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The Little Ceausescu

by Simon Tolson

It has always frustrated me that the development control in this country is a lousy business to have to participate in. By this, I mean that the planning, conservation approval and the listed building consent process is not unlike it that of a poor Romanian applying for a visa to go to the USA in the days of Ceausescu: much form filling, sucking of teeth, interrogation, inordinate waiting and then, more often than not, rejection. If you are very lucky you pass go, but even then on a qualified ticket with a stack of conditions to shake your stick at. I have been through this ritual via my experience of planning and conservation authorities as a construction solicitor and through organising changes to my own house. It is a common misconception in the industry that listed buildings cannot be altered or demolished. Listing simply means that a statutory authority must approve all such proposals before work commences. Indeed, some element of alteration is inevitable because of ordinary conservation and repair work, and in some cases even the demolition of some part may be required in order to ensure the survival of the building as a whole. Surprised? You shouldn't be. Conservation is a very broad church.

The fear of loss of life and property from fire brought about the first formal controls after the Great Fire of London in 1666 destroyed four-fifths of London. This led to the London Building Acts of 1667 and 1774. Then followed laws on listed buildings (from 1932), conservation areas (1967), World Heritage sites (1984), and now locally listed buildings too. We have reached a point where we are expected to consider not just these designations, but also the setting of listed buildings and conservation areas as well! Heaven help us. Where do we draw a line? I do not question that we must protect our heritage and ancient monuments as arguably the greatest threat to their future comes from ill-considered intervention by their owners and poor decisions made by planning and conservation folk.

Some of the headaches stem from lack of skills and resources in local authority conservation departments, lack of integration and poor communication between conservation and other local authority departments and disproportionate responsiveness to community (and nimby) concerns that are really nothing to do with heritage at all. I cite one case I know where an "early" MDF kitchen was argued to be a heritage issue in a pub in Twickenham. The crass nonsense sometimes uttered is alarming.

Many clients and practitioners suffer at the hands of overzealous conservation officers who, if you are lucky, have good historic knowledge, but then show poor judgement about new architecture and form an unholy pact with the forces of nimbyism. In my experience, many of those working in local authorities today as officers know little about building materials, the technology and craft of construction and genuinely good design. I appreciate that subjective matters require a trained eye, but such attributes together with a sense of proportion, juxtapositional tolerance, and a feel for complementation escapes many officers to the detriment of our built environment. This state of affairs is not universal by any means, but it is sufficiently common to be a general problem, and needs addressing as such.

This problem will only get worse if the existing delegated legislation, Planning Policy Statement 15 (PPS15), is left unchanged. The trouble is that was first published in 1994 and out of date. An updated statement of national planning policy is necessary to keep in line with the mainstream of the planning system and ensure that the historic environment continues to be given its due weight in planning considerations. A new PPS is also an opportunity to reflect contemporary best practice and approaches to managing change in the historic environment.



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Furthermore, in July 2009 it looked as though things were deteriorating further as the government was moving towards a policy even less clearly framed such as protection of non-listed buildings with architectural merit, i.e. Locally Listed Buildings. These are quaintly referred to as 'heritage assets'. A heritage asset is described as "a building, monument, site or landscape of historic, archaeological, architectural or artistic interest, whether designated or not". This will inevitably create doubt as Local Authorities are able to take a broad interpretation of a 'heritage asset' in order to refuse applications that will have an impact on such a building or landscape.

However, I think there may be light at the end of the tunnel.

The planning minister, John Healey has now promised to "redraft" PPS 15 with new rules on historic buildings following an outcry over the original version. They were attacked by Royal Town Planning Institute as "fundamentally flawed," "unfit for purpose" and a potential "charter for people who want to knock buildings down".

Healey says there is no question of downgrading the protection of historic buildings. "We will redraft it to make clear that the protection of heritage buildings will not be reduced."

However the Minister has not yet committed to re-consulting stakeholders on the redrafted PPS before publication, fat chance now before the election I would say. Much like other pending legislation on adjudication!

A final version of the guidance is set to emerge before Easter 2010, word on the street is 10 March 2010. Let us hope it brings a change in the right direction. In the meantime, you folk in the employment of local authorities, wake up! You serve us, and are not born simply to stifle enterprise in construction under the label of protecting the vernacular. I say, get the balance right guys!