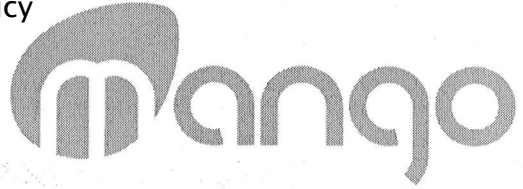


Inquiry into the Welsh Government's Historic Environment Policy
Response from Mango Planning and Development Limited



AH/gen

29 June 2012

Communities, Equality and Local Government Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Dear Sir

Inquiry into the Welsh Government's Historic Environment Policy

Thank you for the invitation to contribute to the above inquiry.

Mango is a town-planning consultancy based in Wales that advises developers and landowners on negotiating the planning system in England, Scotland and Wales.

We support the initiative of the Committee to review the current Historic Environment Policy.

The focus of our representation is upon the current system of listed building consent. This system in our view represents in many ways a serious impediment to the preservation or enhancement of our historic buildings.

In our experience developers are, in many cases, put off finding beneficial uses for listed buildings due to the significant bureaucratic hurdles faced with achieving change. It seems far too often that the system and those that police it prefer historic assets to fall to ruin than to accept changes that may sustain that asset's long term future.

What is required is a system that better balances the need to preserve or enhance our best historic assets and the need to support sustainable economic development.

A number of our concerns about the current system are reflected in the comments of the Wales Planning Consultants' Forum, the representations of which we support fully, and we do not repeat them here.

We would however wish to raise two key issues – what the scope of the statutory listing system should be, and the quality of the evidence base necessary to determine that scope.

1. Scope of the statutory listed building system

Statutory listing of a building can be a serious constraint on a landowner's general rights (within the confines of the planning system) to use land in the manner that they wish.

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Statutory listing may also have serious consequences for the value of land and buildings and introduces a liability on the landowner to maintain the buildings in the same condition as when listed. The limitations on internal changes also make listed buildings less flexible spaces for re-use in a manner that meets market demands.

Listing does not add value to a building therefore; in our experience it does precisely the opposite. As a consequence, a listed building is generally a less attractive investment than an unlisted one.

In the apparent absence of any substantive grant funding to support listed building works to 'lower grades' of listed building, the effect of listing can in some cases therefore deter the very investment that is necessary to prevent it falling into disrepair.

Within this context, listing ought properly to be undertaken only where an asset is of such significance that its loss would present serious harm to the historic record.

In our view the scope of statutory listing should be far more confined than it is at present, focusing in on only those key buildings of significant interest beyond the local area. In this way, the limited funds and resources available to support listed buildings could be focused on those truly significant assets and not diluted as at present.

Where there are other buildings with lower, or more local historic value, in our view these should be considered through the development plan and development control systems, with local lists forming the basis for application of local heritage policies. This will allow local planning authorities to more readily balance historic interests against other Welsh Government policy objectives, such as achieving sustainable economic development and regeneration.

2. Basis of statutory listing

Given the level of interference in private property interests that statutory listing brings, it is in our view right and proper that when statutory listing is undertaken it is done on a solid evidence base.

Existing listing records are in our experience very poor and in far too many cases fail to explain fully those features or characteristics of a building or its history that have given rise to its listing. The records are also often unclear as to the physical extent of the listing, particularly with regard to curtilage buildings.

Such a paucity of information provides poor evidence for understanding the true historic value of the asset in question.

Where CADW is asked to review listings, in our experience such requests are given short shrift. For example, a client, having identified that the apparent historical basis for a Grade II spot listing was inaccurate (the notable family said to have lived there was shown in fact to have lived elsewhere) invited CADW to revisit the listing. CADW accepted the error but decided that the building should remain listed for architectural reasons, despite them never having visited the property (and refusing to do so subsequently). Thus the statutory listing for the property remains inadequate and riddled with errors.

This raises the further issue of the lack of accountability of CADW. The only mechanism available to my client in the example above to challenge unreasonable and dogmatic stance of CADW is judicial review.

In our view, if CADW is to hold such power over the status of listed buildings then a system of appeal ought to be introduced to allow landowners to challenge their listing decisions or refusals to review listings, without recourse to the courts.

Of course, if the scope of statutory listing were to be reduced as suggested above, then responsibility for consideration of such matters for 'locally listed' buildings would be brought within the development control system and landowners would have the option of appeal as they would for any other application.

I hope that these comments are of assistance to the Inquiry and I will follow proceedings with interest.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Arfon', followed by a horizontal line.

Arfon Hughes
Director

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