyn in Cornwall “built for and still inhabited by the Tinnet family”. Even shading into the fictional by claiming 10 South Street, Dorchester, albeit in brackets as “the house of the Mayor of Casterbridge in Hardy’s novel of that name”

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- 66 And sometimes with only a skeletal defence – Thomas Hardy’s own creation, Max Gate, which he designed for himself in 1885 and which has, until the works of John Beatty and Kester Rattenbury in 2018, been regarded as a cack-handed design, was listed Grade I as early as 1970 . And yet the schedule runs to a mere 31 words and makes no attempt to justify this virtually sacrosanct grade. The grave of his heart at Stinsford, Dorset and his birthplace at Higher Brockhampton (owned by the National Trust) remain Grade II only.
- 67 Witness the campaign of July 2019 to save the house of Lawrence of Arabia at No 2 Polstead Rd Oxford (where HE said No to listing) which brought together John Simpson of the BBC and the MP and former Minister, Rory Stewart.

A number of observations follow:

1. Where buildings with such associations are already protected, any updating of the legacy entries should embrace significant occupation or association, alongside physical description. The intangible and the tangible. Where such historical background has been supplied through “Enriching the Lists”, and it has been verified, this is the sort of expansion to the schedule that could surely be carried across to the statutory record with comparative ease. This would seem to have the makings of entirely voluntary campaign as no architectural skills would be necessary, simply a capacity to collect information from secondary (and, maybe, occasionally, primary) sources⁶⁸.
2. The public should be encouraged to help push the boundaries of celebrity (in the correct sense of the word). Although there might usefully be an inventory of the famous who might get through an initial sift where tangible architectural evidence of them survives (perhaps using the researches of the Blue Plaques team and, as now, inclusion in Oxford Dictionary of National Biography) such a list should never be closed as public understanding and appreciation of historic personages is ever-changing, particularly where guided by opinion-formers. This would not be an opinion poll and it follows that where a star fades or indeed a reputation is trashed, de-listing would yet remain rare. The fact that they were famous once is itself historically interesting.
3. Buildings that are of maybe marginal architectural interest but where the architecture is still amply redolent of occupation during an historically significant period can and should be tipped into listability by that associated historic interest. Dame Elizabeth Frink’s long association with Woolland in Dorset is entirely unmarked by listing – neither the former country house stables of 1833, where she lived (until her death in 1993) nor the studio that she built for herself in 1979.
4. HE has shown welcome and justified inventiveness in engineering the architecturally marginal but culturally exceptional onto the lists through the concept of “representivity”. This was first articulated in December 2014 in the Listing of 69 Monkmoor Road, Shrewsbury, a semi-detached house of 1910 that was home of the poet, Wilfrid Owen, from its construction to his death in action 1918 (NHLE no 1421250). Containing many of the fixtures and fittings “that Owen would recognize”, and a good example of the sort of modest, suburban houses which were constructed in large numbers in the late 19th and early 20th centuries, “although it would not merit listing on its architectural merit, its designation on grounds of its historic association with Wilfrid Owen allows a representative example of this type of building to be included on the List”. The representative is where most of us live our lives and a system of conservation which protects only that made unrepresentative by being “better than average” or more interesting can unwittingly distort history. Evidence of “ordinary” lives must be made available other than through recreations

68 There is, for example, no present mention of Sir Kenneth Clark in the description of his long-standing home of Saltwood Castle, Kent, nor Agatha Christie in that for Greenway in Devon nor in the scheduling of The Cobb at Lyme Regis is there anything on John Fowles.

in museums. This seems an imaginative way to conserve the standard within a system geared to protect that which is above the normal standard (beyond the 1850 watershed). This same argument can defend existing listings as with the two houses at Eastwood, Notts, lived in by DH Lawrence - understanding his art can only flow from comprehending the lack of beauty against which he reacted. 20 Northmoor Rd Oxford where Tolkien lived 1930-47 is largely unaltered since his time but is unexceptional.

But such contortions should not be necessary – any logical system of conservation should protect the crucibles of great artistic expression, whether they be banal or inspirational. The very ordinary factory in Leicester Road, Lutterworth where Sir Frank Whittle developed the first viable jet engine is already II*. The critical proviso is that there must be sufficient fabric of interest to protect.

This leads us into consideration of the most problematic variation, as below.

5. The great challenge comes when historic resonance is more clearly divorced from architectural interest and the survival of fabric that speaks to the event being celebrated is poor. Indeed there are three variations to that strand:
 - a. Where there is clear and significant associated architectural evidence but it has always been modest and doesn't, of itself, cross the threshold of listability. EH/HE has been bold and open-minded in such matters hitherto and should remain so⁶⁹. Very much in this category are the writing huts of Henry Williamson at Georgeham, Devon (NHLE no 1420673) where he composed "Tarka the Otter", George Bernard Shaw's equivalent at Ayot St Lawrence, Herts (the architecturally-indifferent but Grade II* listed "Shaw's Corner" of 1904,) and the 12 huts at Bletchley Park where "Enigma" was de-coded (ie NHLE no 1404656). Listing of the latter took place even though such structures were intended to be short-life. As early as 1974 (just 7 years after his death) Clement Attlee's indifferent home, Cherry Cottage, Great Missenden (NHLE no 1124820) was listed.
 - b. Where the architectural interest was once evident but has since been compromised. This is much more problematic. An emblematic example of that is Bird Grove House, Coventry (NHLE no 1076646) listed at Grade II* in 1974 as the home between 1841 and 1849 of the novelist George Eliot (Mary Ann Evans). The building is highly marginal in architectural terms, the description is 4 short lines, with nothing on the interior, and there have been subsequent damaging changes, such as windows in uPVC. Whewell (page 11) contains an early depiction of its original handsome appearance – had that survived, listing would be non-contentious. Listing is more tolerable in the context of the national fame of the novelist, the devastation of Coventry's historic building stock in the War, the enthusiasm of local champions of the city's greatest literary

69 The Selection Guide on "Vernacular Houses" when considering the modest rightly states "There is often a powerful contrast (and corresponding emotion charge) between the commonplace or even humble building of their (the famous person's) birth and their subsequent achievements"

figure and its role as City of Culture in 2020. Listing in such cases also accrues greater justification where such an act might encourage limited restitution in line with “Conservation Principles”⁷⁰.

But where the building fabric lacks distinctive architectural features, the description must explain which elements in particular are expressive of the historic resonance which Listing is intending to capture – whether the bedroom where the birth took place or the shed which doubled as the studio.

Listing will bring obvious gain in preventing demolition but LPA and owner do justifiably need guidance on areas where “less than substantial harm” might be tolerated. The same applies to where listing is prompted by rarity value and accompanied by architectural modesty⁷¹.

- c. Where the architectural counterpart to the historic interest simply doesn’t exist through demolition or the surviving building fails to evoke the historic event in any meaningful way.

Relevant here is the revised DCMS Principles of Selection of 2018 which speaks of the need for the historic interest identified to be evident in the building’s current form which will need to “afford a strong connection with the valued aspect of history” (para 16) or in the words of PPG15 (Planning Policy Guidance, now withdrawn) that the building concerned “should be preserved in a form which directly illustrates and confirms its historical association”. PPG15, 1994 stated that otherwise unremarkable buildings should be commemorated by other means such as plaques (on which see below)⁷².

In the latter case, the presumption should lie with commemoration by marker.

Sometimes a building that is devoid of intrinsic architectural quality and contains no resonance of the activity which earned it interest has got on to the List – one such is 56A Highbury Grove, London Borough of Islington, which was a workshop where the Spencer Brothers set up their business as early manufacturers of balloons and workshops.

70 Max Craven, President of Derby Civic Society drew my attention to 27 Queen Street, Derby which has been turned down for listing – it is altered although still clearly recognisable externally and with an 18th century panelled room. It had been the home successively of the father of Flamstead, The Astronomer Royal, and John Whitehurst, co-founder of the Lunar Society who entertained Franklin, Boulton, Erasmus Darwin. James Watt there. Joseph Wright of Derby, painter lived there for 4 years and it was the HQ of Smith of Derby, the renowned turret clockmakers and marked as such externally by a huge bracketed clock.

By way of contrast “Odd Whim” in Mossley Road, Tameside, the only surviving evidence of a Millenarian cult of 1825, was listed in October 2003 (NHLE no 1390685) “for its special historical interest rather than for architectural importance, having undergone adverse alterations to its fabric”. This would seem hard to defend other than as part of a conscious drive to encourage plausible reversal of those changes, with all the philosophical challenges that that would bring.

71 See CAMRA evidence for elaboration (not published).

72 DCMS Principles of Selection have changed from “some quality of interest in the physical fabric itself” to “the building itself in its current form will afford a strong connection with the valued aspect of history”

One is tempted to observe “It had to happen somewhere”. And the veiled instruction to the owner and LPA when it comes to Development Control is unclear. Listing creates a presumption against change – is listing really requiring of the present owner that there is a presumption that alterations out of character with those introduced by the famous person or event should be prohibited? Conservation philosophy is now, almost universally, against returning a building to an “ideal” state (ie when the significant person was in occupation), each successive layer of change having its own level of significance – and yet an ordinary building listed only because of a limited period of its history is very hard to apply Conservation Principles to⁷³.

And the marker is not second-best

- a. It is older than listing – it began in 1867 as an initiative of the Royal Society of the Arts.
- b. It is more readily informative especially if accompanied by tags where mobiles can be swiped to learn more or by downloading an app. The educational role is immediate.
- c. It ties in with the HE placemaker scheme
- d. It is grant-aid-able⁷⁴.
- e. It can be organized by any party – many Civic Societies have such programmes from Brighton to Derby, Ramsgate to Sidmouth. It is an easy route to extended community engagement and raising local pride.
- f. It is expressly advocated in the Selection Guide on “Town Houses” (p20)

However there is a risk of overkill – their positioning does need controlling and the British Plaque Trust reports that there are now 40,000 in toto (English Heritage plaque total, 945).

NOTE: HE has an excellent policy on listing burial places of the famous – but I do urge caution where the monument is artistically undistinguished. Sometimes listing can become the enemy of subsequent more appropriate celebration – Edith Cavell was buried in the grounds of Norwich Cathedral under an ordinary catalogue Celtic Cross. This was listed so that when there was a proposal to replace it with something of greater artistic moment, that needed LBC when the intention of EH in listing was clearly to protect the burial plot not the monument. Might the same issue arise in the future with the very ordinary slab to Charles Booth, the social researcher at Coalville, Leics and that to Joseph Conrad “a writer of international importance” at Westgate Cemetery, Canterbury, a simple monolith with chippings (NHLE no 1271538). The Blake headstone of 1927 at Bunhill Fields is listed but is artistically insignificant.

73 Jonathan Thompson from CLA suggests a building clearly of low architectural significance should have to meet a high threshold of historic significance.

74 NLHF awarded £44,900 to Horsham District Heritage Trusts for a programme of plaques and trails (October 2018).

RECOMMENDATION – I know that the matter is in hand but I support the proposal that there must be an HE Selection Guide on Historic Interest. This would need to address not only what to list but also the intentions behind the listing – which areas of the surviving fabric are valued for their power to evoke the lives of the famous person concerned or the event, whichever is relevant.

4 LISTING GRADES

Statutorily Listed Buildings are categorised at present into three (non-statutory) grades –

- a. Grade I described as being of exceptional interest. The perception that this is a virtually sacrosanct category has worked in that there has been no application to demolish a Grade I listed building since that threatening Woolton Hall (“by Robert Adam”) in Liverpool in 1975 (which was unsuccessful). The only wholesales losses since then have been through fire and collapse. They are some 2.5% of the total.
- b. Grade II*. They constitute 5.5% and are categorised as “outstanding”.
- c. Grade II. The remaining 92% and regarded as “special”.

The non-statutory Grade III was dropped as early as 1969 as it proved largely toothless⁷⁵. A Grade IV was even more short-lived. There were moves to subsume II* into Grade I as part of the HPR debate but this was never formally pursued. The former grading of A, B and C for churches, adopted for fear that that building type would swamp the highest categories, was abolished in 1978, there being now no differentiation between the secular and ecclesiastical – 45% of Grade I listings are places of worship.

Other comparable regimes of protection in UK have also stuck with three grades. They are identical in Wales but are A, B1 and B2 in Northern Ireland and A, B and C in Scotland. With Wales and Northern Ireland the percentages are roughly the same but in Scotland the topmost bracket (those of national or international interest or fine little-altered examples within their given building type) amounts, at 8%, to the numerical equivalent of I and II* rolled together. Category B, at 50%, covers buildings of regional importance or major examples of a style, period or type, even if altered. Category C covers buildings of local importance and embraces 42%. Points of comparison with Scotland are not so easy given the dramatic difference in the population of the respective grades – but it is easier in Wales. I very much doubt for example that the English equivalent of Cyfarthfa Castle at Merthyr Tydfil or County Hall in Carenarfon would be Grade I⁷⁶.

75 Although Local Lists were still compiled centrally until 1978, when the task was delegated to LPAs as the kernel for Local Heritage Lists (see [5.3 page 42](#)).

76 Geoff Brandwood’s “Britain’s Best Real Heritage Pubs” (CAMRA new edition 2016) identifies only one Grade I listing (The George, Southwark) among the 224 listed entrants on the CAMRA National Inventory of “Pub Interiors of Outstanding Historic Interest” in England whereas there are 6 in Scotland’s Category A (no pubs in Wales are listed at either II* or Grade I). There is a fine line by the way with “hotels” - The George at Glastonbury of the late 15th century is Grade I. And there is just one Grade I listing apiece among certain other building types as with the cinema (The Granada Tooting) the seaside pier (at Clevedon. The West Pier, Brighton has been de-throned after its fires) and the masonic hall (that of 1785 at Sunderland). *The Granada doesn’t show up when you search Grade I under “recreational” or the sub category of “cinema”, perhaps because although described as a former cinema in the text, the heading is “Gala Bingo Club”.*

There is a current stress by HE on degree of survival and quality of the interior as earning of itself a higher grade⁷⁷. So much so that it is recommended here that upgrading should always be accompanied by a detailed and up to date description (where one doesn't exist) both inside and out and within the curtilage – with a clear explanation of why the grade has been changed. Similarly downgrading should be justified in the same manner, maybe too with a description of those items that might have been lost in the interim.

There is a legitimate expectation, rewarded in the lists, that the oldest survivals are the most precious and thus rewarded with protection in the highest categories. This is as it should be. And yet it is remarkable how finely tuned are the grades when it comes to recognising the very best of post-medieval survivors. HE keeps pace, very creditably, with informed and scholarly opinion⁷⁸. This is partly due to those thematic surveys which have been undertaken. Most of the great country houses and the Georgian set pieces in Bath, for example, are Grade I (although distressingly few describe the interior, either at all, or with anything approaching the adequate). In the vast majority of cases, the Grade I grading does accord with what one would expect.

The voluntary sector is generally content with the existing 3 grades⁷⁹. Indeed feels strongly that there should not be a cliff-edge between a top-end Grade II and a marginal Grade I. Grade II* is seen both as desirable in its own terms and as an essential mediating category between the highest and lowest⁸⁰.

77 As with St Peter's House, Beccles, where the exterior presents itself as a "good Grade II" which is welcome – but that makes it even more desirable that the interior concerned be fully described for the benefit of the owner and LPA. The implication of the St Peter's House listing is that it was listed in 1948 (NHLE no 1298958) on the basis of National Monuments Record photos alone. When Poulton House, Mildenhall, Wilts (NHLE no 1034116) was upgraded from II to II* 2004, the full internal inspection allowed at that time yielded a reverse compliment from the Inspector: "If it had contained a more complete interior it might have qualified for listing at Grade I".

78 Simon Jenkins' starring system where he has chosen the best churches, country houses and railway stations accords almost exactly with EH/HE judgments.

79 With a key exception - Chris Costelloe, former Director of The Victorian Society favours the combination of Grades I and II*.

80 HPR also found little discontent with the grading and Cherry/Chitty found 75% LPA satisfaction in 2010, pp84 and 121.

5 COMPLEMENTARY JURISDICTIONS

I have been asked to examine complementary jurisdictions and address areas of supposed or actual conflict with Listing.

I do not deal with maritime sites, battlefield registration, the protection of historic hedgerows and the parallel regime of Buildings Regulations, partly because no correspondent raised any of these as being an issue, but I have examined here, and in the appendices, the following:

The Ecclesiastical Exemption
Conservation Areas
Local Lists
Register of Parks and Gardens
Scheduling
Building Preservation Notices
Non-Designated Heritage Assets
Assets of Community Value

5.1 Ecclesiastical Exemption

The most significant complementary jurisdiction, providing what in effect is statutory protection for most of the key places of worship and the movables inside them is the Ecclesiastical Exemption – which, through the Anglican faculty system, handles the care of 45% of the nation's stock of Grade I listed buildings. It also embraces the buildings of the Roman Catholic, Methodist, Baptist and United Reformed denominations.

Whether the Exemption should continue is beyond my brief and is in any case an issue which splits the National Amenity Societies.

The Exemption appears on the face of it to downplay the need for HE/DCMS to take the lead in updating the attendant descriptions (see [section g page 19](#) and [Appendix IV](#)) but Listing itself remains important:

- a. In the guidance of decision-makers, whether NLHF or private trusts, on matters of grant aid for places of worship.
- b. In the guidance of LPA Development Control in the defense of setting and in the exercise of planning permission, under which external “material change” at all buildings is controlled, (this does in theory buttress the argument for a more thorough listing description devoted to exteriors so that the planning system can be guided appropriately when it comes to decisions on the removal or re-application of renders, substantial stone replacement, the application or reapplication of window guards and any change in roof covering. However I would still regard this as a low priority in the general scheme of things, given the standard of control now exercised by the exempt denominations. (See also [section g page 19](#)).
- c. When ecclesiastical use lapses and listed building consent is resurrected – most obviously in the context of a change of use, many of which can involve substantial

and irreversible change there is an argument for a thorough description of the interior, particularly at the point of redundancy.

- d. Some of the more significant denominations, judged by the variety and excellence of their output, such as the Unitarians and Quakers, have never enjoyed the Exemption and come under the full purview of LPAs – a strong argument for these to be well served by full coverage and useful descriptions.
- e. The definition of curtilage at an ecclesiastical site is often circumscribed by a boundary wall so can be easier to define than on a country estate or farm. Even so, clarification over what constitutes a “curtilage structure” is far more vital than with secular buildings as such structures⁸¹ have been entrusted to the control of the exempt ecclesiastical authorities even where listed in their own right (although, again, control of external “material change” will also fall, in most cases, to the LPA through the requirement to seek planning permission).
- f. And as the Anglican exempt system is more overtly legalistic in the powers granted to Chancellors, listing is used to clarify where cases go to Consistory Court or appeal, as to the Court of Arches⁸².

The Exemption has been the principal progenitor of parallel systems to Listing, which have been set up voluntarily, to offer greater protection to historic organs and bells⁸³. These lack statutory teeth and as the first two operate almost exclusively in the context of the Ecclesiastical Exemption, which is outside the listed building consent regime, it seems very hard to envisage a situation where they could be given them. Indeed if “statutory” means that the powers are diverted from the 42 Diocesan Advisory Committees, nearly all of whom have Organ and Bells Advisers on stream, to the LPA which will not have such expertise, then that seems a singularly bad idea.

The British Institute for Organ Studies (Dr Jeffery West) has asked through me that consideration be given by HE to creating a hyperlink connection from the relevant NHLE description to the BIOS account of a listed organ in the same building. This could act as a useful informative to decision-makers but would clearly depend upon technical compatibility. There would be some limited situations where the organ (perhaps an earlier import) would be BIOS-listed but the host building would not be on the NHLE, and where the organ case might matter more than the musicality and historic interest of the organ itself.

81 For example, boundary walls, lychgates, substantial mausolea, external mortuary chapels, monuments, hearse-houses.

82 In 1994 (*English Heritage Legal Bulletin January 1995, issue 4*) the Chancellor to Southwark Diocese came to a decision over heavy-handed action by Lambeth Council in the municipal cemetery at West Norwood that it had acquired through CPO in 1965 as a working cemetery. It decided in assessing what exactly was the curtilage of the 67 listed monuments there that “the effect of the listing of the 67 within a clearly defined area meant that the whole of the cemetery is effectively within the listing”.

83 Operated respectively by the British Institute for Organ Studies (BIOS) and the Church Buildings Council (CBC).

A disproportionate number of entries on the Ancient Tree Inventory of the Woodlands Trust lie in churchyards and there must be an argument (which is outside my remit) for there to be hyperlink connections in those circumstances to the records of the Exempt authorities and indeed to those compiling Tree Preservation Orders at the LPA.

There would seem to be arguments too for a greater interrelatedness between the records of the Woodland Trust and the HE Register of Parks and Gardens but that too is beyond my brief.

5.2 Conservation Areas

The principal means of defending a defined area is through the Conservation Area, almost exclusively the preserve of the LPA and its use has been widespread and inventive. Particularly where strengthened by an Article 4, and backed by political will, they have proved effective in safeguarding exteriors (they cannot cover interiors) and have helped to concentrate minds on the need for a comprehensive overview within extensive assets, whether that be the country estate or post-war housing estate. However performance is patchy and at its very worst lack of successful management has led, exceptionally, to de-designation. The powers of protection are inherently weaker than with Listing, and this applies even more to the many sub-sets and variants outlined which might be termed “Conservation Area Lite” – whether that be the “Heritage Area” (Dorchester on Thames), “The Area of Traditional Character” (Sandwell) or “Identity Areas” (Elmbridge).

Listing and CAs are essentially complementary, one being for the defense of a given asset, inside and out, and the latter defending any wider grouping. Even so, there is a slight philosophical tension – the injunction to “preserve and/or enhance” within a CA conveys the tone of improvement which can be inappropriate with a listed building – and there are occasions where a building of largely or wholly external interest only, within a CA which is proving effectively managed, does not seem to warrant the double protection of Listing as well. Hence the wording, and indeed the extreme caution, of Recommendation 35.

The starkness of the contrast between listed and unlisted, protected or not, has been softened in recent years by an increasing variety of designations, statutory or otherwise, some invented and exercised on a sub-statutory basis by individual planning authorities. I deal with these at 5.3 – 5.8. An unexpected (for me) starring role is performed here by the “non-designated heritage asset”.

