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5. Listed Buildings and Conservation Areas

This information sheet provides a description of the processes behind listed buildings and conservation areas, the additional controls which exist, and how to get involved in their preservation.

Why do we have listed buildings?

Following the aftermath of the destruction of historic buildings and areas during World War 2, the Government was prompted to compile a list of buildings which would be given special protection through the planning system.

What extra controls are provided for historic areas and buildings?

Two main types of protection exist:

- Listing of individual buildings or small groups of buildings of special architectural and/or historic interest (group listings only apply as an addition to individual listings)
- Conservation Areas, which cover wider groups of buildings and their surroundings e.g. small villages or specific neighbourhoods

Who designates listed buildings?

The Scottish Government is responsible for listing buildings. This is done by [Historic Scotland](#) (an executive agency of the Scottish Government) who also update the lists. Anyone can request that a building be put forward for consideration for listing.

How are buildings listed?

Buildings are listed under three categories:

- ‘**A**’ **Listed** - Buildings of national or architectural importance or little-altered examples of styles or periods.
- ‘**B**’ **Listed** - Buildings of regional importance or important historic buildings that have been altered.
- ‘**C**’ **Listed** - Buildings of local importance and lesser examples of a particular era which may have been altered.

What does listing include?

Listing may include additional structures in the surroundings of the listed building such as walls, statues or ornamental garden features. Alterations to buildings in the vicinity of listed buildings may require additional advertisement to allow public comment on the impact on the listed building's setting (which may be integral to its character). Listing may also cover interior features of the building, such as fireplaces and other decorative features which would be outwith normal planning control.

What is the impact of listing?

Listed building consent is required for demolition and any alteration that may affect the building's historic appearance or character, right down to small changes such as installation of an alarm box. It is rare for permission for demolition of a listed building to be given, as it must be demonstrated that every possible action to preserve the building has been taken and that the building cannot be put to any economic use.

What is the difference between planning permission and listed building consent?

With listed building consent the emphasis is placed on preserving the historic character of the building. Listed building consent is separate from normal planning permission, which will also be required for some changes. Where both listed building consent and planning permission are required, the applicant must obtain both before work can commence. Our information sheets on Development Management and Enforcement explain when planning permission is needed.

What happens when a building is listed?

When a building is listed the owner will be notified. Details of listings are kept on a public register which is available from your planning authority (your local Council or National Park Authority). Up-to-date information on listed buildings is also available online through Historic Scotland's website.

How do you apply for listed building consent?

Planning applications can be submitted by completing paper forms which are available from your planning authority (or downloaded from the Scottish Government ePlanning website). You can also submit planning applications online via the Scottish Government's [ePlanning website](#).

Applications for listed building consent must be sent to the relevant planning authority, who will then advertise it in a local newspaper and the Edinburgh Gazette. The planning authority must wait 21 days before determining the application. Any member of the public or organisation can make representations to the planning authority; the planning authority may consult Historic Scotland or other organisations.

The planning authority can grant listed building consent for 'C' listed buildings without notifying Historic Scotland. The planning authority must notify Historic Scotland before granting consent for 'A' and 'B' listed buildings (note that this procedure is currently under review and may be subject to change). Historic Scotland then has 28 days to make comments, or may decide to extend the

consultation period with a view to potentially advising Scottish Ministers to “call-in” the application for further consideration.

What happens if a historic building is under threat?

- If the building is not listed the planning authority can serve a “Building Preservation Notice”. This effectively gives the building the same protection as listing for six months.
- The planning authority can serve an enforcement notice (see separate information sheet: Enforcement) where listed building control has been breached. If a building is being damaged or neglected a repair notice can be served, which if not complied with can lead to compulsory purchase by the local authority.
- If an application for demolition is successful, the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) must be notified so they can make a record of the building before demolition.

Conservation Areas

How are conservation areas designated?

It is the responsibility of the planning authority to designate conservation areas which they feel will benefit from special protection and enhancement (the Scottish Government also has the right to do so). If a planning authority designates or amends the boundaries of a conservation area, it must firstly advertise its intentions in at least one local newspaper and the Edinburgh Gazette. Planning authorities may carry out consultation regarding conservation areas with the local community, often during the preparation of Local Development Plans. (See separate information sheet: Development Plans)

What is the impact of conservation area designation?

