

De-listing: Removing a building from the list of buildings of special architectural or historic interest

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Historic
Environment
Division



Department for

Communities

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Commonities

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1

What is a listed building?

The Department has a statutory duty to list buildings¹. “Listed Buildings” are those designated through listing as being of ‘special architectural or historic interest’ under Section 80(1) of the Planning Act (NI) 2011, which gives the overall test for assessing a building for listing. It states that: ‘The Department –

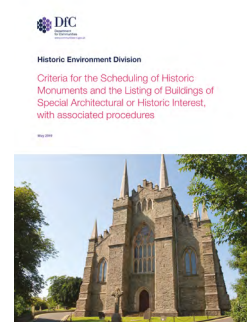
- a) shall compile a list of buildings of special architectural or historic interest and
- b) may amend any list so compiled.

Listing marks and celebrates a building’s special architectural or historic interest and protects it through legislation for future generations. Listed buildings are a precious, finite resource, which once lost, cannot be replaced.

The legislative test applies to the listing of buildings of special architectural or historic interest; there is no separate legislative test for de-listing; a building is added to The List if it meets the test, but equally it may be removed from The List if it does not.

The Criteria for Listing

The criteria that the Department applies when deciding whether a building is of special architectural or historic interest (and therefore if it should be listed or de-listed) are set out in the **‘Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures’**: <https://www.communities-ni.gov.uk/publications/criteria-scheduling-historic-monuments-and-listing-buildings-special-architectural-or-historic>.



The key criteria for listing are therefore, architectural interest or historic interest. A building can be listed for either criterion but in most cases it will have both. The overall test is that this interest must be considered ‘special’.

¹ The term ‘Buildings’ also encompasses listed structures such as telephone kiosks, pumps, bridges, railway signals, boundary markers and post boxes etc

2

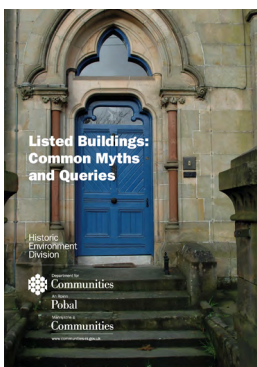
What does ‘de-listing’ mean?

The term ‘de-listing’ means amending The List by removing a building from it. Buildings are considered for de-listing against the same Criteria for Listing as noted above – **there are no separate criteria for de-listing**. De-listing will only happen if it can be clearly proven that the building no longer meets these Criteria; the decision is evidence-based.

On occasion, listed building owners apply to have their building de-listed. The Department has found this is frequently because of a misunderstanding about what owning a listed building actually means. They may fear the Department will force them to carry out restoration work to their building for example. This is not the case. The Department has published guidance called ‘Listed Buildings – Common Myths and Queries’ to explain the impact of listing: www.communities-ni.gov.uk/publications/listed-buildings-common-myths-and-queries.

The **condition** of a building and the costs associated with repair are not criteria for listing or de-listing and buildings are **not** de-listed for this reason. The onus is on a listed building owner to maintain it and Local Councils have the powers to serve an Urgent Works Notice on the building (See Section 6).

Each de-listing application is dealt with on a case-by-case basis. **It should be noted that applications for de-listing are rarely successful**; this is because the vast majority of listed buildings have been correctly identified. Listed buildings are likely to retain ‘special interest’ even if they have undergone some change.



3

Who can apply for a building to be de-listed?

An application for de-listing is often made by the listed building owner, or on behalf of the owner. It may also be made by the

Department themselves following the systematic re-survey of an area.

4

The de-listing application

Applications or requests for de-listing are made in the same way as proposing a building for listing through the Listing Query process: www.communities-ni.gov.uk/articles/nominating-building-listing-northern-ireland.

Applicants must provide as much supporting evidence as possible to demonstrate to the satisfaction of the Department that the building no longer has special architectural or historic interest and therefore does not meet the Criteria for Listing.

This evidence may include written information, photographs, and maps where appropriate. This information should be sent to hed.secondsurvey@communities-ni.gov.uk. This information may be presented at any time to HED.

Applicants must make a de-listing request in writing, whether by letter or by email. Phone call requests must be followed up with a written request.

5

How is a de-listing application assessed?

A team of Conservation Architects and Architectural Historians evaluates the information provided and may or may not find that a building no longer satisfies one or more criteria for which it was listed.

HED may re-survey the building to allow comparison with the original survey which was taken at the time of listing, and may carry out further architectural and/or historic research.

If it appears, from the information provided, that the building still **does** meet the Criteria for Listing then the application for de-listing will **not** be taken forward and the building remains on The List. The enquirer will be informed.

If it appears, from the new information provided, that the building **does not** meet the Criteria for Listing then the application

will be taken forward, and the Department will consult both the Local Council and the Historic Buildings Council.