5.3 Local Lists

The adjective says it all. These are the Lists compiled at local level, which lack the formal statutory teeth of their Big Brothers and Sisters although they have led to consequent refusals of permission to demolish and the record of PINS in upholding them at Appeal is respectable. They are still a minority pursuit (only 46% of LPAs have one) and they vary enormously, in almost every particular, whether on the criteria for inclusion, the numbers of buildings included (with a range from 16 to 8,259), the inclusion of illustrations and grades (mostly without) and the timetable for revisions⁸⁴. HPR had sufficient confidence in them to recommend that they be given an easier avenue to beefing up through Article 4s but their very variability and the substantial lacunae in coverage mean that I cannot recommend any further extension in the statutory impact that flows from designation (and very few of my correspondents have suggested as much).

However, they are an excellent method of protecting buildings and sites that are judged to fall short of the criteria for statutory protection and they offer a benign opportunity for fruitful public engagement. They should make HE's life easier by their compilation and publication as that sift can save much legwork in narrowing down the field of candidates for further protection. Indeed I advocate their trawling to identify those worthy of statutory listing, as is happening under the DCMS initiative of 2020 (see NOTE below).

If there is a danger, and I would judge it a very real one, then it is where entry onto the Local Lists is regarded as the ultimate goal, where in reality it could well be the penultimate. The most assured haven for historic buildings judged worthy of protection has to be statutory listing. This is especially true of buildings such as Peterborough Town Hall (see [Appendix XIII](#)) owned by the LPA and very often, in the present state of the public finances, likely to be on the market. Sometimes the Local Lists are regarded quite overtly as a parking bay for the listable because the task of winning statutory protection seems too daunting. In Blackpool HE(EH) paid for characterisation studies to increase numbers on the Local Lists but buildings like Empress Hotel, Exchange St should be statutorily listed. (www.blackpoolgazette.co.uk/news/historical-blackpool-pub-be-auctioned-1010225).

NOTE : At this point it seems logical to refer to an initiative of DCMS announced in 2020 to provide a Government fund to encourage the compilation by LPAs of additional Local Lists. This is welcome but the author would like to see similar support for statutory listing. Local Listing cannot of itself prevent demolition, it offers no protection to interiors (given that the control of "material change" through planning is external only) and it can be tokenistic where the property concerned is owned by LPA. See [Recommendations 38 and 39](#).

5.4 Register of Parks and Gardens (see [Appendix XIV](#))

It has been possible to register historic parks, gardens, squares, churchyards, cemeteries, even allotments since 1983. The greatest divergence from Listing is that only those of supposedly national import are covered with the result that the total is a spare 1,700. The

84 HE has maintained an overview of Local Lists and Civic Voice compiles a Local Heritage Register but with totals only given against a minority of the LPAs concerned.

only hope for the sub-national are the Local Registers. The other obvious difference is that, like the Local Lists, no express consent is necessary as a result of inclusion. And yet I suggest that where it is impossible to separate works of Man from those of Nature, as in the pergola and the garden terrace, advice might be offered to LPAs on how to extend LBC control to the organic aspects of this intertwining. Can a (non-invasive) creeper, that has been part of the character of an elevation for a century or more, be protected through the LBC machinery? It is not at present clear and further guidance might be apposite.

5.5 Scheduling

The oldest method of protection within the Historic Environment is Scheduling. As a system it operates very differently from Listing and I can see the logic, where scheduling and listing are coterminous, for that obvious area of overlap to be addressed. The ongoing if informal programme to cancel one in favour of the other should continue (although CBA has doubts – see [Appendix XV](#)). However, the reasons why the particular regime has been chosen should be spelt out in each case, especially in areas where scheduling might have been assumed to be paramount, as where the structures concerned are subterranean or ruined. As Listing is, for the most part, a regime for dealing with working buildings, it might appear counter-intuitive for the last-named category to be listed rather than scheduled.

5.6 Building Preservation Notice

Another local initiative, based in statute, aiming to prevent hasty demolition, is the serving of BPNs. BPNs are essentially interim listing – to preclude demolition for six months whilst the Secretary of State and HE are invited to consider offering permanent protection through statutory listing. BPNs bring a threat of compensation, if designation is not confirmed. HPR mentioned such provisions but did not propose their abolition. I have no hesitation in doing just that, for two principal reasons:

- a. It is highly anomalous after the abolition of compensation under the listed building consent regime as long ago as 1991 (Mynors p17).
- b. Only one such claim has ever been successful in living memory. Dormant legislation needs to justify itself far more than that which is actively exploited.

To encourage their use HE is offering a pilot “BPN indemnification” scheme. This enterprising initiative faces up to the fact that the chance of securing parliamentary time for a national system of interim protection is at present so slim. However, Interim Protection is long overdue and indeed was promised “at the earliest opportunity” by DCMS in 2008 after the unravelling of the HPR reforms which had included it.

The fact that Interim Protection was introduced in May 2017 across all of Wales throws the lack of it in England into relief⁸⁵.

85 On BPNs in Wales see “Listing in Wales” p23.

5.7 Non-designated Heritage Assets

One of the unexpected stars of this study has been this status, defined verbally by a negative but which is yet being used to promote positive outcomes. It stands alongside Article 4s in being able to achieve virtually the same effect as a fully-fledged listed building consent on an unlisted building but is easier to introduce and has been upheld in certain key cases, some of which have gone to PINS. The most high-profile case in that category is the Smithfield General Market where the City Corporation was refused consent to demolish⁸⁶. (The most systematic user has been Bassetlaw in Notts which has 1,200, slightly more than the total of buildings in its jurisdiction that are statutorily listed)⁸⁷.

It is a creature of the NPPF (which in turn took it from the now superceded PPS 5, Planning Policy Statement) The current wording, as at July 2019, is:

“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets”⁸⁸.

A principal driver behind its introduction was the need to protect the many archeological sites that were “demonstrably of equivalent significance to scheduled monuments” and those “that have been assessed as being nationally important” but where the Secretary of State had exercised his discretion and decided not to schedule⁸⁹.

Such is the status of “*non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments (and) should be considered subject to the policies for designated heritage assets*”⁹⁰ that the Chinese Wall between the “designated” and “non-designated” has also become increasingly ambiguous.

In many ways this is a commendably imaginative use of all the powers that a LPA has at its disposal. But I fear too that LPAs are being tempted to use them precisely because securing statutory listing requires a decision by a third party, namely the Secretary of

86 www.architecturalhistory.co.uk for the case of The Britannia PH Southend on Sea, a locally-listed NDHA reprieved from redevelopment after an application to demolish had been withdrawn.

87 Bassetlaw “Non-Designated Heritage Assets” 2010 www.bassetlaw.gov.uk/media/1133/non-designated-heritage-assets-criteria-november-2016-update.pdf. The wording therein has a rather romantic turn of phrase in its criteria “The asset may evoke positive feelings of worth by reason of its architectural, design or artistic quality or in its form and layout”.

88 Paragraph: 039 Reference ID: 18a-039-20190723. Revision date: 23 07 2019.

89 Paragraph: 040 Reference ID: 18a-040-20140306. Revision date: 06 03 2014.

90 63, NPPF Feb 2019

State, advised by HE. Moreover, an application for statutory listing, absolutely correctly, has to be more detailed and maybe more informed precisely because it is to separate the “designated” from the “non-designated”.

It is a truism that a “designated heritage asset” must and should be better protected than its “non-designated” Little Sister. The layman would more readily interpret the former to deserve protection whereas the latter sounds ambiguous with an aura of second-best.

We are fast approaching a situation where NDHAs might soon outnumber listed buildings in given districts. Nearly every LPA with a Local List regard all entrants as NDHAs, notably LB of Richmond with a rather staggering 8,529⁹¹. (So does Islington with 2,000). Many positive contributors within CAs and entrants on Local Lists are now regarded as NDHAs and it is being used to emphasise control of ancillary buildings such as barns where their status as curtilage structures to a listed principal building is ambiguous or contested.

The 2018 case of the former chapel at Grovelands, 553 Oxford Road, Reading, declared a NDHA after being turned down for statutory listing and reprieved by a refusal of planning permission to redevelop, confirms the ingenuity that is manifest when a LPA finds it hard to accept a refusal of statutory listing. That is one of the strengths of NDHA status –it provides a fallback means of defence at local level where the avenue of formal listing has been closed off.

Even so, the vast majority of NDHAs are not rejects for Listing but rather have never been put forward for that status. My concern is with those occasions when NDHA status is being used where Listing is justified and offers a firmer basis for protection. The currency and the language should not be devalued. Statutory listing remains the surest and most intellectually-plausible way to protect significant buildings. Blurring the critical difference between the designated and the undesignated seems a recipe for confusion which blunts the arguments for improved and accelerated statutory Listing⁹².

5.8 Assets of Community Value

The most important innovation of recent years has been the **Asset of Community Value** (ACV) introduced under the 2011 Localism Act (England only). Such a list is maintained by the local authority with nomination thereto only open to local community interest groups. Retention of the assets, and most specifically their use not fabric, must be seen to advance the social wellbeing of the local community. Land and buildings are covered but not residences and by established practice, places of worship⁹³. Listing as ACVs is subject to appeal, can involve compensation from the LPA and expires after 5

91 www.richmond.gov.uk/media/18606/btm_register.pdf

92 This is partly a factor of England’s decision not to follow Scotland in listing for “local interest”, as Scotland still does with Grade C and England used to do with the now-abolished Grade III.

93 Although the efforts to declare the unlisted St Alban, Acton as an ACV was one step on its reopening as a PoW after closure. Churches are said to be eligible in the internal HE paper on ACVs for declaration as ACVs but the Church Commissioners take the view that that is not possible and there are no places of worship in the case studies given in what is the next best thing to a national inventory of them, the map.

years. Candidates have included shops, football stadia, playing fields and libraries but a significant beneficiary has been the pub⁹⁴.

The principal advantage of ACV listing is that it provides an opening for community groups to bid for the property concerned even though that window of opportunity expires after 6 months⁹⁵. It is also relevant where it is the use that matters as much as the building itself⁹⁶.

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- 94 Many of them are also listed. ACV status has been critical in saving “The George”, Abbots Leigh nr Bristol (listed) and “Ivy House”, Peckham (listed, 1930s) through the subsequent Community Right to Bid. Wandsworth was the first LPA to withdraw PD Rights, through Article 4, over its 120 pubs. This, on the back of its Planning Guidance which “recognizes the historic, architectural and community value of Wandsworth’s pubs”. There is a similar Pub Protection Policy in Waltham Forest. The loss of PD Rights was initially only in respect of ACV pubs but from May 2017 it was applied to all pubs. This means that demolition or conversion within that building type will now require consent. camra.org.uk/pubs-and-clubs/current-campaigns/ in particular “Saving Your Local Pub” explains how ACV status becomes a “material consideration”. www.heritagepubs.org.uk The total at Summer 2017 was 2,000. There is Government financial help for community pubs.
- 95 One such purchase was that of the Grade II listed Control Tower at Greenham Common by the local Parish Council.
- 96 A Little Sister to ACV is inclusion of a use, often in an historic building, that requires to be safeguarded, within a LDF. The Theatres Trust campaigns for cultural quarters to be identified in that context.

6 ENRICHING THE LIST

The “Enrich the List” (ETL) facility was introduced in 2016. It allows listing descriptions to be amplified by those outside HE and is to be highly commended. It is an imaginative way to increase the knowledge base, to stimulate interest in the reader and the contributor and draw out information which might otherwise be lost. It also allows local people to “own” the decision to list. It is said that some 20% of listing entries have already been “enriched” to a greater or lesser extent. The calibre of contributors can be high. Charles O’Brien, Editor of the Pevsner Architectural Guides (and HE Commissioner) makes his own contributions and, in an exercise that he suggests could be enjoined on volunteers, he has added the names of architects where Pevsner research has revealed them. Kate Pugh, latterly Director of The Heritage Alliance, has conducted a very useful ETL programme in Putney that has greatly improved the relationship with a principal owner, Roehampton University. At present CAMRA are adding descriptions where they are lacking for listed pubs⁹⁷. The Cinema Theatre Association (CTA) is minded to contribute but has not yet done so. The National Amenity Societies have asked their members to join in. Several contributors who have devoted their retirement to this cause are well known to HE. And there is clear evidence that LPAs are consulting it. Indeed Bassetlaw say that they have been told by HE to use ETL rather the formal process to ensure that “minor amendments” are in the public domain; if not in the schedule, then at least in ETL. That approach is free from the bureaucratic hurdles to which HE would be subjected were it to take the initiative.

But there are limitations:

1. The ETL content is checked for “appropriateness” only, whether decency, defamation or copyright. “Will the content be checked for accuracy? No” as HE confirms with disarming directness on the website. But the fact that content won’t be so moderated places a question mark over the reliability of the contribution. And without such an intervention, ETL need be no more authoritative than “Trip Adviser”.

This is not only dangerous but a recipe for confusion. Where an ETL intervention actively challenges an item in the listing description – a staircase is described which has gone, panelling is down as Georgian where it is actually mdf – which one is to be believed? At the very least there must be moderation to ensure that there is no such direct contradiction – and where there is, and ETL is shown to be correct, the listing description must be changed.

2. There is insufficient quality control over photos. Some are poorly cropped and of indifferent quality – and do not do credit to what is an official record. (Might this be redressed through approaches to the vast community of serious photographers – coordinated through “Flickr” and “Aperture”?)
3. Might there be a system of “accredited contributors” as with Wikipedia? I gather that the concept of “trusted partners” already exists. ChurchCare (Church Buildings

97 Paul Ainsworth, CAMRA Chair.

Council) has been commissioned to add content to existing listings and there are other potential partners like the London Transport Museum.

4. Where photos are added, contributors must be asked to give the date when they were taken. Photos can be critical evidence where features have been added or removed and can therefore have indirect consequences in deciding what might or might not need consent. Digital photos will have been automatically dated, so this may be injunction not to delete⁹⁸.
5. Should not additions on physical evidence be directly relevant to what is covered by the Listing? To know that the carpet is original and Axminster adds interest but it doesn't alter the fact that consent is not necessary for its removal.
6. Contributors are invited to submit information on alterations – but what if this intentionally or unwittingly uncovers evidence of wrongdoing? Should they not be encouraged to approach the local Enforcement Officer instead?
7. However the biggest drawback is that ETL, despite any intrinsic virtues, is essentially an exercise in mitigation. It is a substitute for the systematic officially-verified resurvey which is the only sure way to update existing listings with authority. It can never stand in for that and must not be allowed to undermine the arguments for it.

However both greater use of ETL and the systematic resurvey of the Lists that is advocated here are not mutually exclusive. ETL should be actively promoted alongside the survey as the former can clearly cross-fertilise and complement the latter and I have no doubt that the resurvey will take time whereas ETL already has its active enthusiasts in place.

98 There will need to be safeguards against the capacity of any digital record to be doctored.

7 RECOMMENDATIONS

Four Principal Messages

1. There are blatant and serious omissions from the Lists, using the present Selection Criteria, and this must be addressed as a priority. Significant buildings identified by scholarship remain unprotected as do many 19th and early 20th century designs and industrial and agricultural structures. Among virtually identical structures there is a marked discrepancy with some listed, some not. The situation is being redressed only in small part by reactive listing and these serious omissions need to be redressed much more systematically.

2. The “minimalist” list descriptions, which may be as many as 95% of the present total of 400,000 listings, fully deserve the adjective and the problem must be addressed, other than through the ongoing practice of the occasional updating on request. There are damaging practical and reputational consequences from descriptions which are inadequate and out-of-date and which do not address “significance”, whether overarching or comparative, nor spell out the reasons for the listing and at the grade chosen. This is a major issue but should be tackled, if the choice has to be made, as a second priority to Recommendation 1.

3. Those omissions should be rectified by reactive listings but also by geographical and thematic (re)surveys.

4 Both tasks, at 1 and 2, but especially 2, should be tackled using a mixed economy of multiple partners but with HE in the lead. This should engage with LPAs, owners, architects and other professional advisers and, where possible, trained volunteers - both for its own sake but also because of the potential for engaging with the public in a significant new community initiative. Depending on circumstances, such volunteers should be identified from among the many who have proved themselves expert in given fields of knowledge. This would build on contacts already made by Listing Team with “informed” communities.

5. The National Heritage Lists should never be closed. They are, and must remain, dynamic – never free of the need for amendment, addition and refinement. As now, the ability to re-list structures that have been de-listed should persist whilst, again as now, de-listing should be a conscious act and not an automatic consequence of any LBC to demolish (such consents are of course permissive and not mandatory and need not be executed). Neither should delisting be assumed in any resurvey by simply dropping the structure from the new Lists – it should always be explicit not implicit.

6. Powers to list in the face of live planning and development proposals must continue as should the present policy that precludes consideration of condition or commercial potential at the time of Listing. The latter must, as now, only fall to be considered during

any subsequent LBC processes. This is because Listing is to identify interest alone and passes no judgment on whether the asset concerned can be saved. That in any case will be a matter in flux, changed by market flows, the availability or not of grant aid and whether there is a party willing to take on the conservation challenge as a “labour of love” (Section 23 of the DCMS Principles of Selection November 2018 is already quite clear on this matter).

7. The return of the “watershed” to 1850 (from 1840) is welcome but there should be further “smart” watersheds, with differing cut-off dates, particular to given settlements or building types.

8. The regime for updating present listing descriptions, to make them more user-friendly and accurate, should be regarded as an improvement in Governance, a service to the public, and the consultation procedure should be streamlined accordingly.

9. The power, whether founded in policy or statute, to refuse entry to the interior of an already-listed building should be withdrawn, in light of the inability to deny access to an unlisted equivalent.

10. There should always be a freedom in the compilation of listing descriptions but there should be examination of the potential for further codification. ALL such descriptions should have mastheads clarifying how they are to be interpreted especially those which are likely to remain “minimalist” until their revision can be undertaken. Such mastheads would confirm, inter alia, that Listing covers the exterior and interior, structures that abut or lie in the curtilage and that descriptions cannot be presumed to be definitive.

11. There should be greater use of illustrations and photos in listing descriptions.

12. The criteria for listing primarily on the grounds of historic interest should be revised and amplified. The decision to prepare a Selection Guide on that topic, prepared and published by HE, is welcome.

13. The filters or triggers to allow buildings to be considered for Listing should include sale or vacancy. Both can constitute a latent threat and each might offer the practical occasion for thorough internal examination.

14. The present three grades in listing should be retained. Building on presently observed best practice, upgrading (and downgrading) should always be accompanied by a detailed and updated description of the exterior, interior and curtilage and a clear explanation of the change in grade. With downgrading, reference to features lost and changes in understanding since the initial listing is likely to assist the subsequent exercise of Development Control.

15. There should be a further drive to encourage the more extensive use of “Enriching the List” but this should be subservient to, and run parallel with, Recommendations 1 and 2.

16. Textual submissions under ETL should, where possible, be verified for accuracy and relevance to the listing before permanent uploading; photos should be dated and evidence of wrong-doing should be directed to the LPA not ETL.
17. The Thirty Year Rule should persist
18. The National Heritage List online is an outstanding innovation but it is not as user-friendly as it should be and it should be improved.
19. NHLE online includes listed buildings, scheduled sites, protected wrecks, registered parks and gardens, battlefields, World Heritage Sites, Certificates of Immunity, and BPNs. (It excludes Conservation Areas – for the very good reason that these are designated by LPAs not HE). Nevertheless, the sense of NHLE online as the One Stop Shop would be rounded were there to be a hyperlink connection say to the Heritage Gateway website, or others which might be regarded as appropriate.
20. Many LPA websites and Historic Environment Records offer direct access to designated sites in their area. In case of technical or human error, or late updating of information, might they be asked, maybe through the Local Government Association, always to make clear, and to do so prominently, that the master list is NHLE online?
21. I am told that DCMS pulp or delete listing cases after 15 years. The deletion of files should only take place in the context of an Archives Policy and there should be a presumption in favour of permanent digital access to significant cases and/or photographs. Might an example be set by uploading such items onto ETL? It is particularly vital that all the research papers drawn up as part of the HPR initiative are preserved in perpetuity against the day when that concept might be revisited. I understand that all such papers are presently curated by HE.
22. Might there be a time limit within which HE/DCMS must either come to a decision to list or not to list? I have no strong views on the timing for that.
23. The digital equivalent of the annual Designation Year Books are much appreciated and should continue.
24. Interim Protection should be introduced in England, as it has been recently in Wales (see *“Listing in Wales”, Cadw, page 20*). It was a provision of the 2008 HPR Bill and DCMS had “promised to introduce it at the earliest opportunity”.
25. The Listing of churchyards and their monuments is confusing and needs to be addressed (see [page 67](#)).
26. The Church Buildings Council (which is charged with preparing reports on Anglican churches being considered for closure) should be invited to share all the Pastoral Measure Redundancy Reports which result with HE, especially where Listing of an unlisted church is recommended. This was the normal practice of its predecessor body, the Council for the Care of Churches. (*Declaration of interest – Matthew Saunders serves on the Church Buildings Council*).

27. The seeking of Certificates of Immunity from Listing should be the subject of appropriate consultations with the National Amenity Societies – in much the same way that applications for de-listing have been referred to the Joint Committee of the National Amenity Societies since 1990, a practice that should continue. COIs are only granted at present after a site visit and that practice should continue. De-listing consultations with the National Amenity Societies should include photos wherever these have been supplied by the applicant, and where these are readily available to HE. Notification of the decision taken is greatly valued by the Societies.

28. The present practice of having to renew COIs should continue.

29. Section 1(5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 can be useful in excluding discrete areas of a building, especially where freestanding or abutting – or clearly identifiable (“late 20th century lifts”) as modern, transitory or damaging. However great caution should be exercised in granting such express exemption to any element which has walls that are load-bearing or where there is an element of the cuckoo in the nest – the “modern kitchen” may be just that in terms of its fitting out and white goods but may have been slotted into a reused historic space. Section 1(5A) exemptions should be granted where unequivocally justified but not where historic interest to that part of the shell is evident, concealed, or suspected. It should always be emphasized to owner and LPA alike that listed building consent is still required even in “excluded” areas.