Conservation area designation gives the planning authority extra control on development within the area and additional scope for improvement initiatives.

What is a conservation area character appraisal?

Many planning authorities produce a character appraisal for each conservation area which outlines the area’s historical development, why the area has been designated, why an area should be designated, design guidance, and specific planning policies that will apply. Appraisals may be prepared in association with local amenity organisations and summaries incorporated into development plans.

What is supplementary guidance?

Supplementary guidance is used by planning authorities to supplement the topics, policies or proposals which are set out in Development Plans. Your planning authority may produce supplementary guidance which is directly related to listed buildings and conservation areas. This could include guidance on topics such as proposed conservation areas, design, listed buildings, replacement windows and shop fronts.

How are alterations to buildings controlled within conservation areas?

Extra restrictions may be placed upon “permitted development” within conservation areas. The planning authority can apply to Scottish Ministers for these extra restrictions (known as “Article 4 Directions”); if they do so they must publicise their intentions in the local press and the Edinburgh Gazette. Any planning application which a planning authority considers likely to alter the character of a conservation area must be advertised in the local press and a notice posted near the site. The planning authority must then allow 21 days for objections and comments before determining the application.

Can buildings in conservation areas be demolished?

Conservation area consent is required for the demolition or partial demolition of any unlisted building (certain very small buildings are exempt). Many unlisted buildings contribute significantly to the conservation area’s character, so the loss of a single building and construction of a new building(s) in its place could harm the character or appearance of the conservation area.

Where demolition or partial demolition is to be followed by redevelopment, consent should only be granted if the planning authority is satisfied that the proposals are of a high standard in terms of design and materials. A planning application for full planning permission is likely to be required at the same time to allow appraisal of the final design.

What about trees within conservation areas?

Trees in conservation areas are protected from pruning, lopping or felling. Before any work can be undertaken, the planning authority must be notified; they then have six weeks in which to inform the applicant whether formal permission is required. Forms for application for tree works can be obtained from your planning authority or online via the Scottish Government’s [ePlanning website](#).

How you can get involved

- Members of the public and community groups can get involved with the preservation of historic buildings and areas in a number of ways:
- Know the policies which apply to conservation areas by consulting the Local Development Plan or the conservation area character appraisal, if there is one.
- Find out about proposals affecting listed buildings or conservation areas. Most developments must be advertised in the local press. In addition, if planning permission is required, neighbouring properties will be notified.
- If you support, object or wish to comment on an application, make representations to the planning authority. Constructive criticism is best - controls are there to ensure development is appropriate to the preservation and enhancement of historic character, not to stop all new development.
- Representations relating to listed buildings should focus on how the building’s character will be affected by the proposal or the value of the building and its setting. If relating to new proposals in conservation areas, the proposed design, materials and scale should be considered.

- Get involved during the new designation or alteration of conservation areas. There may be opportunities through the consultation that will be undertaken by the planning authority during the preparation of the development plan.
- Get involved during the consultation of supplementary guidance related to listed buildings and conservation areas.
- Contact the planning authority if you think a listed building is being, or has been, altered without permission.
- Inform the planning authority or Historic Scotland about unlisted historic buildings that may be under threat but worth considering for listing.
- Contact the Scottish Civic Trust if a building is threatened with demolition.
- Contact the Buildings at Risk Officer at the Scottish Civic Trust if seeking a building to restore and re-use.

Where can I obtain further information?

Contact your planning authority – planning authorities employ staff that specialise in historic buildings and conservation.

- [Historic Scotland](#) – website contains a wealth of information and guidance on historic buildings.
- [The Scottish Civic Trust](#) - founded in 1967 with the purpose of providing leadership and focus in the protection, enhancement and development of Scotland's built environment.
- [The Architectural Heritage Society for Scotland](#) (AHSS) - is concerned with the protection, preservation, study and appreciation of Scotland's buildings.
- [The Royal Commission on the Ancient and Historical Monuments of Scotland](#) (RCAHMS) - collects records and interprets information on the architectural, industrial, archaeological and maritime heritage of Scotland.

How can Planning Aid for Scotland help?

If you are still unsure or need independent advice, then Planning Aid for Scotland may be able to help. Contact our **Advice Service**, which is **free of charge** to individuals and community groups, on **0845 603 7602**, or refer to our information leaflet which is available on our website at www.planningaidscotland.org.uk.