The Local Council is asked to send in their responses within 6 weeks from the date of the consultation letter. The Department can only assess objections to the de-listing proposal from consultees against the Criteria for Listing.

The Department for Communities signs off all de-listing proposals, and The List is amended to remove the building. The De-listing Schedule is sealed and stored in PRONI and a copy is kept by HED.

Please note: each de-listing application is assessed on a case-by-case basis and there is no right of appeal for listing / de-listing decisions made by the Department.

6

What other checks are made when a de-listing application is being assessed?

Before any building is considered for de-listing, checks are made to see whether inappropriate or unauthorised works were carried out to it, in which case the Local Council planning enforcement team will be notified. Unauthorised works to a building could attract criminal prosecution and/or enforcement procedures, with significant implications in terms of costs to the property owner as well as the possibility of having a court judgement against them.

In cases where unapproved changes have occurred to a listed building, an application for de-listing will need to show that the restoration of such changes would still not allow the building to meet the legislative test for listing.

The Local Council and the Department will always endeavour to work with a building owner to reverse and/or mitigate against the changes, and find the best solution for the building – this may be achieved through a retrospective Listed Building Consent application.

If the building has suffered from neglect, the Department may request that the Local Council serves an Urgent Works Notice on the building to ensure it does not suffer from loss/further loss of historic fabric. Note that the council can seek compensation from the owner if the council completes the urgent work.

Leaving a building to decay will rarely result in de-listing; Refer to ‘Urgent Works Notices – A good practice guide for District Councils’: www.communities-ni.gov.uk/publications/guidance-councils-urgent-works-notices.



If a listed building has been demolished without LBC, the responsibility for enforcement action falls to the Local Council.

In the case of a listed building being destroyed by natural disaster or fire or water damage, a de-listing application will not normally be processed until the cause of the disaster has been established. Enforcement action may be considered by the Local Council and normally insurance will cover repair.

If a listed building is in danger of collapse, HED normally recommends that evidence must be provided by a structural engineer with conservation experience that the building is unsound. In most cases temporary works to stabilise the building will be required.

A de-listing application will not be considered for the following reasons:

if an active enforcement case is being pursued by the Local Council, if an Urgent Works Notice has been served, if Listed Building Consent has been applied for or

works started, if the building has already been reviewed through the Second Survey* or already assessed for de-listing in the past. A de-listing application will also not be considered if planning permission which will affect the building's special architectural or historic interest has been granted or is still valid, or if works which have received such planning permission are under way.

*Refer to 'Information Guide for the 2nd Survey of Historic Buildings' at: www.communities-ni.gov.uk/publications/information-guide-2nd-survey-historic-buildings-listed-historic-buildings-northern-ireland.



7

Summary

As illustrated in the scenarios above, there are various reasons why someone might apply for a building to be de-listed, but in reality few buildings are removed from The List.

However, upon review, if the supporting evidence provided clearly demonstrates that the building no longer meets the Criteria for Listing, and enforcement has been considered, then the building may be de-listed and the Statutory Charge* that was applied to the address will be removed.

*the Statutory Charge Register allows buyers to check if a property is affected by certain statutory restrictions.

Requests to de-list buildings that are ruinous or have become ruinous are assessed in the same way as all other de-listing requests; the reason for the ruination is investigated on a case-by-case basis and the building's remains are assessed against the Criteria for Listing to establish if the building can convey its significance despite having lost a proportion of its historic fabric.

8

Valuing your listed building

There is much pride and joy to be had in being the custodian of a listed building; great buildings contribute to a sense of place and help reinforce local and national identity as material evidence of how people lived in the past.

Historic Environment Division identifies, records and protects the rich heritage of Northern Ireland for future generations through listing to protect the building and its character within its setting, and to prevent the permanent and irreversible loss of heritage that is worthy of protection.

It is important to stress that listing a building does not prohibit future work and it does not mean that the building must remain unchanged from the day it was listed or be returned to its original state; listed buildings can be altered or extended through a Listed Building Consent application, allowing the Planning Authority to consider the impact of the proposals on the building's significance.

HED advises owners or custodians about the reasons for listing, on how best to care for their building and on

how it may be changed. The advice aims to ensure that any change does not harm the building's essential historic character (special interest).

Refer to the following publications:

www.communities-ni.gov.uk/publications/guidance-making-changes-listed-buildings-making-better-application-listed-building-consent, and

www.communities-ni.gov.uk/publications/owners-guide-listed-historic-buildings-northern-ireland.



To learn more about the importance of our heritage, refer to the Heritage Delivers publication, 'Treasure the Past. Enrich the Future: <https://niheritagedelivers.org/>

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