30. Listing should never be granted by implication - on the back of the listing of a curtilage structure or a neighbour that may share fabric. If deserved, it should be expressly granted (Masonic Hall, Durham, for photo, see [Appendix XIII](#)) is, in the opinion of the LPA, listed by the fortuitous sharing of fabric with its listed neighbour and the Marble Arch Synagogue because it lies at the back of a listed terrace. Neither appears expressly in any listing description).

31. To prevent ignorance of Listing (genuine ignorance or a Nelson Eye) the following are suggested:

- a. Placing “QR” codeboxes, discreetly, on the building concerned.
 - b. Contacting the Law Society to seek an extension in the scope of the Solicitors Search – (LLC I, Local Land Charges 1) will tell you if your property is listed or in a CA (and has a TPO) but not if it is on the Local Lists. It should do.
 - c. Further guidance where LPAs are not feeding through change of addresses
 - d. Contacting the Land Registries to verify that statutory listing is always tagged.
 - e. Notification of listing should go to each new owner on sale and maybe also change of lessors on full repairing leases
- Paul Butler in “Context” Sep 2018 p3*

- f. The fact that you are in a CA appears on street signs at Aberdare, Morden and several English towns. Might this be actively encouraged?
- g. Might there be an App explaining listing that new owners can download?
- h. Under Scheduled Monument Consent, the architect receiving the consent is required to inform everybody concerned that the site is scheduled. Might the same apply to LBC?
- i. Might greater publicity be given to the fact that The Heritage Gateway website has contained chapter and verse on unsuccessful listing applications since November 2018?

I have no strong views on who should pursue the above ideas, whether DCMS, HE or LPAs, but clearly the apportionment of tasks needs to be understood and agreed.

32. “Taking Stock” is a strategic thematic assessment by HE of Roman Catholic (RC) churches, carried out on a diocese by diocese basis in agreement with the RC Church (the results made available, with laudable openness, at www.takingstock.org.uk). The nationwide survey should be completed and candidates identified as worthy of the Lists added to an agreed timetable. RC authorities are having to treat unlisted churches as de facto rather than de jure listed (e.g. St Joseph, Havant of 1875, the subject of extensive schemes of alteration 2018). This is legally anomalous and ambiguous and can only be sustained as an emergency measure. There is a strong argument too for the first three rapid surveys (Lancaster diocese, 2006; Portsmouth, 2007 and Liverpool 2008) to be revisited.

33. Reinstate National Case Conferences between staff. These helped to create common standards. Listing staff already have to hand HE’s exemplary online and hardcopy archive but might there be a regularly updated compendium of websites?

34. I had always understood that buildings moved from their original location to re-emerge as exhibits in an open air museum were not listable – yet Fig 3 of the Selection Guide to “Agricultural Buildings” suggests otherwise. Might this be clarified especially as an historic building in such a museum must be in safe hands and should be one less historic building for the LPA to worry about? In fact the picture is uneven – there are several listings at Avoncroft Museum of Buildings and Cogges (Manor Farm, Oxon) but none at Singleton or Chiltern Open Air Museums, despite the latter having received a barn from Northolt, Ealing of 1595 that had been listed in its original location in Kensington Road. I would recommend that in most circumstances HE should regard such structures as museum chattels and therefore not listable.

Complementary Jurisdictions

35. There is limited scope for circumspect and heavily chaperoned revisiting of some presently listed buildings in Conservation Areas where the interest is wholly or substantially external (therefore only postdating a thorough internal examination). That should be done on request only through the present de-listing processes and should

not be systematic. It should also only post-date a concentrated consultation on how the Conservation Area and Listing regimes interact. A principal participant in that should be IHBC, as well as the National Amenity Societies. Such re-visiting should never apply within Conservation Areas that lack Article 4s (or have had them withdrawn) and those identified as being “at risk”. Such non-listings should always be re-examined if the CA is de-designated or otherwise judged to be ineffective or failing.

36. There should be a national Register of Conservation Areas, the agency to compile and maintain such a Register being chosen by HE. This should include dated conservation area management plans and appraisals, where available.

37. Building Preservation Notices should continue to be encouraged and the ability to seek compensation, where these are not confirmed, should be withdrawn.

38. Expansion in the number and coverage of Local Lists should continue to be actively encouraged as should their effectiveness in preventing demolition and loss.

39. Local Lists should not be given statutory force per se but HE should examine those that have been prepared or published with a view to granting statutory status to entries on such Lists, where that is justified by the exercise of the national criteria. This should particularly apply to buildings owned by LPAs.

40. There should be a re-examination of the case for a Registered Garden Consent and guidance on how Listing might apply to the organic in areas where there is a clear overlap.

41. The existence of Assets of Community Value, particularly as a means of safeguarding the traditional use of an historic building, should be further publicised.

42. Where Listing and Scheduling are coterminous (as opposed to parallel and complementary) the present policy of de-scheduling or de-listing, whichever is appropriate, should continue. However this should be decided on a case-by-case basis and there need not be a systematic drive. Why primacy or exclusivity is being granted to scheduling or Listing should be explained in the relevant description.

43 Specific offers to help in the Listing programme have been received from Amber Patrick (Maltings), CAMRA, CTA, BIOS, and C20 and these have been passed on to HE. I am very grateful for such tangible expressions of assistance.

APPENDIX Ia

The Commission

By a contract beginning on 8th November 2018, Matthew Saunders was commissioned by Historic England to consult with the voluntary conservation movement and report on the present state of, and future strategy for, Listing in England.

The objectives of the overall project were to consider:

- The current state of the Lists (light touch) in terms of coverage, consistency
- The implications of legacy entries (the majority, without reasons for the designation decision or much detail)
- Relevance and application of the present criteria (expressed in the DCMS Principles of Selection)
- Effectiveness of the process – speed/ flexibility
- Position within other existing or potential protective systems (CAs, Local Listing, marker schemes, notably)
- Improvements/ alternative ways of working/ solutions to problems identified
- How initiatives such as Enriching the List and tools such as minor amendments/ enhancements can best be employed.

By agreement with Dr Deborah Mays, Head of Listing, owing to length “the relevance to Government agendas” has been treated only incidentally and consideration of the protection of Intangible Heritage has been dropped.

The report appears in two forms, a synopsis which concentrates on the principal recommendations but includes a precis of all of them, and the full report and appendices.

I have not considered the LBC process.

APPENDIX Ib

Correspondents

A standard email requesting observations was despatched, initially on 19th November 2018 and there were subsequent approaches, at IHBC's suggestion (14/12/18), to various Conservation Officers. Notice of the report was publicised through various other outlets such as The Heritage Alliance. Other responses were unsolicited (but very welcome). There have been face to face meetings with the HE Listing team leaders, correspondence with Rob Lloyd-Sweet (HE) and meetings with DCMS (Gill Graham, John Tallantyre and Andrew Doidge), Claudia Kenyatta, HHA and The Twentieth Century Society with associated visits made to a number of settlements, most notably Bury St Edmunds, Bassetlaw (accompanied by Michael Tagg, CO), Sheffield, Carlisle, Scarborough, Odiham, Cromer, Gainsborough, Tynemouth, Rothwell, Stafford, Aldershot, Ilkley, Ripon and St Ives (Cams). There has been regular contact with Dr Deborah Mays.

Responses were received (with date(s) given) from:

AIA, Association for Industrial Archaeology 30/03/19
AIRS, Malcolm – on Dorchester on Thames 8/03/19 etc
ANDREAE, Sophie (RC Patrimony Committee) 2/02/19 and 24/04/19
ANTIQUARIES, Society of (Stephen Johnson) 21/12/18
BIOS (British Institute of Organ Studies), passim from Dr Geoffrey West, main evidence 15/01/19
BOLD, Dr John 9/12/18
BOOTH, Patrick (Diocese of London) 20/12/18
BREWING HISTORY SOCIETY (Jeff Sechiari) 15/12/18 etc
BRITTAIN-CATLIN, Tim (HEAC) 5/12/19
BUTLER, Paul (IHBC) 19/12/18
CAMRA (Campaign for Real Ale) – passim from Paul Ainsworth (Chair), Dave Gamston and Geoff Brandwood ; principal evidence 21/01/19
CBA, Council for British Archaeology, (Mike Heyworth) 4/03/19 and Bob Sydes 5/03/19
CHETWYN, Dave (IHBC) 21/01/19
CHURCH BUILDINGS COUNCIL (Dr David Knight) 21/12/18
CINEMA THEATRE ASSOCIATION, CTA (Richard Gray) 21/12/18 and two appendices
CRAVEN, Maxwell (Derby Civic Society) 22/11/18 and 4/12/18- with illustrated examples
DARWIN, James (Georgian Group) 16/01/19 (correction on 5 Market Place 12/02/19) – substantial appendix of cases (passed in toto to Historic England)
DERRICK, Andrew (former Caseworker, Georgian Group) 2/01/19 and 12 and 14/01/19 – with cases
EDWARDS, Bob 9/02/19
FERRY, Dr Kathryn 21/02/19, passim
FIRTH, Antony (maritime heritage) 23/01/19
FISHWICK, Kathy (AMS) 6/02/19
FREEMAN, Dr Jennifer 21/12/18
FOSTER, Andy (partly as from Victorian Society, Birmingham) 18/01/19
GARDENS TRUST (Lambert, David) 20/02/19 (x 2)
HARTLEY, Paul (CO Stockport) passim but particularly 13/03/19

HHA, Historic Houses Association 11/01/19
HLF, Heritage Lottery Fund, 24/12/18 (now NLHF)
HOWELL, Peter (former Chairman, Victorian Society) 31/12/18, 2/01/19 and 9/01/19
KINDRED, Bob (AMS Trustee) 2/01/19 and 3/01/19
LEVRANT, Stephen 21/01/19
MUSSON, Jeremy 15/12/18
O'BRIEN, Dr Charles (Pevsner editor and HEAC member) 5/12/18 and 16/02/19
PATRICK, Amber 14/01/19
PEARSON, Lyn 12/01/19
PUGH, Kate 18/12/18 etc
RIX, Dean (Horsham DC) 21/01/19
ROSE, Gaby (Yorkshire Dales) passim
RYAN, Carole (AMS, not the HE Listing Adviser) 26/01/19
SAINT, Andrew 3/01/19
SANDERSON, Ian (West Yorks CC) 20/03/19
SPAB (Matthew Slocombe) passim
SPARKES, Dave (Durham City) 7/12/18 and 4/03/19
TAGG, Michael (Bassetlaw) passim but especially 11/01/19 and 29/01/19
THEATRES TRUST (Mark Price who is also CO LB of Brent) 14/01/19
THOMPSON, Jonathan (CLA etc) 1/02/19
TWENTIETH CENTURY SOCIETY (Catherine Croft, Grace Etherington and Clare Price) principally 19 and 20/12/18
WALKER, Rob (former CO Cambs and Lincs) 2/02/19
WETTON, Jenny 21/01/19
WHEWELL, Rebecca (on Listing for Historic Interest) passim
WILLISCROFT, Ben (Telford) 22/11/18
VICTORIAN SOCIETY;
COSTELLOE, Chris, with appendix of applications 22/1/18 and 9/04/19
BRIDGES, Tim (Vic Soc, Birmingham) 5/02/19 – with appendix
ROENISCH, Rowan (Vic Soc, Leicester) 14/12/18

APPENDIX Ic

Working Methods

The consultation with the sector was by email and face to face meetings. I have made a number of visits.

Although my principal correspondence was with the voluntary sector, I was encouraged to make contact with IHBC, which suggested a number of Conservation Officers to approach. This I did and I am especially grateful for the extremely informative day I spent with Michael Tagg in Bassetlaw.

I have not seen all the background papers to the HPR proposals and I only touch on the history of those projected reforms.

I have aimed to give each listing entry its unique reference number – but the early listings quoted did not seem to have such a reference.

The document is written in the expectation that it will receive an audience outside HE.

APPENDIX Id

Bibliography

I have relied on widespread earlier reading but for this particular task I read, or re-read:

Cadw *Understanding Listing in Wales*. www.cadw.gov.uk 2018

Cherry (Martin)/Chitty (Gill) *Heritage Protection Review. Statutory Lists: Review of Quality and Coverage* 2010, presented to EH

DCMS *Review of Heritage Protection: The Way Forward*. June 2004

DCMS *Principles of Selection for Listed Buildings*, November 2018 (and *HE Selection Guides*)

Guise, Richard and James Webb *Characterising Neighbourhoods: Exploring Local Assets of Community Significance* 2017

Mynors, Charles *Listed Buildings and other Heritage Assets*, 2017 (most recent edition)

NPPF, latest incarnation, July 2019

Whewell, Rebecca *Writers in Residence. The historic significance of the writer's house in Listing and in practice*, thesis at Oxford Brookes 2018

APPENDIX II

Relevance and Uses of Listing

(This appendix embodies personal observations by the author)

The direct, indirect, sometimes unintended but vastly-expanded applications of listing reinforce the need for the NHLE to be accurate, wide-ranging and intelligible.

Moreover, it can be argued that the informal contract that exists between Government and the owners of listed buildings means that the latter are entitled to ask for paperwork that is of a standard that has come to be expected with the improved listings handed down since 2005; precisely because that would be some compensation for a diminution in the advantages that were previously enjoyed - so that they can better comprehend and stomach the restrictions on their freedom of action that listing brings.

The advantages, intended or incidental, for the owners of listed buildings are not what they were. They certainly do exist – in protection not only from demolition (albeit a threat which is now at an historic low) but also of the setting and the rights to waivers under Building Regs etc⁹⁹. There is the recently-bestowed exemption from energy performance requirements and the use of the NHLE by the Fire Brigade, for example, to detect thatched roofs. Even so, the bonuses are diminished.

There was a time twenty years ago when there was rateable relief for historic buildings¹⁰⁰ more generous budgeting from central Government as with Oxbridge Colleges which occupied many more listed buildings than their “redbrick” equivalents and face to face and free advice from Conservation Officers (where now it is generalised and online only, and pre-app advice is charged for). LPAs could distribute grants or loans under the 1962 Act but these have now wholly disappeared and they can only really assist indirectly through providing for a Section 106 Agreement and/or a Community Infrastructure Levy (both of which are only operable in areas where development produces obvious surplus value). HE’s grant budget for buildings is now down to £11m and Housing Act grants have gone. The biggest player, NLHF, not only grant-aids the unlisted (and unlistable) but red-lines the two-thirds of the listing stock that is in private hands and only makes them eligible intermittently and then only where the risk of private gain can be discounted. (Lottery money for the private owner is limited to exteriors under the Townscape Heritage Initiative, “activity programmes” and the “Heritage Enterprise” grant stream).

Above all, the VAT concession has gone except for Places of Worship. It is only shaky compensation to declare that listing tends to maintain or enhance financial value and that CAs boost prices by 9%¹⁰¹. Among HARs, on HE’s own rolling annual calculations, a mere 15% or 20% of entries are economic to repair.

99 Mynors op cit 90.

100 As in Bradford on Avon.

101 “*Effect of Conservation Areas on House Prices*”, July 2012, EH and LSE.

One gets a sense that any informal “contract” between Government and the Governed that owners will receive conscious assistance is looking increasingly threadbare.

But as an instrument for public policy Listing is growing in its application.

Listing is being increasingly employed to perform regulatory functions where public bodies other than LPAs cannot. NLHF can only enforce its contract conditions on listed buildings that have been grant-aided for ten years from the date of offer. Protection of fabric and character beyond that is entrusted in effect to the LBC regime. The same is true de facto for beneficiaries of EH/HE - the days are past when it used to be automatic for structures grant-aided by EH, following recognition of their “outstandingness”, to be automatically elevated, if they were Grade II, into one of the higher categories. So given the decay in this practice and the expiry of effective contractual control, it is Listing which is safeguarding the investment from the public purse in the listed building concerned.

And self-conscious investigation into whether a building deserves Listing will become increasingly relevant within the Anglican church which will be relaxing controls over the non-listed as part of the ongoing revision of the Faculty Jurisdiction Rules. The flip side of sorting the Listed sheep from the Unlisted Goats will be that much more critical where non-listing brings with it some bureaucratic relief.

Despite the asymmetry in this informal contract between Government and Citizen, I have, over the forty years in the sector, not been able to gauge a corresponding rise in feeling against Listing. The common sharing of aims between the rulers and the ruled does not refute the fact that Government is getting the benefits of Listing on the cheap. Even so, the great majority of public statements are against the background that conservation is a “good thing” and needs to be strengthened. The membership of NT, at 5.6 m as at 2019, is three times that of all the political parties put together (although that should not be used to translate across into support for Listing) and twice that of the 3m in RSPB. The Localism Act took it as axiomatic that the protection of Listed Buildings and CAs was a given – many Neighbourhood Plans set out with the aim of better improving their conservation. 38% of people have made a conservation gesture by signing a petition, joining a group, fundraising or attending a public meeting¹⁰².

It must never be forgotten that Government has followed not led public opinion – the 1947 Act came 120 years after the establishment of the oldest of all amenity societies – that to protect the walls of York in 1824, 50 years the senior of SPAB, set up in 1877 and the Cockburn Association in Edinburgh that preceded it in 1875¹⁰³. This was also pre-figured by private Acts of Parliament – that of 1891 to protect the physical Shakespearian legacy and that of 1937 promoted by Bath Corporation (which led to 1,253 local listings, facades only). There were similar measures to protect selected buildings by London County Council 1897, Manchester 1904, Surrey 1913, Lewes 1933

102 Heritage Counts 2016.

103 “*The Conservation Movement. The History of Architectural Preservation*” Miles Glendinning, Routledge 2013, passim and other sources.

and Winchester 1937^{104 105}. Grassroots pressure also underpinned parliamentary efforts to safeguard historic open spaces. In 1906 the gardens of 64 London squares were protected by Act of Parliament – freeholders agreed to waive their rights in perpetuity. This was followed by a Royal Commission on London Squares which recommended almost universal protection of all 461 in the capital. It was in the same spirit that Norwich Corporation purchased Elm Hill in 1927. This was alongside increasing appreciation too that the scruffy and the old quarters offered nurseries for the start-up – epitomised in the several works of the American writer and radical, Jane Jacobs. Estate Agents found a fondness for “a wealth of old timbers”. On 10th April 2019 “*Country Life*” advertised a brand new Neo-Baroque house as “A Future Listed Building” – seeing the prospect as akin to an architectural award rather than a ticking time-bomb. Even in that most contentious of areas, post-war listing, when they were polled in 2000, 75% of people thought that the best of our post-war heritage should be preserved, rising to 95% in the 16-24 age group¹⁰⁶.

Listing is also increasingly an educational platform, especially the more recent fuller lists. Its principal function is regulatory but the incidental benefits are evident and increasing. There were 4,400,385 “hits” on the NHLE website in 2018-19. Motive is notoriously hard to identify but those logging on must be as much in pursuit of knowledge, comparison and comfort, or searching for ammunition in a planning conflict or information at the point of sale as simply verifying the listing itself¹⁰⁷.

HE’s own guidance on finding out the history of your house begins with NHLE (historicengland.org.uk/advice/your-home/) although it is overly optimistic in affirming that the Entry records “the significant features of every listed building in England”. It is increasingly the case that in associated publications the listing of a given building is an expected addition to a headline description. Name, address, Listing. The listing and grading has appeared as a matter of course in Richard Gray’s “*Cinemas of Britain*” (Lund Humphries September 2011), the several works of CAMRA, “*The Livery Halls of the City of London*” (Anya Lucas and Henry Russell 2018), C20’s “*100 Years, 100 Churches*” of 2019 (as well as, less surprisingly in HE texts, particularly the various accounts of Modernism by Elain Harwood and local texts like Darren Turner’s biography of Watson Fothergill (Blurb 2013) where they have clearly been mined for information). A rare example of a book with an international perspective that states whether the structure in question is listed is “*The Atlas of Brutalist Architecture*”, (edited by Clare Churly, Phaidon 2018). It says something of the stomach for Modernism at its most formidable that of the 850 structures included across every one of the continents, 118 have some form of statutory protection (and 37 have been demolished, with a further 8 doomed). This practice is welcome as an informative but it also confirms the extent to which the author’s choice is reflected in

104 John Harvey AMS Trans 1993 op cit.

105 (For similar measures in Scotland, in particular the Town and Country Planning (Scotland) Act 1932, that built on the initiatives of NT, see AMS Trans 2014 op cit).

106 *EH Conservation Bulletin* 56 2007.

107 When someone is considering purchase especially with an eye to alteration, a full listing schedule could both attract the conservation-minded and scare off those with more intrusive ambitions for the building.

the official lists. This should be a matter of comfort and pride for HE and needs to be given due recognition by the sector. As does the stress estate agents so often place on the listing (and in *“Country Life”* the grade) as a selling point. Estate Agents will be aware that Listing has also created a public obligation to safeguard the setting, (or indeed, in very limited cases to sacrifice part of it for “Enabling Development”). It says something too for the lack of scariness that specialist agencies trade on the attractiveness of the listed house.

If Listing is being relied upon for enlightenment beyond the desk of the DC Officer, for writing histories and Heritage Statements, informing potential purchasers and the preparation of comparators, the description must be accurate and comprehensive.

APPENDIX III

Importance of Listing

“We protect, champion and save places that define who we are. We are the public body that helps people care for, enjoy and celebrate England's spectacular historic environment.”

Historic England

“Listing is an essential element of HE's work. It is one of the activities required by the State and should be among the handful of activities that the person in the street can say HE is responsible for. Listing is the only way a marker of importance can be put down which is transparently rooted in research and the proper application of criteria.”

Charles O'Brien

Editor, Pevsner Architectural Guides

“It (Listing) is an area/topic of the greatest importance, underpinning the daily role/functions of local authority conservation officers who are largely responsible for managing/guiding the system, and providing the glue between law, policy and practice.”

Paul Hartley

CO for Stockport

“Listing and grant-aiding buildings at extreme risk are the two most important things that HE does in my view.”

Chris Costelloe

former Director, The Victorian Society

It is no doubt because of its multifarious outcomes and outputs that many other correspondents have stated that Listing is the most important of all HE activities.

APPENDIX IV

Priorities for Revisiting Existing Listings and for the Addition of New Listings

I strongly advocate the advantages of a comprehensive geographical resurvey at this stage in the listing process. Everything else remains interim.

However, there must clearly be a case for phasing and priorities.

Efforts should be concentrated on structures identified by their own intrinsic potential and other more general underlying characteristics.

