

LISTED BUILDINGS - POINTS TO REMEMBER

The government has issued new guidance to local authorities aimed at more enforcement of the listed buildings regime. Bear in mind the following:

- There is no limitation period for breaches. Something done years ago may still be liable to enforcement action.
- Liability runs with the land, so a purchaser may end up remedying something they didn't do.
- If the local authority serves a notice or letter regarding enforcement action, the owner should consider applying for retrospective listed building consent. No enforcement action will take place until the outcome of that application is determined.
- Properties in conservation areas are also subject to enforcement action - including demolition.
- Listing is not limited to certain aspects of the building and it is not just the features specifically mentioned in the listing particulars that require preservation. Everything in all listed buildings, whether Grade I or Grade II listed, is protected, unless it can be shown that the feature or element is of no significance and does not contribute to the special interest of the building. This applies not just to the buildings or structures attached to the main listed building, but also to independent structures within the curtilage of the listed building (if that structure was erected prior to 1948).
- When purchasing a listed building it will be important to check the full history of works to the building and that all necessary applications for listed building consent have been granted and any conditions satisfied. You will want confirmation from the Seller that he is not aware of any unauthorised works to the building.
- Ideally, you might consider instructing a surveyor qualified in historic building conservation to check the building against the relevant listed building consents, to see that any conditions have been met and to look for suspicious features that might be unauthorised alterations.

If you wish to discuss any of the issues raised in this article, or for information on any other commercial property matters, please contact Jenny Harbord on 01872 226994, or by email: jenny@murrellashworth.co.uk.



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