Where the building in question is the subject of a planning permission or has been the victim of a significant change in circumstances likely to affect its interest (fire, collapse etc) it should be assessed for listing where it is not at present covered and for re-assessment where it is – in a process that is more akin to an expansion in reactive listing. Similarly where the potential candidate is on the market its inspection or re-inspection should be prioritised.

Broader-based priority areas could be defined using the following triggers:

1. Where the original survey of a given area is clearly inadequate, either by consensus or by the judgment of a key stakeholder – EH or LPA or a National Amenity Society with particular standing. Where one entry has failings, the assumption has to be that this will be reflected across the board¹⁰⁸.
2. The 54% of LPAs where there isn't a Local Heritage List and the 50% where there isn't a HAR list.
3. Entrants on HAR lists.
4. Those outside CAs where protection is already afforded to the exterior – remembering that 76% of the entire historic housing stock is outside a CA.
5. Those listed for “group value” only – Advanced Search suggests 29,639 include that phrase (although this figure does need to be interrogated further). These can, on comprehensive assessment, be found to be of intrinsic as well as contextual interest; or indeed as well protected by inclusion, if relevant, in a CA, that may have been declared after the listing.

108 The local Victorian Society for example is critical of the Birmingham lists – several dates are wrong in Edgbaston listings (Tim Bridges 5/02/19), some designers are mis-ascribed (Andy Foster – cemetery chapel at Lye and Wollescote is actually by GT Robinson) whilst others are left out altogether. The Bloomsbury Library, Birmingham, a design of considerable quality has no architect given but is actually the work of Cossins and Peacock with carving by Benjamin Creswick, much favoured by Ruskin (SAVE Report 2015-16 p109 113).

6. Early lists where a comprehensive application of more recent criteria could not have been applied as they did not then exist. Two post 1914 buildings did get on to the first List for Oxford but this was probably inadvertent¹⁰⁹. As Martin Robertson said in AMS Trans 1993 p71 “Before 1980 (when the loss of Firestone opened the doors to interwar listing) buildings of 1914-39 were included only with great reluctance, and those from 1939, only by mistake” – he pointed out the listing in 1950 of Guy Dawber’s Foord Almshouses in Rochester of 1926. We might also add Middleton Park, Oxon by Lutyens, built in 1938 and listed 1951.
7. Where an interesting interior, hitherto unexplored, is suspected. Schedules should reflect up to date scholarly inventories such as that on *Secular Wallpaintings in the Welsh Marches 1550-1650* (Kathryn Davies, Logaston Press 2008).

Sometimes the description will usefully state “interior not inspected” which will indicate the need for a revisit.

8. Buildings in local authority hands where there should not be issues of privacy when it comes to public access and where LPAs should be setting an example. In 2012 Manchester still owned 12% of its listing stock¹¹⁰. The fact that that stock is increasingly likely to be sold off merely increases the argument that they should be understood and protected now.
9. Non-Anglican PoWs with inadequate explanation of interiors – interiors are most likely to be imperiled by re-ordering or gutting for conversion if a chapel closes. Many such descriptions are very poor.
10. I identify clear anticipated deficiencies in the coverage of post-1850 Victorian, Edwardian and inter-war buildings, industrial structures and farm buildings and where such structures predominate in a given area that should be sufficient to lend it priority status.

¹⁰⁹ Peter Howell 9/01/19

¹¹⁰ *Green Balance* report by Richard Bate with Grover Lewis on historic buildings owned by LPAs published October 2012 on historicengland.org.uk/advice/planning/local-heritage/ page 4.

11. There are very particular issues with churchyards where the extent of listings is sometimes impossible to decipher with complete accuracy, either by text or map.

For example: “two graveyards”, URC chapel, Millhams St, Christchurch – some unnamed monuments are mentioned but the implication of the address is that every monument is in effect listed (NHLE no 1110085)¹¹¹.

It is clearly possible to list all churchyards in their entirety. The minute Baptist burial ground at Rawdon in West Yorks of 1722-52, with just 11 gravemarkers appears on the lists as a single item. So does the more recent listing of the burial ground for Great War Moslem soldiers at Woking, constructed in 1917.

However there are practical consequences. There are so many listings in The Great Churchyard, at Bury St Edmunds that it is virtually impossible to decipher the monuments covered, either by reference or on the map as they are too crowded and the epitaphs, by which they are singled out, have decayed.

But the State, through HE, should certainly be involved in the protection of such spaces which are of supreme artistic, historic and poetic power. The English Churchyard in Summer is one of the great sources of benign sensory overload (as the rooks squawk, the Spring bulbs flower and die, the butterflies congregate in the wild section, the ancient yew lives out a millennium and folk art animates the work of the 18th and 19th century monumental mason, everything overarched by the sense of memento mori). And of course it provides the setting for more Grade I buildings than does any other historic landscape. A surprising number are recognised formally for their importance in natural conservation, many have multiple Tree Preservation orders (TPOs) and contain a disproportionate number of the veteran trees “listed” by the Woodlands Trust. All Anglican churchyards fall under the faculty control of the Church of England and yet can also be listed and registered (as an historic park and garden) and be included in a CA. And this is true of a number of municipal cemeteries¹¹². And logically, they should always fall within the “curtilage” of the church or chapel which they serve.

Cherry/Chitty (p91) suggests it might be better to use Heritage Management Partnerships (now known as “Agreements”) to manage them.

I do wonder whether there might be an investigation into the best way to safeguard and protect these extraordinary, fragile and exquisite spaces.

111 And there are other examples

a) “17 Chest Tombs” St Mary, Hawkesbury churchyard, Avon – individual List Entries but none are named

b) “Monuments at Woodhouse Cemetery, Leeds”, in 2 list Entries but none are named.

c) St Peter, Bournemouth “long line of Tractarian Gothic tomb chests.” but none of them are named.

In other cases there have been brave attempts at precise delineation. The 9 listed headstones at Elm in Fenland are all given the name of the dedicatee and date. And in the most heroic of the lot “100 headstones” at Radcliffe on Trent, (Rushcliffe), Notts are all named and dated although one feels for the Investigator who had to prepare an amendment 5 years later reducing the number to 99.

112 For the saga of West Norwood and LB of Lambeth see Mynors p131.

12. Government policy seems set to increase the number of GPDO exemptions. Listing is one way to protect the significant buildings which might be threatened as a result.

Permission to extend by 6 metres at unlisted houses (8 at detached houses) was made permanent in May 2019. Prior Notification on the conversion of barns offers a similar threat to that building type, whilst in the capital, the mayor has declared the 800 sq metres around London Stations to be potential development zones.

13. Areas of coastal erosion, which is likely to increase and where there might be an overlap with a reassessment of scheduled sites. The technical terms “managed decline” or “realignment” implies choices as to whether historic sites should or should not be safeguarded. They cannot be if those self-same sites are not identified.
14. EH/HE have been pursuing re-examination of curtilage buildings for years but the Taunton Deane (Jews Farmhouse) case of 2008 increases the need for action. HE Advice Note 10 on “Curtilage” expressly suggests a re-appraisal of the listing where that might offer clarity. Present curtilage law dates from 1969 and only affects curtilage buildings that were there in 1948¹¹³.

There appears to be a similar need to update country house listings as Note 10 supports the notion that the further the distance from the house and the less designed the intervening landscape between, the less the curtilage provisions can be safely applied – especially where a public road divides the two (case study 2.3 applying to farmhouse). Case 2.4 takes a model farm closely framed by barn and stable in the form of an incomplete square – even there it suggests a re-appraisal to be sure. The same would seem true too of pubs and coaching inns, where the ancillary structures can include stables, ostler’s accommodation and skittle alleys.

The IHBC Toolbox Note of March 2019 is more nuanced, pointing out how difficult it is to speak of a farmhouse as separated in use from the agricultural processes themselves – with farmstead uses being carried out in the farmhouse. But again their solution is for those concerned to seek a re-appraisal of the Listing

15. Areas earmarked by NLHF for Townscape Heritage Initiative grant schemes.

113 Even if ownership of the principal building and its curtilage diverged after the date of listing, the listing still applies to the whole site but case study 2.1. confirms the supposition that even an ancient linkage between farmhouse and barn is broken when it comes to sale and non-agricultural conversion of either, or indeed agricultural office use.

APPENDIX V

Examples of Minimalist Listings

It is easy, too easy, for an outsider, to point out anachronisms in what is already one of the most comprehensive, one of the most ambitious, inventories in the world. I do so not in a mood of superiority as all such inventories are infinitely capable of updating and improvement. However, as this inventory has legal import it has to be the case that out of date Lists can be damaging in their effect on the protected building and can actively mislead the owner.

Medieval

Some very unpromising exteriors have not acted as deterrents to the persistent Inspector. 96 Northgate Street, Bury St Edmunds where there is a 16th century timber frame that has been noted is just one example of many. However it remains the case that hundreds of concealed medieval and post-medieval interiors, mostly timber frames, remain unrecognised in the Lists. The best preserved timber framed interior in Worksop at 2 Newgate Street (NHLE no 1045752) and 13/15 Park Street (NHLE no 1045755) remains entirely unidentified; 111 High Street, Odiham (Hart), Hants is listed along with 103-109 as “early 19th century front to earlier interior...” whereas in fact, only No 111 has the earlier work and that is, as the plaque outside put up by the Odiham Civic Society states, “the timber framed cross wing of a former medieval hall” of c1300 (and therefore presumably also a serious candidate for upgrading).



Figure 1 111 High Street, Odiham, Hampshire

The high-quality two-volume study of the timber frames of Coggeshall, Essex (2013, 2014 by Stenning and Shackle) is not reflected at all in the present descriptions (although cross referencing of each schedule to www.discoveringcoggeshall.co.uk would go a long way to providing a ready update).

A very rare ancient building in London Borough of Barnet (Tudor Hall) is only Grade II and with very inadequate description (it has been “enriched” but only with poor photos).

Post Medieval

Former Council Offices, Carlton House, Carlton Road, Worksop (Bassetlaw) a remarkably intact Edwardian office chambers with untouched original interior, none of it referred to in the description. All of it remains behind the antiques displayed inside in what is now an emporium.

Hotel de Paris, Cromer, Norfolk. 1895 by George Skipper. The 1977 description describes nothing of the interior which is sufficiently interesting to get into Mark Girouard’s account of the Queen Anne Movement (“Sweetness and Light”)

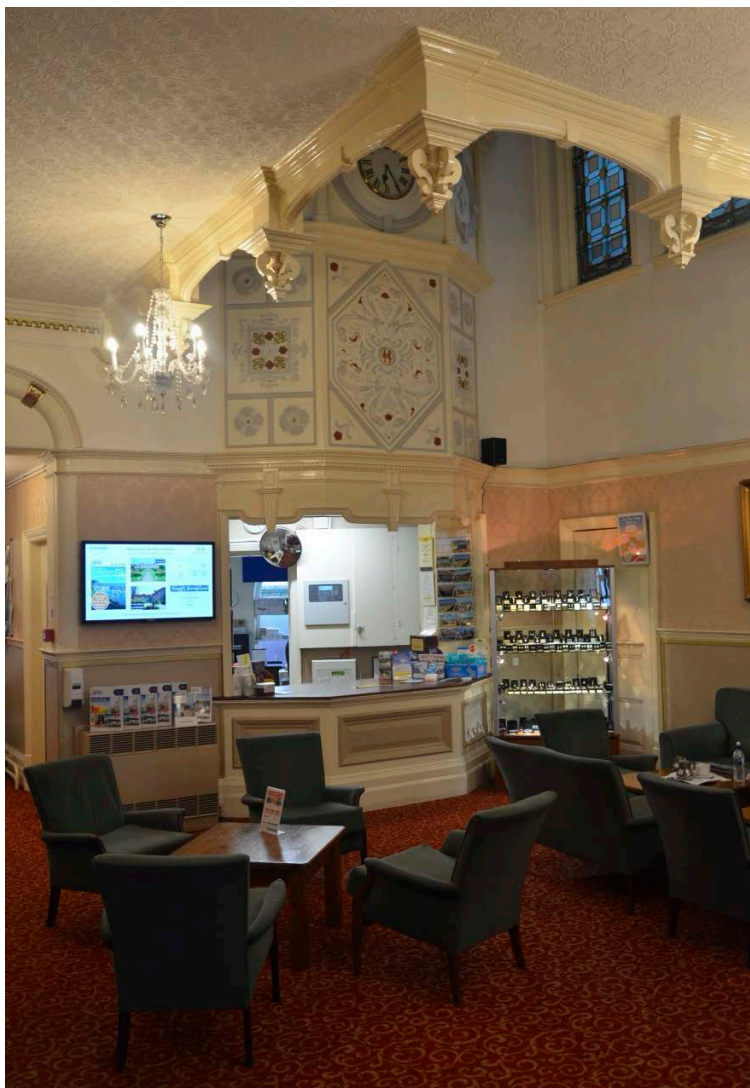


Figure 2 Hotel de Paris,
Cromer, Norfolk

The description for Higham Hall, Suffolk (Grade II, 1967) has one sentence on the interior – “early range shows no pre-19th century features” – which gives a wholly misleading impression of a house embellished since its occupation from 1980 by Quinlan Terry.

Virtually no interiors or rear elevations have been described afresh in Bath. Royal Crescent (Grade I 1950, revised 2010) refers to (much) earlier descriptions of survey carried out by Bath City Council, the last in 1995, the earliest some fifty years ago. Most interiors in Great Pulteney Street (Grade I) were uninspected / not assessed in either 1950/1972 or 2010 and again interiors were borrowed from City Council or Bath Preservation Trust inspections, sometimes fifty years old.

Sir Giles Gilbert Scott’s chapel at Lady Margaret Hall, Oxford (1933, Grade II, NHLE no 1046698) has 3 lines and on the majestic worship space it simply states “plain interior”.

Campion Hall, Brewer St, Oxford – Nothing on the Lutyens chapel and his buildings are referred to in the language of RCHME, as “modern” and therefore somehow post-historic. Not a mention of the Brangwyn murals or Lutyens distinctive pews, shown here. The same poor descriptions apply to most Oxbridge College interiors.



Figure 3 Campion Hall,
Brewer St, Oxford

Wittersham House, (Ashford) Kent, a Lutyens rebuild of 1907 (Grade II, NHLE no 1120832) contains virtually nothing on the interior which retains at least one Lutyens ceiling – there is nothing on a pilastered backcloth Lutyens created against the principal garden wall which was intended for outdoor theatre and nothing on an excrescence of the 1920s on the north elevation which should be picked out for excoriation. There is nothing at all on the interior at the same architect's Great Maytham Hall, Rolvenden, Ashford (II*, NHLE no 1115477). Lutyens' Great Dixter at Northiam, Sussex, was listed at Grade I from the outset but has been completely unrevised since listing in 1961 and nothing at all of the Lutyens interior is described. The Grade I registration of the garden is exhaustive by comparison with full scholarly apparatus.

SS Teulon's Elvetham Hall House, Hart, Hants (1859-62, II* 1973, NHLE no 1092322) has a description of a mere 10 lines. As explained in the text, there is clear evidence that lack of mention is going hand in hand with lack of applications for LBC. Teulon's highly roguish building is listed II* but there is absolutely nothing in the Entry on the interior. Examination of Hart Council's website record of applications (unusual for being comprehensive since 1931 – hence the choice of this example) shows not a single application for changes to the interior of the Hall since listing in 1973 – which must mean that there has been no formal control on the changes that have been carried out since in its new guise as an hotel. The owner has no doubt assumed that no description of the interior means no application for LBC to change it is necessary. As it happens, the interior has not fared too badly but a good Conservation Officer could have guided the repainting, the fire doors, the crudely functional bar fittings and repairs to the stained glass (some of it still taped over after breakages).

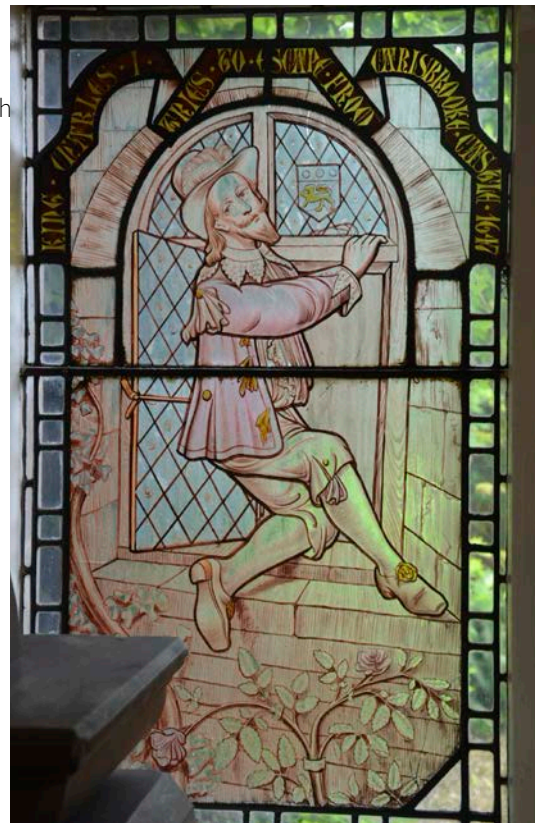


Figure 4 (left) Elvetham Hall House, Hart, Hampshire

Figure 5 (right) Detail of stained glass at Elvetham Hall House, Hart, Hampshire

Many early mass concrete structures remain undetected. Marine Crescent, Folkestone (unlisted) of 1870 is stucco over concrete.

Gainsborough, Lincs, Marshalls Yard, Beaumont Street. Schedule is creditable but fails to acknowledge two different building campaigns (in same style) for the critical front block. The latter's ground floor is 1882, the first floor, 1916, hence the "crowding" of the stature of Britannia.



Amcott House, Grove St, Retford (Bassetlaw Museum from 1983) listed II* 1949 and unrevised since. Just 4 lines without anything on the history (rebuilt 1780 by Wharton Amcott MP best house in town) or the significant discovery in 2007 of hitherto-covered but remarkable murals of landscape scenes.

Updates

Tonbridge School Chapel, Kent (see [Figure 7](#)) – the description still refers to the building as being the creation of W Campbell-Jones in 1902 despite its effective destruction by fire in 1988, and despite the fact that under the Thirty Year Rule the “new” chapel by Donald Buttress remains eligible for re-listing in its own right “as one of the last great throws of the Gothic Revival”.

Weymouth, Dorset, Maiden Street Methodist chapel remains II* despite fire which destroyed interior – still pivotal in townscape.

Exeter, The Royal Clarence Hotel, Cathedral Yard, the subject of the devastating fire October 2016 was both misunderstood and underestimated in the schedule of 1953. There had been no revision since then on the various discoveries made about its fabric nor any reference to the significant collection of stained glass roundels written up in *The Journal of Stained Glass*, 2009 (nor an assessment of the grading which, at Grade II,

failed to acknowledge the complexity of its interest). The unscholarly ETL additions have padded out the history but they all post-dated, and were no doubt provoked by, the fire. The fact that the owners are reconstructing what remains is to their credit but has not been helped by the under-grading and the minimal description in the Lists.

HE has followed through in similar cases – Cupola House, The Traverse, Bury St Edmunds, formerly listed Grade I was downgraded, with a much updated description, to Grade II, after rebuilding following a disastrous fire, in February 2019.

The description of Liverpool Street Station (City of London) dates from 1975 and as a result includes absolutely nothing on the huge-scale redevelopment of 1985-91, which left it transformed. The demolished sections remain in whilst none of the substantial (award-winning) new work is alluded to. The only ETL enrichments are photos.

Enfield, LB of Forty Hall (built 1629-32) Grade I (1951). The description has been completely unrevised for 70 years and thus neither embraces the pioneering research of Elain Harwood nor the substantial HLF-funded work which has included a completely new staircase. The (rather poor) ETL additions serve to compound the half-boiled nature of the entry as a whole by referring to the HLF scheme as pending rather than executed.

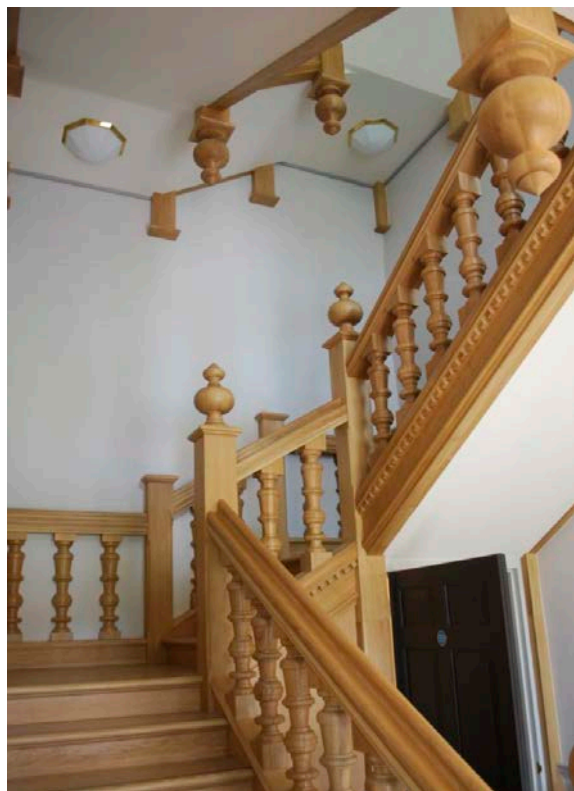
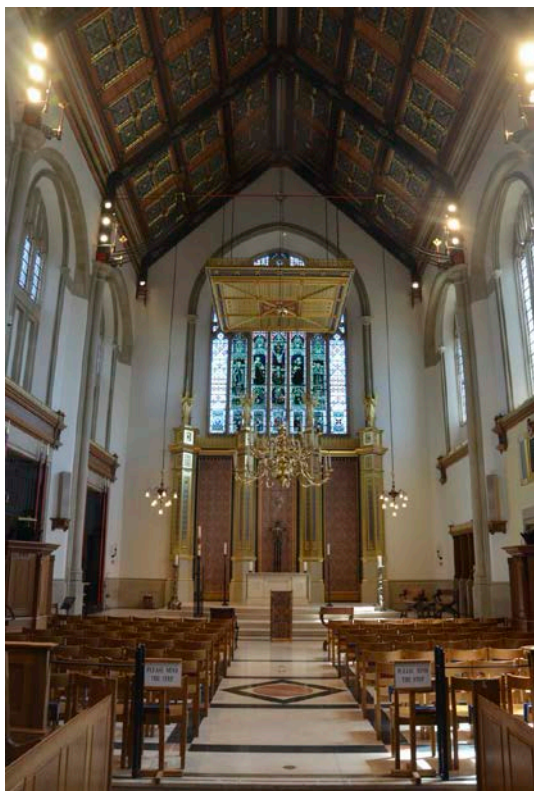


Figure 7 (left) Tonbridge School Chapel, Kent

Figure 8 (right) Staircase, Forty Hall, London Borough of Enfield

Chapels

There are many deficiencies in the listing of chapels which have become only too plain to the writer, when performing his role as Ecclesiastical Caseworker to AMS. I offer just three but could elaborate.

- a. Burlington Methodist, Yorks (1884, NHLE no 1281696) has a complete and impressive interior completely omitted from the description.
- b. The Free Church at St Ives, Hunts is described before the floor which was inserted in 1980 and cut the interior in half.
- c. URC Hook Norton, Oxon – schedule for chapel just refers to gallery but there are in fact two, one Georgian, one Victorian.

APPENDIX VI

Importance of Illustrations

Cherry/Chitty¹¹⁴ called for greater use of photos in descriptions in 2010 and I repeat and emphasise the request, which has also been made by a number of those consulted.

1. The only statutory function of the description is to ensure that the correct building has been identified. What better failsafe way to do that than by commencing with a single external photo accurate at the time of Listing?
2. “A picture is worth a thousand words”. Perhaps not in every case but dry text can be a real challenge¹¹⁵.
3. Photos surround the listing process – they are frequently supplied with the applications and were taken as a matter of course during the Heseltine resurveys - but, until recently, they never ended up in the finished product. This does not seem logical. This is doubly so because those taken during the Heseltine campaign are now likely to fetch up on NHLE anyway, given that “The Images of England”, where many of them ended up, is to close. The migration of the “Images” photos onto the NHLE seems to have begun in recent Listings, through ETL, and this is welcome.
4. Photography has never been such high-quality and open to so many. Virtually everybody with an iPhone has that facility built in and the Flickr and Aperture communities online, in Britain, now run into thousands.
5. Many online Local Lists have photos and HE praises their presence¹¹⁶. Photos were used as early as 1976 by Glanford Council in its own book of the listed buildings in its area. They were a regular feature of the Lists in Wales when they were in hardcopy. Photos of listed buildings are regularly published other than on NHLE – especially in the successive newsletters of Civic Societies (eg Derby, Liverpool and Nottingham) and other organisations like the Enfield Preservation Society.
6. Photos taken from the public realm are readily available (as in Google Street View) and there is no presumption against the dissemination of external photos. Taking a photo of someone’s property from the street is permitted. Photos of individuals and vehicular number plates can be photo-shopped out.

114 pp17, 33, 75 and 87.

115 I find some, for example the description of the Grade I listed warehouses and Maltings at Wherry Quay Ipswich (NHLE no 1025070) confounds without illustrations or plans. Beyond a certain point it is impossible to understand text without illustrations – not least in the new multi-page descriptions. The 2010 descriptions in Bath for example offer a valiant attempt at comprehensive description but are pretty impenetrable for the lack of photos (and paragraphs and multiple headings). They are continuous and without pagination with that for 1-30 Royal Crescent seemingly running to the equivalent of 25 pages of unrelieved text.

116 See 2012 HE guidance on Local Listing Case Study 9.

7. Internal photos, or those taken on private land, are more problematic. They can increase the risk of theft and there is no point in opening up a system geared to protecting historic buildings to a charge that it indirectly increases such a threat. However, they can be extremely useful and many are easily available online most frequently in sales particulars. The National Trust has just dropped its previous blanket ban on internal photography in its properties.

Might they be made available but password-protected or to the owner and/or LPA only? And, in very limited circumstances, to a court of law

8. Photos can be uploaded onto “Enriching the Lists” but they are of greatest value when they illustrate points made in the description so are best embedded in that, rather than attached at the tail end of the entry. The quality of photos added under ETL can be poor. The same caveats must apply to photos in any other source such as HERs.

APPENDIX VII

How to Revise the Lists

This report argues for a systematic resurvey of the present Lists which would simultaneously tackle the shortfall in the number of listed buildings and the deficiencies in the descriptions attached to existing Listings.

Central Government and HE in particular need few lessons from the voluntary sector in organising concerted campaigns or indeed in engaging with the interested citizen. I hope therefore that the following observations will not be taken as teaching Grandma how to suck eggs. However as I believe that there is considerable potential to reach these goals by “Thinking Big” through an ambitious partnership between the public and private sector, the options outlined here are multiple and various.

The suggestions run from direct action by HE through to LPA activity and close with the possibilities within the voluntary and private sector. The latter could chime with HE’s desire to increase community involvement and form the kernel for a new “Doomsday Survey” with all the potential for engagement and education that that involves.

Indeed the resultant training could help to counter the reduction in the teaching of architectural history and conservation of recent years, epitomised by the closure of AA Conservation Course. Only 14 of the 106 “universities” currently offer courses in architectural history. The mighty Heseltine accelerated survey of the 1980s gave both disciplines a perceptible boost which they now need again¹¹⁷.

And there is a clear logic in a mixed economy. More than one method may have to be used in parallel – which will require of HE a key co-ordinating role.

Historic England

There are clearly gradations of possible HE involvement.

1. It could act as the agent of an energised Government. Might Central Government yet be excited by the potential for Citizen Conservation? Michael Heseltine’s initiative saw 110 fieldworkers, 22 selected local authorities and 11 architectural practices as well as extra staff at the centre¹¹⁸. Clement Attlee found 35 staff to kick start Listing de novo in 1947¹¹⁹.

117 R W Brunskill in AMS 1993 Trans op cit.

118 AMS 1993 vol 37 p.29 op cit.

119 AMS Trans 1993 Vol 37 p25 op cit.

2. HE taking the lead but mainly by itself grant-aiding outside sources. This is a tried and trusted method and the fresh budgets within HAZ and the High Street initiatives broaden that possibility¹²⁰.

The historic buildings consultancy is a long-established commercial partner of HE and many combine highly relevant expertise in employing former Conservation Officers and HE staff with analogous projects, as in Conservation Area Appraisals and the preparation of Local Lists.

In Wales, condition surveys of listed buildings were commissioned directly by LPAs with funding provided by Cadw. However, at the end of 2012, in order to ensure a consistent approach across Wales, Cadw appointed The Handley Partnership, to undertake an all-Wales condition review of listed buildings over a five-year rolling programme, surveying approximately 20% of listed buildings stock per year¹²¹.

3. HE again taking the lead but with HE costs borne by external grant source, whether trusts or High Net Worth individuals.

HE will know the field well but wealthy trusts with a suitable track record include the Esmée Fairbairn; the Garfield Weston; those run by the Sainsbury family; the Leverhulme Trust which grant-aided The National Inventory of War Memorials 1989 and gave over £314,000 in 2007 to the “Historic Gardens of England” project, run by Professor Tim Mowl; the Paul Mellon Centre which specializes in British Art (and which, for example, pays for a monthly update of the Biographical Dictionary of Sculptors 1660-1851) and the various Getty Foundations. There is an Excel-based Heritage and Crafts Funders Network which brings such information together¹²².

Among High Net Worth individuals there are several with proven experience of working with HE/EH.

I now drift into the world of dreams and yet there are two potentially transformational sources of money which may yet be unobtainable or unrealisable but I raise them, nevertheless.

Firstly, there are the monies available through Section 106 (or Community Infrastructure Levy) which were estimated at £3.7 billion in 2011/12¹²³ but which had risen to 85% of £6 billion 2016-17¹²⁴. Is it conceivable that some LPAs might be

120 HE paid C20 £3,000 to look at Methodist listings after 1914 – (15 were identified) and has financed in depth studies in Beverley (by the Yorkshire Vernacular Building Study Group) and Chipping Norton (through the Chipping Norton Buildings Record and the Oxford Building Record); both part of the HE Early Fabric Programme which also financed the in-house study of Ely.

121 www.Cadw.gov.wales/docs/cadw/publications/historicenvironment/

122 www.theradcliffetrust.org/criteria/Heritage-and-Crafts-Funder-Network
Key players there are the Radcliffe and the Dulverton.

123 Section 106 Planning Obligations in England 2011-12. University of Reading et al. DCLG May 2014.

124 Raynsford Review p34.

persuaded to require that a Section 106 payment within their particular settlement be directed towards a resurvey of the Lists in the given area?

And, secondly, in a suggestion that I should stress has not been floated with the National Amenity Societies, I just wonder whether the need to raise funds to reverse the deficiencies in the Lists might be a launch-pad for a membership scheme for HE alongside that for EH (which raised £33.8m from its 969,000 members in 2017-18). As douceurs, members might be offered hardcopy or online “books” bringing together the information in the Lists as revised and visits to listed buildings under threat as well as those that are safe. The editorial content should complement not rival that issued by the National Amenity Societies.

4. HE but by charging (as now). In effect the Enhanced Advisory Service, beefed up. This already consumes 34% of the time of HE staff.

It can only ever make a marginal impression and, given the charges levied, the revisions are likely to be sought by those both with the necessary resources and the inclination to learn. I could not therefore recommend that this is anything other than an incidental method, standing alongside any resurvey. I would suggest however that the EAS continues as the resurvey will clearly take several years to complete and it is a demonstrable, and valued, public service. Indeed, it should continue indefinitely as even at the end of the resurvey the Lists must remain open.

5. HE input in kind only would be a grave disappointment but even so the potential there is huge. There is almost limitless grey literature which lies in HE files and archives, a hugely impressive backlist of publications and the expertise of individual members of staff¹²⁵.

Local Authorities

I am very conscious that the capacities of LPAs are substantially reduced and that the days when they played a pivotal role in Listing seem part of a halcyon past. Even so, their contributions have been critical¹²⁶.

125 Some of the recent research projects seem tailor-made to advance listing programmes – The HE Early Fabric Programme, for example, included a meticulous study of the Buildings of Ely. The “Informed Conservation” series marries pure and applied research in the title and evidences it in the successive works on subjects as varied as Alston in Cumbria, Bridport in Dorset, Berwick upon Tweed, Ancoats in Manchester, Birmingham Jewellery Quarter, the boot and shoe industry of Northamptonshire, Gateshead, Margate, Manchester and English Schools.

126 Cherry/Chitty p107 - LPAs paid for reviews in 1988 in Lincoln, Brentwood, Boston (revisited more recently in a DAS) and localized areas in Berks, Bucks and Devon. In the heroic days of Listing it was Hampshire staff which revised Gosport, with key personnel being provided by Essex, Somerset, Avon and Dorset (AMS 1993 vol 37 p29 op cit). GLC HB division carried out devolved work 1973-78.

There is still self-evident expertise and capacity and a systematic call to IHBC would I am sure yield offers of help¹²⁷. Many LPAs have considerable experience in managing local volunteers in the compilation of Local Lists. Some IHBC members, who do not want to be quoted, declare that they would work outside office hours to facilitate the resurvey – which has been the goal of so many for so long.

Owners

There are few people as knowledgeable about their own property as the sympathetic owner and there should be further encouragement to them to feed information in. ETL (see [page 47-48](#)) is geared to that but “going through the front door” by asking directly for an expansion in the description should better guarantee its authority. Some commercial owners come to mind but the longstanding private owner is an even more obvious candidate – whether they be ancestral and determined to stay but anxious too that future generations should understand what is important about the property or those proud about what they have been able to achieve but are being forced into a sale. There would need to be worldly-wise safeguards against owners who deliberately excluded features which they did not appreciate.

Architects

The most frequent way that descriptions become out of date is through works carried out under LBC. I have been struck by how the archaeological community has institutionalised a virtuous circle of feedback which might be a model for listed buildings. The archaeological contractor is expected under the provisions of the standard Scheduled Monument Consent to complete and submit an entry online to the Index of Archaeological Investigations (oasis.ac.uk/England) prior to completion of the works – and to deposit any digital project report with the Archaeology Data Service via the OASIS form upon completion¹²⁸. Might there be a similar requirement to report back on relevant changes so that they might be reflected in the description?

Volunteers

Volunteers, appropriately trained and led, have long had a respectable and pivotal role in Architectural Conservation, whether it be trudging the streets, carrying out research or opening doors in ways that would be impossible for officialdom. Indeed that hardly needs saying from the perspective of the National Amenity Societies, where the trusteeship and all the membership comprises volunteers, many of them expert¹²⁹.

127 In the compilation of Character Statements Guise and Webb particularly cite Bristol City Council in Chapter 3.4. In the gathering of information for this report Yorkshire Dales National Park have expressed interest at officer level in contributing directly or in kind. The offer of photos and maps has come from Bassetlaw.

128 And engage with the Research Framework at archaeologydataservice.ac.uk/research/projects.xhtml.

129 Cherry/Chitty referenced the “tremendous skills and experience of the National Amenity Societies” p138. The evidence of Tim Bridges contains a provisional offer from The Victorian Society to assist in a thematic on the Arts and Crafts houses of Barnt Green. Some of the post-war provisional lists depended on Local societies doing legwork preceding LPA endorsement. (*Mark Webb Urban History* Nov 2018. 641).

And HE has an excellent record in marshalling such expertise. www.historicengland.org.uk/advice/heritage-at-risk/types/get-involved already provides a useful invitation to the volunteer to get involved. Following HE's announcement in October 2012 that it was prepared to offer up to £20,000 each for between 9 and 15 surveys of Grade II buildings in England (to assess condition) such a sum did go towards paying for 5,000 inspections in Lincs using 300 volunteers (organised by The Heritage of Lincolnshire Trust).

The Local Heritage List guidance of HE strongly advocates the use of community volunteers in their compilation and the 2012 example in the case studies shows how successful that has been especially where there are a variety of skills tapped.

The "Knowing Your Place" initiative of HE in 2011 outlined, in 37 pages, how informed and concerned residents in rural England might ensure that local heritage is given appropriate recognition in Parish Plans and Village Design Statements.

The use of volunteers elsewhere is legion:

- a. The Norfolk Medieval Graffiti project which has received scholarly acclaim was based on a survey by volunteers which won the Marsh Award for Community Archaeology in 2013
- b. Scottish Civic Trust has been commissioned to review the condition of Category A structures in Scotland.
- c. A steering group of local people is a critical component in the compilation of all those "Village Appraisals" and "Design Statements" where they are encouraged by Civic Voice and the late-lamented Civic Trust for Wales. These can be of a quality that allows adoption as supplementary planning documents. The same is true of Neighbourhood Planning and other offshoots of The Localism Act.
- d. The engagement of the public is at the heart of both the Oxford Character Assessment Toolkit that was formally published in 2011 and "community planning for the future of rural buildings in their setting" (joint HE and CC – www.worcestershire.gov.uk/yourplacematters).
- e. NLHF has an ambitious programme to train up volunteers in its various local history projects. A particularly successful one was organized in Folkestone 2010-13 where a community archaeology project, operating through the medium of the Folkestone Research and Archaeology Group led to a 208pp book on early Folkestone published by the Canterbury Archaeological Trust 2014. (At present Folkestone only has 129 listings in total)
- f. National Association of Decorative and Fine Arts Societies (NADFAS, now known as "The Arts Society"), with a membership that includes a number of retired Arts and Museum professionals has just completed its 1,000th inventory of the fabric and contents of an historic church¹³⁰.

130 And there are older precedents. Stoke on Trent Historic Buildings Survey (AMS 1993 p178 op cit) 1982-85 was a partnership between the City Council, City Museum and Art Gallery and Manpower Services Commission.

Expert Volunteers and Academics

Much existing expertise is already organized in ways that HE should be able to tap. The Listing teams are of course already conversant with CAMRA (which has prepared its National Inventory of Historic Pub Interiors) The Theatres Trust and CTA and the expertise offered by NAMS. The Essex Historic Buildings Group is just one to publish an outstanding journal with refereed papers. The Domestic Buildings Research Group, Surrey set up 1970 – has carried out an intensive study of 750 timber framed buildings in its own county (AMS 1993 p117 op cit) Wilts Building Studies has a very impressive list of publications¹³¹.

Derby Civic Society publishes detailed accounts of the listed buildings in the city in its newsletters.

There are bastions of local pride which might be able to offer grants for surveys by locals or others of a given area – for example, The Foeffees of Bridlington or the Saffron Walden Partnership (www.swinitiative.org).

England is a country of enthusiasts (there are “even” enthusiasts for the Letter Box which have their own Study Group, and societies for the milestone and the chimneypot) Among individual architects, alongside the Lutyens Trust there is now The (Frank) Matcham Society which began in 2014 with a 62pp journal and the brand new Voysey Society (www.voyseysociety.org).

Academics might have their role. For example, the Centre for Urban History, set up in 2015 now includes the British Urban History Group and the Pre-Modern Towns Group. For the major historic house there is The Centre for the Study of the Country House (www.lamporthall.co.uk) and the related “Country House Technology Project”, based at the University of Leicester (Marilyn Palmer).

Conservation Course students could double tasks in the suggested resurvey with the compilation of theses and coursework. Such courses now on offer also come with quite a useful geographical spread – Birmingham, Anglia-Ruskin (with campuses in Cambridge, Peterborough and Chelmsford), York, Henley, Cambridge and Kingston upon Thames.

131 Inventories of such organisations are obtainable through CBA, Current Archaeology and Civic Voice.

APPENDIX VIII

Consultations on Revisions and Additions

The Secretary of State's (SoS) duty to consult on projected listings is, statutorily-speaking, with HE only. The 1990 Act does provide for the SoS to consult "with such other persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest". In practice, HE carries out the SoS's duty and consults owners, LPAs, HERs and any directly relevant "bodies of persons", which may, as below, include voluntary organisations such as JCNAS. Although consultation wider than HE is not statutory, it is almost always carried out and Government takes the view that it is a legitimate expectation that it will be.

Consultations prior to Listing are not therefore statutory (Mynors 72) but were first introduced in 1995, as part of the increasing drive by Government towards transparency. They clearly are an important element in buttressing public support. However the consultation regime has now grown to the point where it involves so much "paperwork", some of it repetitious, that it runs the risk of diverting energy and manpower from the true priorities (see [Recommendations](#)¹³²).

If there is to be a systematic revision of existing List Entries then consideration must go to the present system of consultations that currently follow on a decision by DCMS/HE to update and revise. The system needs to be fit for purpose before extra throughput is contemplated.

The current consultation process, updated in 2012, covers all asset types (Listing, scheduling, registration), although decisions on battlefields and the registration of parks and gardens are a matter for HE alone and not DCMS. Apart from those that are internal to HE, consultations are with the applicant (for the listing), the owner, the local planning authority (normally the Conservation Officer), the Historic Environment Record and third parties which might include one or more relevant national amenity societies and specialist societies, such as CAMRA, CTA and "any previous listing applicants for the site"¹³³. Applications for de-listing are referred to the Joint Committee of the National Amenity Societies, via AMS, which acts as clearing house and the relevant NAMS is always consulted on projected Certificates of Immunity. The National Amenity Societies warmly welcome their involvement as consultees and wish to see it continue. As is made clear on the HE website, consultations can be foregone where there is a very high degree of urgency or a clear and serious threat to the building. Any circumvention of consultation should be agreed with the owner unless it is the owner who is the source of the threat, and with the applicant and LPA. Once a listing decision is made there is a 28-day period in which a review of the decision may be requested.

132 In 2010, Cherry/Chitty found consultation was taking up 15% of the department's staff time (15-20% on page 27).

133 In 2007 HPR had proposed that henceforward, owners, LPAs and national amenity societies would be formally consulted on all new additions to what was intended to be the Register of Historic Buildings and Sites of England. HPR also planned a right of appeal to the Sec of State, DCMS, to be lodged within 28 days and to be considered by a new independent panel.

This review process allows representations to be made and taken into account and in most cases remedies any lack of consultation prior to a listing decision. Rapid assessment leading to a recommendation to reject, following judgment that the building in question is well below the criteria, can be carried out without consultation.

Where the standard consultation process would be significant, time-consuming or inefficient (for large multiple-asset project cases, for example), consultation may be web-based. For such consultations the information on each asset is made available at a single web location that consultees can visit. For such consultations the map might not be of individual assets but instead be a location map for each. Consultees are made aware of how the process will be run, a list of sites is sent to them and they are asked to make comments by email. This seems a sensible approach.

Listing afresh and refreshing an existing listing – a critical difference.

However before progressing, I should explain that I feel that there is a considerable difference between expanding on, and correcting, an existing listing and adding an unlisted structure to the List in the first place. The former is to clarify a legal obligation already incumbent on an owner, the latter is to introduce one. There is a difference in kind and not just degree. It follows therefore that there is an argument that the consultation regime should be the more self-conscious where a de novo Listing is planned rather than one that improves or corrects an existing one.

In both cases there is a need to prevent pre-emptive action – demolition in the case of new Listings and the removal or destruction of attributes of the asset on which an expanded Entry intends to amplify.

For new Listings, the consultation by HE is of the draft description and the map but not the recommendation. Consultees are invited to comment on omissions as well as the text as prepared.

Interim Protection

National Amenity Societies have always taken the view that a swift-footed system of Interim Protection is the fairest and safest method to withstand pre-emptive action (although onerous where the Listing is uncontested). The destruction of the 17th century ceiling at 15 Small Street, Bristol in 2017 on the eve of listing confirms the risk¹³⁴. Moreover the planning system has long accepted the principle as with the BPN.

HE's willingness to underpin the possible costs of a BPN (see also [page 43, 5.6](#)) is welcome – one of the best antidotes to the fear of compensation is to point out that the threat is academic in that it has only been granted once. A legal provision that is virtually never taken up is one that should be abolished and I recommend accordingly on [page 54, recommendation 37](#).

134 The value of Interim Protection in England is brought home by the case of 51 Campden Hill Road in Kensington (*Twentieth Century Society magazine, Winter 2012*) designed by Leonard Mannasseh 1952-53, where HE recommended listing but then changed its mind once the building had been rendered unlistable when, in the interim, the porch and the main staircase had been removed.

The Societies have sought Interim Protection principally as a means of preventing anticipatory action but can it not also be utilised to safeguard consultations on the coverage and description by precluding pre-emptive action in that instance?

The Historic Environment (Wales) Act 2016, which came into full force on 31st May 2017, provides, without, as yet, precedent in any other of the Home Countries, for consultation on Listings and Schedulings to be accompanied by “interim protection” of the asset concerned, until a decision has been made. During that period the building and the site concerned are as fully protected as they would have been were listing and scheduling in full force¹³⁵. Admittedly, further additions to the statutory lists in Wales are likely to be appreciably less in number than in England but the principle surely remains the same.

Pre-emptive demolition or alteration is not an issue where an existing listing is being updated (as such action would be criminal and thus deterred by the threat of legal action) but it is of course a much greater hazard where the building is unlisted and being proposed for protection.

Major and Minor

Consultations on existing Listings have been further rationalised in 2016 with the differentiation then introduced between Minor and Major Amendments.

Updates in the two categories given below can now be carried out by HE alone:

- Straightforward updates to the background and history of already protected assets, so long as these do not concern the Reasons for Designation or impinge on the owner's ability to manage the asset;
- Changes to the List entry as a result of a formal review process where a new List entry has already been proposed and agreed by the Department as part of that process.

The following are still required to be signed off by DCMS, which in turns insists that it becomes a full case assessment, thus requiring a consultation with the owner/occupier:

- Amendments that include a change to the grade or status of a building - up or downgrades, delistings
- Amendments that affect the 'Reasons for Designation' for the asset
- Amendments that include a change to the location of an asset, where they are moved, or there is ambiguity as to which asset is actually designated

135 The same Act also systematised the right of an owner or occupier to request a review of any decision to list or schedule, although the right to seek a de-listing has always existed in Wales and England. *Welsh Government/Cadw Technical Advice Note 24: The Historic Environment 2017*.

- Amendments that are related to the interest in attached structures and buildings within the curtilage of the principal listed building
- All amendments to Protected Wreck Site entries
- Amendments that impinge on the owner's ability to manage the asset. This is considered to embrace changes to the external and internal description.

Only a minority of existing listings have an adequate description but alterations made that affect their character without LBC yet remain an offence. That liability to obey the law is unchanged by the degree of information available to the owner, whether that be a full description or just a single sentence. And yet it follows that the well-intentioned citizen will find it easier to abide by the law if he or she has the fullest access to what should be protected and why. It also follows that an offence has been committed if a feature such as an 18th century staircase is taken out whether it is or not mentioned in the description. Amid the comparative silence of a largely mute description, owners are meant to deduce where they might need consent.

What a revised description is therefore doing is articulating a liability that has always existed but had not hitherto been adequately explained. The extent of the liability is not being changed at all – rather it is being better amplified. The amplification should be facilitating management and not in any legal sense “impinging” on citizen’s rights.

It is surely a key consideration that whereas the imposition of a new Listing is creating a fresh legal constraint, revising the description, which is in any case advisory not statutory, is making it easier to understand a pre-existing legal obligation.

It seems illogical therefore to require full-blown consultation with amenity bodies, LPA and DCMS when information is added that improves the owner’s understanding of the reason and helps them in their management of the asset. The owner (and any professional advisers or tenant) alone should be informed that they have the right to seek amendments, on factual grounds only, within the 28-day post-listing review period. Other parties are most unlikely to have a greater sense of the interest and worth of the building in question than the HE Inspector, who will have visited. Where context or confirmation of facts would be advisable any HE approach to the LPA or NA(m)S could be informal and ad hoc.

Where it is proposed to delete sections of the original List Entry because the interest has been diminished by alteration or demolition this should be expressly drawn to the attention of the owner in light of the legal implications.

I cannot see that anybody else, DCMS included, needs to be involved. The owner, and any adviser, would be best placed to spot any egregious errors. The owner needs to be better informed, for his own protection, without avoidable delay. The revised description would of course need to be signed off by DCMS. It should then be drawn to the attention of the LPA and entered on NHLE online.

Internal Inspection

It is my understanding that the powers of entry do not apply, as a matter of custom, where a building is listed already. Section S88 is available but DCMS prefers it to be exercised in very limited circumstances. However it is very hard to see why a citizen is entitled to prevent entry when his/her unlisted building is about to enter the realms of the listed, but can, where the task of understanding and management that listing has already imposed, and is about to be clarified, through a re-visit. This seems topsy-turvy. The powers of entry are in any case hardly ever used.

As a second-best, if internal features are supposed to have survived, on the back, say, of illustrations available elsewhere, it seems fair for HE to draw attention to that in any revision of the description, should the owner be denying access¹³⁶.

I have asked the National Amenity Societies whether they wished to be consulted on amendments to existing Listings and none of them proposed that – indeed there was a realisation that they couldn't cope with the extra workload.

I should emphasise that consultations on the proposed listing of unlisted buildings (and the delisting of existing listings) are much valued and the Societies trust that they will both continue.

SPAB (11/04/19) suggested the use of Google Docs – comments can be added as HE work on them. The National Amenity Societies would have password access and could offer observations. CBA (11/04/19) asked whether such a system might be built into the forthcoming consultations involved in the replacement of the HE ConCase system.

136 It is accepted that there are legitimate concerns about extra text and illustrations available on the web through NHLE being misused by potential thieves and this is addressed in Appendix VI.

APPENDIX IX

Inclusivity of Criteria by Type

The inclusiveness of the present criteria when it comes to the variety of structures that can be considered for Listing is quite remarkable. HE and DCMS are to be congratulated on such openness and it should continue.

In fact so inclusive is the coverage that it might be worth reminding decision-makers and the public that the 400,000 list entries range from 5,880 bridges, through 1,058 lampposts, to 198 stocks, 92 bandstands and 5 ships' figureheads

The National Heritage List for England includes at least one example of scores of exotic building types. Everything from heated peach wall to rifle range to funicular railway to gasholders¹³⁷.

Bravo for such cultural imagination.

As hardly any of these asset types in the preceding list face the demands of occupancy, extension and updating that accompany the standard building, whether house, office, church or mill, the consequences for hard-pressed DC officers is modest and would normally only lead to LBC applications where there are proposals to move or relocate or, in a very small minority, convert.

If one takes in the great variety of miscellaneous structures beyond these formal groupings then some 10% of Listings are in this category (the browse items shows the huge variety of definitions).

It might be worth quoting the figure of 350,000 for the number of List Entries affecting buildings and 400,000 as the grand total that embraces structures that will have only a negligible effect on the workload of LPAs.

Replicas and Re-Erections

It is heartening too that in the exercise of the criteria HE is not ideologically-driven. The use of replica or facsimile is always controversial in casework but when it comes to Listing, the resultant decisions by HE are empirically rather than morally-based. The National Amenity Societies are not of the same mind on such matters. SPAB disapproves of replicas, following the injunctions of conservation giants like Ruskin and Morris, as inherently deceitful.

I merely notice (but personally applaud) HE's lack of ideology, not least because the decision to rebuild a copy of something lost is itself of moment in the History of Conservation and therefore multiplies the "interest".

137 A fuller list of examples has been supplied to HE. A huge variety of structural pioneers are also covered – The Lists include the "earliest-known pre-cast concrete staircase" at Kingsley Park Methodist Church, Northampton and the "earliest use of structural cast iron in a royal dockyard" in the Dockyard Church at Chatham.

HE/EH has no problem in maintaining the Grade I listings of most of the Wren churches rebuilt after the War¹³⁸.

EH/HE took/takes the view that even where a building has been dismantled it remains on the lists until consciously delisted¹³⁹.

HE also includes buildings where demolition has begun but where that has been insufficient to damage the interest that Listing is intended to protect¹⁴⁰.

138 HE is tolerant of other rebuilds where the building in question remains a critical element in a townscape – a proposal in 2011 to de-list 3-15 Park Hill Road, Torquay, thought to have been a Regency group of c1830 but actually a complete but plausible post-war rebuild of 1953, was rejected. The Moot Hall at Norwich, rebuilt in 1967, remains Grade II*. Portland Square, Bristol, where the majority of the 18th century square is now a major example of facadism (replica rebuild or reconstruction behind the façade, something which is acknowledged in some of the descriptions) remains Grade I.

139 When Burnaston Hall, Derbyshire was demolished with consent 1990, two of its facades were purchased for re-erection but 3 schemes to re-erect them on different sites were refused planning permission between 1990 and 2008. The remains were only finally de-listed in 2010. A similar view was taken in the case of the late medieval Stagbatch Barn at Leominster that was demolished without consent 1987 but where the “substantial amounts of the dressed stone, stone slates and roof trusses” remained “sufficient to be considered as the listed building” in a case that went to the courts in 1988 (*Mynors 112*).

140 The List Entry for Nos 21-23 Huntriss Row, Scarborough three years ago includes the statement: “in 2016 internal features and roofing slates were stripped in preparation for demolition and redevelopment”. And of course, in Scotland, Jack Coia’s Cardross Seminary was famously listed at Grade A despite having suffered years of dramatic vandalism which had reduced the structure to its concrete frame.

APPENDIX X

The Present Criteria

This Appendix suggests that the present criteria, being already broad-brush in the definition of “special architectural or historic interest”, are well capable of reinterpretation, short of rewriting, and therefore the suggestions below are more by the way of amplifications, changes of emphasis and indeed endorsement of existing policy (it is also contended that the “rejects” in Appendix XIII are listable under existing criteria).

1. Listing of the contemporary, the dynamic and the temporary creates very particular issues. It might have been easier to have adopted a line of least resistance and simply red-lined such cases as too difficult to handle. But HE is to be applauded for having decided to navigate rather than skirt these choppy waters.

The Contemporary. Although primary legislation contains no specific cut-off date, after which listing is not permitted, the Thirty Year Rule was introduced in 1987 (1975 in Scotland) and has remained in force ever since. On occasion this has required the Listing of the work of living, and practising, architects, even where that might dictate that the original designer will not be able to rework his/her own creation without LBC. It was the longevity of Clough Williams-Ellis that first helped to lead to this policy¹⁴¹.

However the concept of “**Living History**” works both ways and Sir Howard Colvin famously declared in the 1980s that the desire of the hereditary family at Farnley Hall, Yorks, which wished to cleanse the interior of features that were not there when Turner painted them, should be respected even if that meant the loss of significant fabric. The historical continuum was held to be more important. But that is more an issue for LBC than Listing.

However this concept of “living history” is weaker where the structure in question is owned by an institution where personnel can change completely between generations.

The dynamic. The Grade I listing of Lloyds pre-supposes that it is a “dynamic, working building” with a supposition that it should therefore be allowed in the future to adapt with demand. This recognition within the description seems reasoned and sensible.

The temporary. EH/HE have also listed buildings such as the huts at Bletchley Park, scores of prefabs and Margate Dreamland, where the structures are consciously “short-life”. The supposition again seems to be that subsequent Development Control should respect form rather than materials as reconstruction by each generation might have been the expectation.

141 In 1972 a house of 1933 designed by Sir William Kininmonth (1904-1988) in Scotland was turned down for Listing when Sir William opposed such a move at a time when living architects had a veto, now withdrawn, over the Listing of buildings by them in their lifetime.

HE might consider spelling out in these three areas the criteria that they employ but the fact that they confront rather than duck these difficult areas is to its credit.

2. At the other end of the chronological spectrum: Everything before c1700 is listed (hence all timber framing apart from 18th century softwood and 19th century revival). The Societies certainly have no problem with that but they do have many more misgivings over the 1850 watershed. It is largely irrelevant to maltings, pubs and to schools amongst types specifically remarked upon by correspondents. Some key building types hadn't even been invented. The Victorian Society speaks with passion of the golden age of commercial offices 1875-1910 where firms spent staggering amounts to try to gain commercial advantage by expressing their character in permanent form in brick, iron, stone and terracotta. "Never before or since has commercial architecture approached this level of average quality". And yet this flowering was entirely after that watershed¹⁴².

The main Report (see [page 21-22](#)) suggests that this might be overcome by the introduction of "smart" watersheds dictated by the history of the particular building type.

3. Buildings should be assessed both horizontally – their role in the geographical context and vertically – within a silo of understanding, whether the life and career of the designer, occupant or associated figure, a building type or an historic event. The former can largely be gauged by visual inspection; the latter is much more dependent upon associated research. Buildings should be able to qualify for Listing on either grounds – this will lead to the inclusion of more buildings of townscape value. It should also mean that not just representative examples should be kept as this would deprive some High Streets of their own example of a good building on the grounds "it was just another..."

If this means that a less powerful example of a building type can be made listable by context, particularly in communities which cannot afford to lose any buildings of quality, then it follows too that weaker buildings that are less significant in the geographical context may yet possess interest when assessed within the vertical silo¹⁴³.

The Town Hall at Rossendale in Lancs lacks the declaratory qualities of other expressions of civic pride and it was not a surprise when it was turned down but should it be re-assessed now we know that the designers were Maxwell and Tuke, the architects of the Blackpool Tower?

142 Evidence submitted by Amber Patrick 14/01/19, CAMRA, 21/01/19 and Victorian Society 9/04/19.

143 HE recently rejected the listing of the first architectural commission of Parker and Unwin (St Andrew, Barrow Hill, Derbyshire) despite the representations of (the late) Sir Peter Hall and Mervyn Miller. It was a building of extreme modesty (but with good fittings) and yet represented the juvenalia of architectural titans who went on to develop the concept of The Garden City, a significant strand in what became a global phenomenon.

4. Indeed there might be further recognition in general of the concept of the oeuvre (or indeed the occasional lapse from the expected high standard – clay feet can be as interesting as high achievement). At present many structures are assessed on the building alone without weighted resort to the understanding of the design within the professional life of the designer. There is no longer a working list of favoured architects¹⁴⁴. We now perhaps know too much for such an inventory to be compiled today but the publication of a serious biography might usefully be the occasion for a revisit of buildings within that biographical context. And like Goodhart Rendel, that list should include the roguish, those who fought the Zeitgeist as well as those who went with it. I have received several representations that the Lists don't give sufficient weight to the accomplished local architect who often dominated his town or county. Those from the Georgian period, like Carr of York, Harrison of Chester and the Websters of Kendal do tend to win appropriate recognition and I know that HE has engaged with the society in Cornwall set up to champion the work of Sylvanus Trevail. But what of Hans Price at Weston super Mare, George Skipper of Norwich, William Weller in Wolverhampton, William Watkins in Lincoln and AT Butler in Sandwell?¹⁴⁵
5. We are now more than a century away from the first effective legislation, that of 1913 on Ancient Monuments and seventy from the first on listing. It therefore seems fair to suggest that buildings which possess significance in the History of Conservation should be increasingly eligible. As early as 1949 John Harvey, one of the first Investigators, listed work by Thackeray Turner, an early Secretary of SPAB¹⁴⁶. This historical perspective is already being evidenced – Stirling's Mansion House Square was listed in part as the victor in a conservation cause célèbre as was Comyn Ching in Seven Dials in London's West End. Half the Preservation Orders issued under the 1944 Town and Country Planning Act were in the town of Winchelsea. Might that be added to the relevant List Entries? (Mynors p14)

Facadism and Replicas or painstaking keeping-in-keeping are often regarded as pyrrhic victories by the Conservation Movement but they now possess their own interest, especially where maturity has softened any rawness. Much of Portland Square, Bristol was rebuilt behind the façade and yet it remains Grade I (see also [Appendix IX](#)).

144 Whereas in the post-war years there was a list of the 25 leading architects that was repeated in the 1982 guidance for field workers issued by Department of the Environment. This was first compiled by Goodhart-Rendel in 1947 and included both the mainstream and the maverick.

145 But of course the ascription must be correct – there was a notorious law case in 1983 when a building in Chalfont St Giles was misrepresented as being by Lutyens. This led to damages and the contesting of a subsequent planning appeal (APP/5134/A/82/13376). The Gate House to Pollards Park House was described in the schedule as “built in 1903 to the design of Sir Edwin Lutyens” when it was in fact the work of James Edwin Forbes. The Inspector still found in favour of the listing (even where that was beyond his remit) as “an imaginative, even eccentric, design within the Arts and Crafts tradition”.

146 AMS Trans 1994 p104 op cit.

The victory of Conservation is expressed too in exemplary conversions¹⁴⁷. (The Selection Guide on “Agricultural Buildings” confirms that farm conversions should only exceptionally lead to delisting. Conversions can be at the expense of the integrity and expansiveness of internal spaces but spatial compromise is often accompanied by extensive retention of historic fabric. The new use can be just the re-booting needed to guarantee conservation and should not be rewarded by delisting except where the works have been disfiguring (and the merits and demerits of the conversion should be spelt out in an updating of the schedule). HE’s current position is endorsed.

6. HE stresses the need for completeness in assessing listability but often conversion depends upon some sacrifice of the interior. (This was a significant criterion from the first in that there was a greater likelihood of Listing where a structure was “intact” under the first Maclagan Rules). This is not an argument against listing for intactness – far from it, but it is for then differentiating between areas of less sensitivity. It also speaks against excluding buildings that have been altered as that very flexibility that flows might be the effective trigger to sustainable retention through conversion or adaptation. A building where a freehand internally might be justified can make it easier for the market to save it through a new use.
7. Might there be a greater presumption in favour of Listing where buildings are constructed in local materials?¹⁴⁸
8. The fact that the Selection Guide on Agricultural Buildings expressly confirms that “mere collapse is not sufficient for delisting” is welcome. It is true that virtually any collapse can be remedied and that a timber-framed structure as a kit of parts can be re-assembled where previously it has been assembled. As ever it is a matter of degree and HE’s open-mindedness is welcome

147 Caröe Court Edmonton was relisted 2006 – first protected as the church of St Michael of 1901, designed by WD Caröe, the relisting came after its conversion to flats and laid stress on the fact that the exterior was still regarded as listable.

148 The refusal to list, and the subsequent loss of, Rossendale Hospital, Lancs was the harder to stomach because it was the town’s largest survivor in the local sandstone (as well as being a design of considerable merit). Info from Kathy Fishwick.

APPENDIX XI

Impact on LPAS

It is customary for Government White Papers to state the effect that its recommendations might have on local authorities. In that spirit this appendix looks briefly at that issue.

This report if acted upon will lead to a greater number of listed buildings, more of them and more with lengthier and user-friendly descriptions. There are repercussions:

- a. That greater clarity in the latter should reduce the LPA time taken tackling queries, and
- b. in a large number of cases it will be a matter of transferring items on the Local List to the statutory, buildings which are already under LPA control but at present with blunt teeth. There should be greater satisfaction within a planning dept in exercising controls with bite.
- c. Some 10% of the Listing stock (see [Appendix IX](#), bold type) generates minimal need for management by any LPA
- d. LPAs seem able to cope at present with the rising tally of planning applications and some of the new LBC applications will be processed alongside any associated planning applications for development that would have to have been lodged anyway.
- e. The present rate of annual LBC applications runs at about 5.4% of the total of listed buildings (info ex Bob Kindred) and all but 13% are granted (with some additional ones on appeal). A modest increase, which would in any case be gradual, should be absorbable.
- f. The number of Planning Officers is rising and job vacancies for Conservation Officers went up again in 2018, as it did in 2017, (figures on IHBC website) following a period between 2006 and 2018 when conservation staffing in local authorities fell by 35%. (IHBC figures via Fiona Newton)

APPENDIX XII

Possible New Thematic Surveys

There is considerable potential for carrying on with the programme of thematic listing and the following are suggested (major candidates are in **bold**).

Almshouses There is no critically-acclaimed account of the architecture of almshouses although there is a passable one on Almshouse chapels by Raymond Bayley, 2013. This is a building type renowned for its variety and picturesque attraction but it is under threat. Some providers are selling up and where they are retained doubling-up of the units can threaten internal detail. There have been several proposals to secularise the chapels and there is regular, and expected, pressure to improve the quality of the accommodation (I welcome recent HE action in respect of almshouses).

Arts and Crafts Houses of the Lake District (and other areas). This was a thematic in NHPP launched 2011 but appears to have been dropped. The late Matthew Hyde's "Arts and Crafts Houses in the Lake District" (*Frances Lincoln, 2014*), provides an extremely useful starting point for a review (as does NT database on the National Park). Central figures in his account include Dunkerley and Dan Gibson but no works by the former are listed and only one by the latter (two earlier works by Crowther, Wynglass Park, 1854 and Parkside, 1865 have been listed). The only gardens described by Hyde to be registered are those at Brockhole (where the house was rejected for listing) and Blackwells, where the house, by Baillie Scott, is Grade I.

Assembly Rooms (*suggestion of Georgian Group 11/02/19*)

Banks – see examples in [Appendix XIII](#). (*Supported by Victorian Society*)

Bastles/fortified castles, *Cherry/Chitty p40*

Bungalows – Dr Kathryn Ferry (see [Appendix XIII, Cromer](#)). Still under-rated building type, first examples, mid-19th century at Birchington, Kent.

Chapels The Ecclesiastical Exemption has created an imperative to inform the exempt authorities on the assets which they now manage outside the LPA regime. The listing descriptions are distributed as a matter of course to consultees and in a substantial minority of cases they provide a poor platform for understanding – sometimes not describing the interior at all. In other cases it is hard to see why some chapels are listed¹⁴⁹ whilst others of clearly superior architectural interest are not protected. We now understand more about the most frequently-threatened of all internal items, the pew, through the publications of The Chapels Society and The Ecclesiological Society ("*Pews, Benches and Chairs*", edited by Trevor Cooper, 2011).

The 4 RCHME volumes provide a pre-existing gazetteer up to the later 19th century and HE's publication by Chris Wakeling encapsulates an outstanding synoptic view.

149 Brede Methodist, Broad Oak, Sussex, a simple rendered early-mid 19th century box, 1044106.

Churchyard monuments They only became eligible half way through the accelerated resurvey and there are inconsistencies (see also [page 67](#) and [Recommendation 25](#))

Coaching Inns, especially stables (*suggestion of Georgian Group 11/02/19*)

Conservatory – HE book on the subject, written by Michael Bidnell of the Georgian Group and Dr Melissa Thompson who is an HE Listing Inspector. “*Georgian and Regency Conservatories. History, Design and Conservation*”. 2019.

Deer Hunt, buildings (2) extensive articles by (late) John McCann AMS 2014 and 2015. And two accounts of Deer Parks, by Miles (OUP 2010) and Fletcher (Windgather, 2011)

Dovecotes¹⁵⁰. The researches of scholars such as the late John McCann have provided an authoritative base for understanding although even the exact numbers of survivals is still being debated. Some 2,244 appear as listed on NHLE although Alan Whitworth, the founder of the British Dovecote Society in 1988, has counted some 1,641 in his recent “Dovecote Companion” (*Culver House Enterprises 2017*) in a trawl through county by county literature.

Farm Buildings Researches of VAG and Historic Farm Buildings Group and HE are broadening understanding on an ongoing basis. HE itself has suggested that the greatest concentration in Europe of timber framed barns is to be found in England.

Follies – garden structures in general (*suggestion of Georgian Group*). Obvious partner in The Folly Fellowship

Icehouses. Standard, if now outdated, text remains “*The Icehouses of Britain*” by Sylvia Beamon and Susan Roaf, 1990

Industrial A vast area, where this study cannot claim any original insight but a clear candidate. Cherry/Chitty 2010 referred to carpet mills (West Midlands) car manufacture (West Midlands, North West), fishing industry (North East), lime industry (Yorks and South West).

Lodges Lodges to country houses are rarely picked up under the curtilage provision given the distances involved although many are listed in their own right. Significant book “*Trumpet at a Distant Gate*” on the subject by Timothy Mowl and Brian Earnshaw 1985 (published by Godine). Many are designed by the same architect as the main house and can display the potency of sophistication on a micro-scale.

Masonic Halls There is a multi-volume architectural account by Cryer but rather basic. Listing record is good – the example of 1785 at Sunderland is Grade I but interiors not always covered and fine example at Durham (Appendix XIII) is unlisted.

Maltings – Amber Patrick OFFER 14/01/19.

150 Agricultural Buildings Selection Guide p9 confirms that these not automatically listed.

Mausolea (using MMT digital gazetteer – www.mmtrust.org.uk)

Motels

Pioneers (in construction) see clarion call in *Jonathan Clarke's EH book on "Early Structural Steel in London"*.

Police Stations and Section Houses (*Cherry/Chitty p40*)

Public Houses – various studies completed here. But CAMRA offer to assist further already passed on to Dr Mays

Public Schools Charterhouse only has 6 listings, two of them statues. Library by Blomfield for example is excluded. Haileybury, Harrow and Eton – listings are inconsistent.

Racecourses – "*Racecourse Architecture*" by Roberts and Taylor 2015

Salvation Army Citadels – First attempt 2012 at an architectural history by Ray Oakley

Shell Houses – Folly Fellowship

Suburbs eg Buxton, Sheffield etc *Cherry/Chitty p39* (subject of a detailed project, just completed, by HE Research)

Theatres using Theatres Trust online gazetteer, its Library and its Theatres at Risk campaigns. Associated archives on equipment at www.backstageheritage.org
And expert on Amateur Theatres d.j.coates@warwick.ac.uk
Theatres Trust offer 14/01/19 – Leeds Beckett University etc

Windmills considerable body of knowledge within Mills Section of SPAB. National Heritage Protection Plan included a *Mills in Herefordshire* proposal. SPAB concerned that ancillary buildings, such as bakery and pigsty are misunderstood and left off – as is machinery.

Vic Soc offers – Tim Bridges 5/02/19

C20 willing, with payment, to help on post-war hotels, post-war synagogues, post-war schools and post-war housing estates and private housing.

APPENDIX XIII

Examples of Unlisted That Should Be Listed

I advance these “*salons des refusés*” knowing full well that HE/DCMS have an open mind towards additions onto the Lists – and that it is very often lack of capacity or information rather than principled objection that is the most obdurate barrier to their conclusion. Even so, as long as buildings of which the following is a mere sample remain excluded from statutory protection, the system cannot be said to be working as intended.

I do not deal with the post-war period, not because it isn’t important but because it is already the subject of very considerable scrutiny and is in the capable hands of a formidable champion in the form of C20. The Thirty Year Rule also renders it the only period where potential candidates are expanded every year.

The outstanding cottage orné, known as Eller How near Lindale on the southern flank of The Lakes, plays a prominent role in Roger White’s definitive book on the subject (Yale University Press 2018). It was the successive retirement home of the dynasty which dominated the area for fifty years, Francis and George Webster (“Webster of Kendal”), both father and son extending and reconstructing it for three decades up to 1850. It remains substantially as shown although devoid of the cabinet of curiosities with which the Websters filled the interior. It is currently on the market and yet is unlisted. It seems a *prima facie* candidate for II*. (A successful application to list was lodged in 2019).



Figure 9 Eller How, nr Lindale, Cumbria

57-59 Front St Tynemouth are listed but the taller marginally later neighbour, nearest the camera, at No 60 is not. No 60 has seen the (quite sensitive) removal of the shopfront from the ground floor but this has emphasised its symmetry and the two mid-Victorian doorcases survive, one of them serving a gunnel. The two builds share the same local stock brick and 6 over 6 flush sashes. The rendered neighbour at the left-hand side (No 56) is listed as is No 55. No 60 is protected by inclusion within a Conservation Area but it is hard to see why it is the only one in the picture not to be listed.



Figure 10 60 Front St, Tynemouth, Tyne and Wear

In Bassetlaw with virtually identical late Georgian brick barns, one is listed, the other is not.

There have been bold additions to the Lists of Victorian buildings. Pioneering work was done in this respect in the resurvey of Barnstaple thirty years ago. I would pick out 30 High Street Stamford – older interior but with a brash frontage in Blashfield terracotta; “Three Pigeons” Guildford, late 17th century style but all of c1918 and Upton House, 11 Grange Rd, Cambridge (1912 by A Winter Rose, NHLE no 1422611) listed despite marked, borderline perverse, asymmetry and with a comprehensive and lavish complementary schedule. The 1873 cottages at Beer, Devon, shown as Figure 11, were listed despite uPVC windows and differing treatment of porches. Development Control seems to have been lax since but the listing has stressed the critical significance of the terrace and its stretch of organic boundary wall in the townscape overlooking the sea.



Figure 11 Cottages at Beer, Devon

St Mark's Horsham – demolished 1989, after a refusal to list except for tower and steeple (which remain unlisted). These are now enveloped by an office block. The design of 1870 by Habershon and Brock had been compared by Ian Nairn in the first Pevsner to Burges.



Figure 12 St Mark's Church,
Horsham, West Sussex

The first Rendlesham Hall in Suffolk was burned down in 1830. What Pevsner refers to as this “spectacular fragment” was created soon afterwards, combining a salvaged archway with a Picturesque mock ruin above and around it. It is neither listed nor scheduled.



Figure 13 Gothic eye-catcher at Rendelsham, Suffolk © James Darwin

Rothwell, Northants, The Red Lion, Market Hill is the unlisted immediate neighbour to the Grade I listed Market House, the Jacobean style and ironstone being inspired by its illustrious neighbour. Inventive details inside and out with much surviving, including the acid-etched glass, and the elaborate inn-sign.



Figure 14 The Red Lion, Market Hill, Rothwell, Northants

Stafford, Lichfield Road, St Joseph's Convent, Regency villa c1810, once known as Forebridge Villa, is rightly listed Grade II but the adjacent convent itself of 1931 is not. It is probable that it would be treated as a curtilage structure but as it is freestanding and the listing is expressly given a limited address (St Joseph's Convent, South East Building, NHLE no 1195357) the LPA might be rightly cautious. The 1931 building is by E Bower Norris, whose works are increasingly appreciated, especially in his stomping ground of North West Catholicism where his ambitiously scaled noble essays in Twentieth Century Byzantine dominate many a town. His great church in New Brighton has recently received two substantial NLHF grants. The 1931 convent building contains Bower Norris' chapel. (See Figures 15 and 16)

Aldershot, 83 Victoria Rd (former chapel) now New Testament Church of God. Unlisted. 1863-69 by G.B. Musselwhite of Basingstoke. Original galleries inside. Unusual tripled cast iron columns in portico in antis. (See Figure 17)



Figure 15 (top left) Regency villa of 1810, Lichfield Road, Stafford, Staffs

Figure 16 (top right) St Joseph's Convent, Lichfield Road, Stafford, Staffs

Figure 17 (bottom left) New Testament Church of God, 83 Victoria Rd, Aldershot, Hampshire

New Hall, Market Place, Melksham, Wilts. In a town which saw similar buildings listed in the first Lists of 1950 the omission of this strongly-detailed landmark of 1877 feels like a mistake.



Figure 18 New Hall, Market Place, Melksham, Wilts

Ilkley, West Yorks. Ilkley is a fine town which became sufficiently fashionable in the late 19th century to attract Lutyens who constructed “Heathcote” there in 1906. He was rude about the “promiscuous villadom” among which it sits but many of these are now acknowledged for their quality. Most of the architects were local practices although there is at least one by Walter Brierley. They deserve further study. The present Lists for Ilkley have hardly any representatives from this pivotal period. It is hard to resist the sense that the Lists in the town were driven by what Betjeman and Stamp would have called antiquarian prejudice with a greater sympathy for survivors over quality. The modified and painted early 18th century reminder of the town’s pre-fashionable life in Church Street is listed (rightly) but the distinctive Arts and Crafts villas in Kings Drive area, on the second photo are not. This is accomplished work with shades of Mackintosh when, that is, he chose to be symmetrical. The expectation is that there are fine interiors. (See Figures 19 and 20)



Figure 19 Church St, Ilkley, West Yorks



Figure 20 Arts and Crafts Villa, Kings Drive, Ilkley, West Yorks

Beckingham in Notts has a good example of an asymmetric listing where the speed of the original survey and the then 1840 watershed has resulted in what now seems a very quirky decision. The gazebo of “1803” at the entrance to the grounds is rightly listed but Beckingham Hall itself is not – even though there are 36 pages on it in “Retford and District Historical and Archaeological Society Review 2002”, volume 8. Present façade is c1870 and not perhaps “special” but the rest of the property behind is 1750.



Figure 21 Gazebo to Beckingham Hall, Beckingham, Notts



Figure 22 Beckingham Hall, Beckingham, Notts

In a case that is emblematic of the “antiquarian prejudice” that pervaded the early lists, Milestone House at Yoxford, Suffolk (given 7 sentences in the 2015 Pevsner) is unlisted whereas the diminutive contemporary milestone, from which it takes its name, is on the Lists.



Figure 23 Milestone House at Yoxford, Suffolk © James Darwin



Figure 24 Lowther Street, Carlisle, Cumbria

Lowther Street is one of the best in Carlisle. Everything in this photo (Figure 24) is listed except for that nearest the camera (No 2) on the corner with Warwick Road. Even its rather inconsequential immediate neighbour (Nos 4-6 NHLE no 1196927) is listed “for group value” even though no interest is recorded internally and the ground floor is discounted. The more individual No 2, a late 19th century reworking in Scottish Baronial with Scottish-type harling and vigorous detailing, which more than holds its own with its grander counterparts further North, is not listed. It is actually the same structure at Nos 4-6, sharing the same stone cornice so was a remodelling not a redevelopment.

This unhappy exclusion is in a city where generally speaking the listing criteria have been executed with imagination. For example 14 Bank St (Gothic Post Office) is listed as are both banks in English St (HSBC and Barclays); 17-19 English St is listed as is the immediately adjacent 21-25.



Figure 25 (left) Methodist Chapel, The Waits, St Ives, Huntingdonshire

Figure 26 (right) Façade of the Methodist Chapel, The Waits, St Ives, Huntingdonshire

St Ives, Huntingdonshire, The Waits. The two late Georgian neighbours either side are, rightly, listed but the striking Methodist Chapel of 1905 (F Sidney Webber) built in the distinctive Snettisham carstone is not. A fire inside in 1997 has both diminished the arguments for listing but that misfortune also allowed the congregation to toy thereafter with the idea of demolition given that it wasn't listed then or now. Listing might have prevented the feeble new doors. It is unusual to see carstone employed as freestone in the quoining. Webber seems to have resorted to Bath stone for the windows and doors but Portland for the panels and pinnacles on the buttresses.

The enthusiasm of the late-lamented Cromer Preservation Society for its own, substantially Victorian, town has helped to stimulate several enterprising listings. The photos show one such inclusion, carried out at their prompting – 1-7 Church Street which is listed Grade II with an excellent external and internal description. I also show one of several still not protected – the distinctive ‘verandahed’ bungalow at 11 Norwich Road, is unlisted and is likely to have a good interior (it is on the Local List only). I would also draw attention to the terrace in Overstrand Road with its striking if subtle polychromy and the two storey side oriel. The designer of each is unknown (either from Pevsner or the researches of Andy Boyce). There is renewed scholarly interest in the bungalow and those, as here, with such a demonstrative verandah are rare.



Figure 27 (top) 1-7 Church St,
Cromer, Norfolk (listed)

Figure 28 (left) 11 Norwich Road,
Cromer, Norfolk (unlisted)



Figure 29 56 and 60 Bridgegate, Retford, Nottinghamshire

56 and 60 Bridgegate, Retford, Notts were both built by Trinity Hospital and composed as if as a pair of gatehouses. The first is by R Bertram Ogle (1889) and the second (shown here) by Watson Fothergill, the celebrated “Rogue” architect from Nottingham. Fine interiors can be suspected and although the owners are responsible, an original window canopy to the Fothergill has already been lost.



Figure 30 Durham Masonic Hall, 36 Old Elvet, Durham

Durham Masonic Hall Old Elvet (1868 by TC Ebdy). (See Figure 30). Virtually the only unlisted building in this major historic street. The proud owners write the Hall up in their advertisements if it were listed but in fact it is isn't. Several entries on Google show the fine interior. The City Council is trying to exercise listed building control by arguing that listed status is established through contiguity with the listed neighbours at 34 and 38 and some nominal sharing of fabric. They were able to engineer a high quality reroofing in patterned slate on that account. (Similarly St George's Brentford, Blomfield 1866, is regarded by the LPA as being listed by virtue of lying in the curtilage of a much more modest 18th century Sarah Trimmer Hall and has just been turned down for express listing in its own right).

49 Commercial Road, Malton (Ryedale) a charming butcher's shop of 1912, which until recently had an uncertain future. A classic for the Local Lists but Ryedale doesn't have such a thing. As the area around cannot be eligible for a CA, that only leaves statutory listing.



Figure 31 49 Commercial Road, Malton, Ryedale, North Yorks

United Reformed Church, Wood Street High Barnet; a critical player in the sequence of historic buildings in Wood Street but is unlisted. The church dates from 1884 and 1892 and the Elwen Hall from 1906 (architect: Charles Wymouth). The church's website suggests an interior without pews but one retaining the pulpit and galleries supported on distinctive paired columns (possibly in cast iron). (See Figure 32).



Figure 32 United Reformed Church, Wood Street, High Barnet

Inter-War

Peterborough Town Hall. This conservative but ebullient design incurred the wrath of Sir Nikolaus Pevsner who nevertheless acknowledged its effectiveness in context. Its designer, in 1928, was the nationally significant E Berry Webber (1896-1963) who was also responsible for the Grade II* listed Civic Centre at Southampton and the Grade II listed equivalent at Dagenham, amongst others. The internal fitting-out is of high quality. The Town Hall is being proposed for sale by the City Council. It is on the Local but not the statutory lists but fully deserves the latter – without that control over what happens to it in its new ownership would be decided without LBC. There is a clear deficit in control given that the LPA is/was the owner.



Figure 33 Peterborough Town Hall, Peterborough

Another building on the Local but not the statutory lists is the County Hall at Trowbridge, Wilts (Bythesea Rd, PD Hepworth 1938-40). Philip Hepworth (1888-1963) who studied in both Paris and Rome is perhaps best renowned for the “Moderne” Walthamstow Town Hall (listed Grade II) and the Catholic church at Newbridge in Caerphilly, now II*. He worked for the Commonwealth War Graves Commission after the Second World War and was responsible for a number of cenotaphs and cemeteries which owe a lot to the inspiration of his good friend, Edwin Lutyens. The fact that Trowbridge was well extended 2013 is not perhaps the point as there was little conscious aesthetic control within the existing building. The former County Council in Hill Street is also unlisted



Figure 34 County Hall, Bythesea Road, Trowbridge, Wiltshire

Tale of the banks

In Gainsborough, Lincs, the “Jacobean” bank at 21 Market Place of “mid-late 19th century” is listed but the most splendid building in the Market Place (No 3) is not. This is by Holden and Palmer (1926) for National Provincial (now Nat West). It closed in 2018 and is deteriorating.

Also unlisted is the best secular building in (Great) Driffield, East Yorks, their bank for the same client on the corner of Middle Street and Mill Street, right at the heart of the town. The omission of both is symptomatic of the need for a thematic on Banks. (in 2018 the Methodist Church in Driffield, 1880 by HJ Paull, described by Pevsner as a “swaggering piece” with a giant Ionic porch and among the most distinctive buildings in the town was demolished - it was not Listed). (See Figure 37 for the bank).

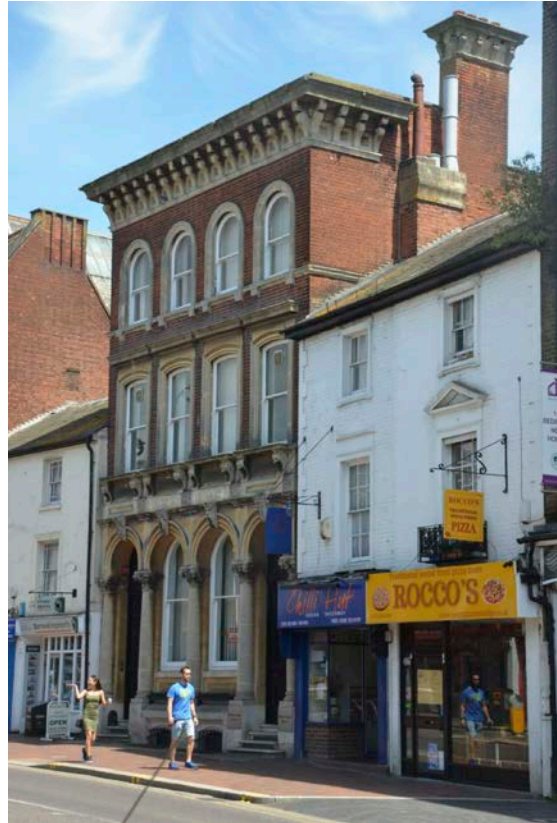
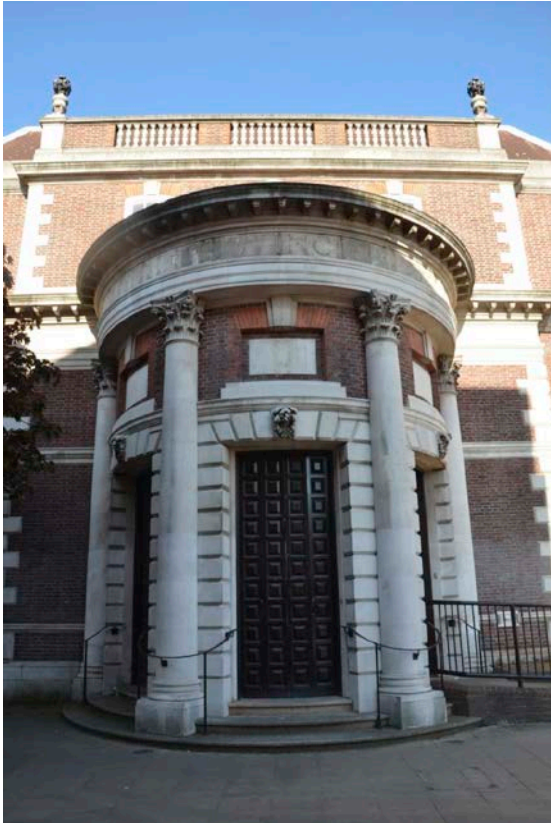


Figure 35 (left) 3 Market Place, Gainsborough, Lincs
Figure 36 (right) 139 High Street, Tonbridge, Kent



Figure 37 Natwest Bank, corner of Middle St and Mill St, Driffield, East Yorks

Two NatWests in Kent, by Frederic Chancellor at Tonbridge (139 High St) (Figure 36) and Tenterden (58 High Street, illustrated in Pevsner plate 96) are unlisted – where virtually everything else in the High Street at Tenterden is listed. (Similarly unlisted is the virtually identical Nat West, also by Chancellor at Petersfield, Hants, described by Pevsner as “a stately Italianate palazzo”)

In a town which needs to retain all buildings of quality, Aldershot’s two key banks are unlisted – NatWest at 30 Wellington Street and former bank (now restaurant) in Victoria Road.

The former Black Cat Building (Carreras Factory) 180 Hampstead Road, Camden was one of the most spectacular examples of the interwar Egyptian Revival (1928). All this was stripped off in 1961 but was reinstated in the 1990s. It yet remains unlisted.



Figure 38 Black Cat Building, Former Carreras Factory, 180 Hampstead Road, London Borough of Camden



Figure 39 Municipal Offices, Crescent Gardens, Harrogate, North Yorks

Harrogate – when faced with applications for two interwar listings EH listed The Police Station (by Percy Oates Platt) but not the Municipal Offices, Crescent Gardens (by LH Clarke 1931), shown here. These are on the Local List but as ownership rests with the LPA that is scant protection. The building is of critical importance in a fine townscape with complementary landscaping and was under threat at the time when Harrogate Civic Society applied for listing

APPENDIX XIV

Register of Parks and Gardens

The Register of Parks and Gardens, introduced in 1983, shares the same 3 grades as Listing although all entries have to be of national significance.

The current definitions are:

Grade I = of exceptional interest

Grade II* = of more than special interest

Grade II = special interest, warranting every effort to preserve them

Rather longer explanations appeared in the Register Manual (2001) and are couched in wording that is favoured by the sector.

As only the *crème de la crème* can be included, the total is just under 1,700 – 37% at Grade I or II*¹⁵¹. The merest fraction of that for buildings, although the fact that everything has in theory to be of national significance dictates that the point of comparison should more logically be with Grade II* or I listings only. This pitches the total as 1,700 against 10,000, 37% of the total as against 8%¹⁵².

There are equivalent Local Lists for locally or regionally significant designed landscapes that can be included by LPAs in LDF (although the last figures on how many, compiled by the Garden History Society are now some 15 years out of date). The information in these often comes from the various County Gardens Trusts¹⁵³.

None of the entries on either the Register or Local Lists enjoys statutory protection as a direct result of inclusion but what happens to them does become a “material consideration” when development is considered.

It is rare for a registered site not to embrace structures, and rare for these not to be listed. Nevertheless mention of an unlisted structure within a registered site no more confers protection over it than it does over the landscape.

Registration has become an accepted and logical way (alongside the CA, and to a lesser extent scheduling) to protect and identify the designed landscape to the Great House¹⁵⁴; the central gardens in a planned urban development, thus protecting the open space and

151 400 in Wales, 10% Grade I, 23%, II*.

152 Many further candidates have been identified under the Register Review Programme but have not yet been formally assessed.

153 The exemplary website, UK Parks and Gardens (www.parksandgardens.org) gives access through a single portal to samples of all registrations in the 4 Home Countries. It now holds over 9,000 entries and is networked with HERs.

154 For example Knightshayes, Devon, where the Burges house is Grade I, the registered landscape, II*

trees which can be fundamental to the impact of a square or crescent¹⁵⁵, and the unity of a 19th or 20th century municipal park. A listed bandstand, statue, ornamental bridge or conservatory would be bereft without the Mother Structure of the park itself.

At Birkenhead, the earliest public park in the world, the whole site is registered (Grade I) the garden structures are listed, as are the villas which skirt the site, whilst a CA embraces the park and the villas.

Even though modest, the sheds in an allotment (The Hungerhill Gardens Allotments at Nottingham) are registered II*, alongside the listing of individual huts as on plot B305 (NHLE no 1272440).

The heritage asset where the number of listings within the registered site is likely to be very considerable is the churchyard and cemetery¹⁵⁶. Indeed Registration seems to value the historic cemetery rather more than does listing. Highgate has a Grade I registration whereas the only structure within it that is Grade I (and is justifiably of “international” interest) is the grave and monument of Karl Marx. Key Hill Cemetery Birmingham is II*. Madingley American Cemetery is Grade I – the buildings are II* (for the particular issues raised by cemeteries and churchyards see [Appendix IV, Section 11](#) and [page 67](#)).

One of this country’s greatest gifts to collective European culture is the English Picturesque Garden of the 18th century and this is well reflected in the Register. Grade I goes easily (as indeed might a Grade I* should it exist) to Stowe and Stourhead but it is good to see the Grade I registration conferred say on Edward Gilbert’s gardens at St Paul’s Waldenbury in Herts laid out in the decades up to 1762. None of the structures, including the house itself, rise above II* in the Lists, which also demonstrates a delicacy in conferring II* on the original statues attributed to John Nost but a Grade II only on the “Venus and Adonis”, the 18th century composition that was not imported to the site until purchase in 1964¹⁵⁷.

Even greater delicacy is shown where some structures straddle the divide between the constructions of Man and Nature – archetypal Green Architecture *avant la lettre*. Summoning up protected “pergolas” on the Advanced Search mechanism of NHLE brings up a plausible total of 76 where 71 are listed and only 5 registered. And yet where would a “rose pergola” be without the roses or a heated wall without the succulents? Much garden terracing and many parterres are listed whereas these are an artifice of Man even if set

155 The gardens to Bedford Square in Bloomsbury are Grade II* where the terraces themselves are Grade I. The railings, the 37 lampposts in the square and the Garden House are all Grade II.

156 The churchyard to St Mary’s Fairford, Glos has 89 listed monuments, some described in clumps, one as many as 15 items.

157 There is however quite a strong feeling from GHS that given the reliance on “enabling development” to finance the rescue of country houses, in the absence of grant aid, that the non-statutory registration is regarded as subservient to the statutory protection of the house. There is a consequential perceived willingness by the LPA to make the figures stack up by allowing new housing in the kitchen garden, to meet the market shortfall. The absence of statutory controls, probably some form of Registered Garden Consent, is an Achilles Heel which the clear guidance in the NPPF, regarding the unity of the National Heritage List, does little to dispel in practice.

within the contours of Nature. The doughty trees on top of Vanbrugh's Eastbury House (Grade I) at Tarrant Gunville, Dorset (NHLE no 1324303), were expressly mentioned in 1955 – "two trees of considerable proportions have rooted themselves in the top of the gateway". On the other hand the extraordinarily all-enveloping creeper to the Castle Hotel, Taunton, which is probably coterminous with its occupation as an hotel and is shown as almost as luxurious as now in a Francis Frith postcard of 1869 is not mentioned in the schedule of 1952 (NHLE no 1060074). Neither is the creeper, protected by Victorian railings and therefore presumably early, which now covers much of the Grade II listed All Saints Royal Garrison Church at Aldershot. When Peter Aldington designed 3 houses at Turn End, Haddenham, Bucks, in the 1960s, the gardens were intrinsic to the concept. "They enfold and cocoon the houses" and that partnership is well reflected in the Grade II listing. Nancy Lancaster's Kelmarsh Hall would be difficult to interpret without the roses and herbaceous borders¹⁵⁸.

The two designations can therefore be so intertwined that a communality of criteria for inclusion, and management, seems logical. As long as listing is allowed to embrace the semi-organic this can be the regime which affords greater protection than registration is allowed to confer.

There might usefully be advice to LPAs that control of the organic or semi-organic affected by Listing is, de facto, in force, albeit with a light touch, until such time as there is a similar regime of protection for parks and gardens.

The obvious divergence is in the inability to protect the sub-national within Registration. This leads to a situation where those with interest ranking as local or regional, the equivalent of Grade IIs and some within II*, can only be identified through the Local Registration at LPA level – which may mean that they are compiled by those sometimes lacking the intrinsic expertise.

Compilation of the Register is statutory¹⁵⁹ but it does not, of itself, bring additional statutory controls - development affecting a registered site will be handled as a "material consideration" in the normal planning process. I do not pronounce on whether there should be a Registered Garden Consent not least because this is way outside my remit and because GHS/HE had done its own research into that¹⁶⁰. However the obvious should perhaps be flagged up – that the statutory lists of buildings would need to be re-visited where Listing has embraced the organic and inorganic (see above). HPR (page 8 etc) envisaged that the new combined "Register of Historic Sites and Buildings for England" would render inclusion therein as "discretionary" only.

Note – the registration of Historic hedgerows is handled under a different legal regime – Mynors 220.

158 And of course Nature can be ancient – The Woodland Trust estimated 2017 that there are 140,000 "veteran trees". The Bowthorpe Oak at Manthorpe, Lincs is considered to be over 1,000 years old. The oldest yew might be 5,000 years old – www.woodlandtrust.org.uk/blog/2018/01/ancient-yew-trees.

159 The Register in Wales, first compiled from 1994, also became "statutory" in the same limited sense in 2019.

160 See David Jacques paper of 1993 for GHS.

APPENDIX XV

Scheduling

The other key regime, running in parallel to Listing, and pre-dating it, is that protecting scheduled ancient monuments. Listing was pre-figured in legislation of 1944, given teeth 3 years later; scheduling was heralded in a nursery Act of 1882 and introduced in a form recognisable to contemporary eyes in 1913.

Between 1913 and 1947 scheduling was the only national method of protection. As the listing programme got underway some buildings that were already scheduled were added alongside on the statutory lists

There are fundamental differences between the two regimes, further emphasised by the fact that under legal precedent the older legislation (that for Scheduled Monuments) takes precedence over that for historic buildings (Listing). The differences are:

- i. By practice, scheduling is for the protection of sites where the primary interest is archaeological, in the old-fashioned sense that that interest might now be wholly hidden underground, the structure concerned is ruined or the interest derives from industrial archaeology¹⁶¹.

However, I have been struck by how often listing has been conferred on a feature which might as easily have been scheduled – a water feature, a wholly or substantially subterranean site, a ruin or a survival of little architectural interest but one that is of significance in terms of industrial archaeology. Examples have been submitted to HE. I return to this “overlap” below.

- ii. Scheduling can apply to the moveable, unlike listing, although that capacity for movement may be more theoretical than practical. This allows the scheduling of “any vehicle, vessel or aircraft or other moveable structure or part thereof. ...” And items of machinery. Nevertheless in the sister regime of listing, movability and status as a fitting not a fixture rules out its use altogether. Moreover plant or machinery cannot be listed outside the confines of a building (*Mynors p64*).
- iii. By longstanding convention, scheduling cannot be applied to places of worship in use, thus effectively excluding 45% of Grade I listings – although scheduling can embrace discrete sites – say a crypt, a ruined tower or nave, or a ruin in a churchyard – indeed such sites do not enjoy the Ecclesiastical Exemption where the roofed element “in use” i.e. the church, does¹⁶².
- iv. Neither can occupied dwellings be scheduled.

161 It is acknowledged that this is a much narrower definition than which regards archaeology as coterminous with everything that has been inherited.

162 St Mary, Elmesthorpe Leics is both Grade II listed with scheduling applied to the ruined nave, western tower and grounds. The ruins of Reading Abbey are both scheduled and listed Grade I.

- v. Scheduling is discretionary – the Secretary of State “may” schedule, he/she “shall” list, once the interest has been identified. Issues of management affect decisions to schedule but with listing it is for LBC machinery to control what happens subsequently.
- vi. To be scheduled, sites must be of “national” significance only and although it is hard to argue that that has been universally applied hitherto, it has led to a total of a mere 19,848 (at the end of 2016)¹⁶³ which is dramatically less than the 400,000 Listings. It was this statutory limitation to the criteria which persuaded EH/DCMS to suggest, as part of HPR in 2004-07, that in the single unified Register, then proposed, Scheduled Monuments should be transferred across to the new Grade I category, which would have combined the existing II* and I (this was not spelt out in the published document but teased out in round-table discussions held at the time)¹⁶⁴.
- vii. Because of a supposed unity of “national” interest, there is no grading although the clear implication of HPR was that the new single register would have had two grades.
- viii. Scheduled Monument Consent is substantially a means of curatorial management – there have on rare occasions been proposals that would have effectively destroyed the Scheduled Monuments that have had to be prohibited or ameliorated but the vast majority of applications are granted but with multiple conditions about the methodology for ploughing, dismantling, repair, or whatever it might be. LBC is much more intrinsic to a system of Development Management – “presumptions” have fallen in and out of favour but there is in effect a presumption with listing against loss or damaging change which applicants need to address and, where appropriate, counter. There is a further (implied) presumption that listed buildings are best conserved by a new use where the romantic appeal and archaeological interest of a ruined structure is normally undone by roofing, glazing and the paraphernalia of modern living.
- ix. Scheduled Monuments used to be subject to regular inspection by Field Wardens although that regime has now been abolished.
- x. Scheduled sites are fluid – areas of interest might broaden as excavations or research uncover more information, whilst the scheduled site itself will often enjoy a buffer zone, judged to be essential for “support or preservation” (*Mynors 6-011*). A scheduled site is rarely circumscribed by something as neat as a boundary wall and is really not tractable to the curtilage provisions as they affect listing.
- xi. The existence of Class Consents used to be a key point of division; Scheduling had such a provision early on but Listing didn’t. Now, however, there is a rough equivalent in the Heritage Partnership Agreement of the 2013 Act, which effectively grants LBC in advance for minor or uncontroversial works (and can cover more than one building) and the Listed Building Consent Order (and its equivalent, the Local Listed Building Consent Order).

163 There are 1,900 scheduled sites in Northern Ireland, 4,000 in Wales, 8,000 in Scotland.

164 This is not always followed as some scheduled sites are clearly not of Grade I quality – at Grane Mill, Haslingden (*Fishwick 6/02/19*) only the engine house, boiler house and chimney had been scheduled, now the whole lot is II*. The ruins of All Saints, Hope, Kent is both scheduled and listed Grade II (scheduling NHLE no 1003605)- listing at Grade II should surely denote less than national interest.

- xii. There is no system of appeal with scheduling– you can request a hearing before a decision is taken but cannot appeal it once it has been handed down.
- xiii. Scheduling lacks the permissive powers that LPAs have with listed buildings. You cannot serve an Enforcement Notice or a Repairs Notice on an Scheduled Monuments – although this is not unknown¹⁶⁵.
- xiv. There are no external consultations, even with CBA (although CBA is a consultee in Wales and urges a similar process in England). LBC applications have to go to the 6 National Amenity Societies. There is no political overlay say by a Planning Committee but MPs can make representations. CBA is concerned at the lack of automatic consultation on Scheduled Monuments with LPAs and grant of SMC in advance of LBC or planning consent on the same site.
- xv. Determination of SMC applications is entirely a matter for the Secretary of State, advised by HE. This comparatively closed regime is strikingly different from that proposed under HPR in 2004 – 07 which envisaged the merging of SMC and LBC into a new “Heritage Consent” which would be “administered by local authorities”¹⁶⁶.

The differences between the two regimes remain considerable – they are essentially complimentary and each has its own strengths.

In what therefore seemed a bold move to some at the time, HPR proposed the merger of SMC and LBC in 2007 into a single “Heritage Consent” – although this was lost when HPR failed to gain a legislative slot. HPR pilot projects, for example at Holkham, came to the view that fusion was practicable.

As with CAs, scheduling is sometimes seen as the most comprehensive of the regimes, defining the broadest coverage of interest. Again as with CAs, it can function by defining an outer geographical limit of interest – and as a clear signal of the desirability of an integrated approach to the whole site. It has been used to embrace extensive collectives such as The Royal Gunpowder Mills, Waltham Abbey and the Brooklands Motor Racing Circuit in Surrey (where the whole site is scheduled and 6 individual structures are listed)¹⁶⁷.

165 archaeologynewsnetwork.blogspot.com/2012/10/prehistoric-monument-filled-in-with.html
Wales introduced Enforcement Action on Scheduled sites in 2016

166 The involvement of HE (as with bridges that are both listed and scheduled) means in the experience of West Yorks Archaeological Service that the latter are better treated, partly because their own advice is treated less respectfully than that from HE.

167 Another example is Cogges Farm, Witney, Oxon, where the broadest site of the moated medieval manor house, now largely given over to an agricultural museum, is scheduled where the main buildings are listed – “all standing buildings are excluded from the scheduling although the ground beneath is included”. A Second World War pillbox is covered by the scheduling as are structures like fishponds that are probably not listable. The Grade II* Manor Farm House and 8 other structures are listed (the scheduling also goes under, but doesn’t include, several unlisted houses). 27 buildings at RAF Bicester were listed in 2006 and the whole airfield was scheduled – with a lengthy description that can serve as a prelude to all the 27.

There are many occasions where interlacing multiple designations, covering different sections of a single site, do work. It is argued that in certain cases that multiple designation should work where it brings in complimentary skills¹⁶⁸.

The real problem comes where the scheduling and listing are co-terminous. This is long recognised and there is an occasional ad hoc programme by HE/DCMS to simplify matters in individual cases. This is nearly always a matter of cancelling one of the protections in favour of the other – normally withdrawing the scheduling and maintaining the listing¹⁶⁹. However, not always so – I wonder why the ruins of St Mary the Virgin, Clophill, Beds (NHLE no 1113735) were listed II* in 1961 (amended 1985) and yet also remain scheduled (NHLE no 1005392) (but without any further description)? The ruined church at Ayot St Lawrence, Herts is listed (II*) only. The medieval undercroft at 72/74 High Street, Reigate is scheduled and listed II* whereas that at 50-52 High St, Guildford is scheduled only (NHLE no 1400306). Neither of the buildings above them are listed¹⁷⁰.

This may be an argument for sole reliance on scheduling but then the powers of protection under Listing, as with Repairs Notices, are greater. A surprising number of the Livery Halls of the City of London are scheduled as well as listed and one, The Painter Stainers (NHLE no 1002030) is scheduled but unlisted – an inexplicable decision if scheduling really does signify national interest¹⁷¹. Scheduling of a working roofed building is unorthodox and a clumsy way of controlling extensions or alterations to post-war fabric.

168 Some 15 years ago, underpinning work to an outbuilding to Park Farmhouse, Somersham, Cambs (Grade II NHLE no 1128418) which is based within a broader moated and scheduled site led to the loss of archaeological evidence of a house of the Bishop of Ely as EH were content not to call for a SMC application. However this seems to me to be a failure of communication and could be said to prove that multiple protection in this case did not work. (Info from Kasia Gdaniec, Senior Archaeologist, Cambs CC).

Mill machinery can be scheduled, where the mill itself is listed – although AIA prefers listing the lot rather than a mixed regime.

169 As happened at The Royal Opera House (which has been Grade I alone from 1970) and Temple Bar, which was scheduled and listed on its Hertfordshire site but then de-scheduled and listed alone in 2010 after relocation in the City. Prior to its dismantling and re-erection near the Cathedral, the half-timbered building in Manchester known as The Old Wellington Inn had been scheduled and listed but is now listed alone (Grade II NHLE no 1270698) The Royal Exchange in the City was scheduled as well as listed until 1985.

170 And the examples can be continued. Among the famous medieval undercrofts at Southampton that underneath 1 Simnel Street is II* (1953) and scheduled but the latter entry, as an “old county number” scheduling lacks either a date of designation or any description whatsoever. The “Royston Caves” in Herts are both scheduled and listed but with an infinitely superior description under the scheduling. The latter was first conferred in 1923 but the present revision is 1997 (NHLE no 1015594) – it is exact too in the exclusions (unlike the listing) – it omits the “railings, light fittings, duckboards and other modern features” and “the modern road surface and pavement and the foundations of the overlying buildings” – but includes a 2 metre buffer zone.

171 This Hall was effectively destroyed in the War and rebuilt. Following the standard description of the building type (commonplace in schedulings) there is reference to the reuse of early 18th century panels in The Painted Chamber and two (now concealed) medieval walls. What does the scheduling extend to and how can two concealed walls be detected let alone protected?

The logic in having exactly the same fabric controlled under a single regime seems to be common sense but into the foreseeable future de-scheduling will in effect leave the care of the structure to the LPA alone and if the authority concerns lacks a CO and/or access to professional archaeological services, it is hard to see how expertise would be brought to play. Works to ruins that are Grade II will not need to be referred to HE.

Conclusion

There is overlap between Listing and Scheduling, some benign, some less so and with some areas for actual or nascent conflict.

The real potential for confusion comes where listing and scheduling are exactly coterminous. This is hard to understand and the present practice of cancelling one set of controls where the other is just as effective is logical and should be continued¹⁷².

There are a small number of cases where a single site is scheduled and registered (as a park and garden), but not listed. One such is the famous maze at Saffron Walden, first recorded in 1699 and reconstructed on several occasions since, the last time systematically in 1911. The description on the register is full whereas there is none attached online to the scheduling. Scheduling as a statutory consent brings more teeth to the protection of the site than registration alone.

The principal recommendation is one of “horses for courses” – the best management structure for the site in question should be identified and the protection regime most tailored to the needs of the asset concerned should be that which is chosen (and kept under review – some of the factors deciding on the regime will be variable, like the existence and quality of staff, and may have to be revisited).

There should however be an explanation in the description of why the particular path (scheduling or listing) has been taken and why both methods of control have been maintained where that duality is the choice that has been taken.

Mike Heyworth on behalf of CBA argued strongly in favour of multiple designations and although accepting of an ongoing review in areas of conflict felt that this should be conducted independently from Historic England. I do not accept that last argument and do not so recommend. CBA have been told of this finding on my part.

172 Cherry/Chitty p52 reported the overlap as more of a problem for EH and NAMS than LPAs where only 24% noted it as an issue.

GLOSSARY

The description or entry to a listing used to be called a schedule but I follow current practice and employ “description” or “list entry” to save confusion with the separate mode of protection.

ACV	Asset of Community Value
AMS	Ancient Monuments Society
ASHCB	Association for Studies in the Conservation of Historic Buildings
BPN	Building Preservation Notice
CAs	Conservation Areas
CAC	Conservation Area Consent
CBA	Council for British Archaeology
CAMRA	Campaign for Real Ale
CLA	Country Land and Business Association
CMP	Conservation Management Plan or Conservation Plan (CP)
CO	conservation officer
COI	certificate of immunity from listing
CPO	compulsory purchase order
CTA	Cinema theatre association (actually concerned with cinemas not theatres, which is the preserve of the theatres trust)
C20	Twentieth Century Society
DAS	Defined Area Survey
DC	Development Control
DCMS	Department for Digital, Culture, Media and Sport
EAS	Enhanced Advisory Service (HE)
EH	English Heritage
ETL	Enrich the Lists
GDPR	General Data Protection Regulations
GG	Georgian Group
GHS	Garden History Society (now the Gardens Trust)
HAR	Heritage at Risk
HAZ	Heritage Action Zones
HE	Historic England
HEAC	Historic England Advisory Committee
HER	Historic Environment Record
HHA	Historic Houses Association
HLF	Heritage Lottery Fund (now NLHF)
HPR	Heritage Protection Review (2007)
IHBC	The Institute of Historic Building Conservation
JCNAS	Joint Committee of National Amenity Societies
LBC	Listed Building Consent
LDF	Local Development Framework which replaced Unitary and Structure Plans in 2004
Legacy Entries	Listing descriptions, nearly all from the 20th century.
List Entry	Description of the heritage asset which appears in both Listing and Scheduling

Local List	includes Local Heritage List and other terms for the Lists that are compiled locally
LPAs	Local Planning Authority
MPP	Monument Protection Programme
NA(m)S	National Amenity Societies
NDHA	Non Designated Heritage Asset
NHPP	National Heritage Protection Plan
NLHF	National Lottery Heritage Fund (formerly HLF)
NPPF	National Planning Policy Framework
PINS	Planning Inspectorate
PoWs	Places of Worship
RCHME	Royal Commission on the Historical Monuments of England
RFDD	(reasons for the designation decision)
SMC	Scheduled Monument Consent
SPAB	Society for the Protection of Ancient Buildings
TPO	Tree Preservation order
VAG	Vernacular Architecture Group
WHS	World Heritage Site

Reactive Listing

a Listing which has been sought through an application to HE, that has met the published sift criteria and resulted, following consultation with owner, applicant, HER, LPA and relevant interested / amenity parties in a designation. Term now used instead of “Spot Listing”.

Thematic or Strategic Listing

a listing that has resulted from a themed project, often the result of commissioned research and usually part of the MPP or the subsequent Listing Strategic Programme.

Minimalist Listing

a listing with a brief, descriptive List Entry satisfying only the requirement to identify the property and marry its form with address given. The type was replaced by a fuller format by 2005.



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