If a building is considered by the Secretary of State for Culture, Olympics, Media and Sport to be of special architectural or historic interest it will be included on a list of such buildings. The List is maintained by English Heritage. This guidance provides an overview of the application process for removing a building from the List, sometimes called de-listing.

Why might a building be removed from the List?

- The statutory criteria for a building being included on the List are that it holds special architectural or historic interest. The Secretary of State will remove a building from the List only if it no longer meets these criteria.
- The general principles the Secretary of State for Culture, Olympics, Media and Sport applies when deciding whether a building is of special architectural or historic interest are set out in Principles of Selection for Listing Buildings, DCMS, 2010, an excerpt from which explains special interest:

  “Architectural Interest. To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;

  Historic Interest. To be of special historic interest a building must illustrate important aspects of the nation’s social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.” Principles of Selection for Listing Buildings, DCMS, 2010.

- The Secretary of State can only take into account a building’s architectural or historic interest when considering an application for de-listing.
- An application for de-listing may be made because new evidence is available about the lack of special architectural or historic interest of the building, or a material change of circumstances, for example fire damage.
- It should be noted that application for de-listing is a separate process from the review of listing decisions, which is a challenge to the validity of a recent listing decision.
When can applications for de-listing be made?

- An application for de-listing can only be made after notification of inclusion on the List has been received from the Secretary of State and any related review process has been completed. For information on the review of listing decisions see the [DCMS website](https://www.gov.uk).
- Applications for de-listing will not generally be considered if the building is currently the subject of an appeal against refusal of consent, or if enforcement action of any kind that may alter the state of the building is a possibility or is in hand. Both listed building consent appeal and enforcement appeal procedures give appellants the right to argue that a building is not of special interest and should be removed from the list. Where one of these processes is already underway, the issue of de-listing is more properly addressed in that process.
- If works to a building are ongoing or planned then consideration of an application for de-listing is unlikely to be finalised until those works are completed.
- An application to de-list should not be made in an attempt to avoid an urgent works notice or compulsory purchase procedure, unless the building would no longer meet the criteria for listing in a repaired state.
- If a listed building has been demolished after a repairs notice is served (under s48 of the Planning (Listed Buildings and Conservation Areas) Act 1990), de-listing will not be considered until it is clear that neither the local authority nor the Secretary of State intends to seek compulsory purchase of the building.
- Extra care is needed with fire-damaged buildings. Experience shows that special interest may remain even when considerable damage has been done to the fabric, both by fire and by the use of water to put the fire out. A de-listing application will not normally be processed until the causes of fire have been established and enforcement action leading to some form of restoration or repair ruled out.

How should applications for de-listing be made?

- Applications for de-listing should be made to English Heritage in the same way as listing applications. For more information, and the online application form, please see the [English Heritage website](https://www.english-heritage.org.uk).
- Applicants will need to provide as much supporting evidence as possible to show why it is believed that the building no longer has special architectural or historic interest. This may take the form of written information, photographs, maps etc.
- Based on your application, we will make an initial assessment to judge whether the building appears to meet the criteria for de-listing.
- If, after the initial assessment, we judge that the building appears to meet the criteria for de-listing, we will notify the local authority of the application.
- At this stage owners and the local planning authority can forward on to us any further information or comments they might have on the special architectural and historic interest of the building. This will help us with the final assessment.
- During this assessment, English Heritage will consider the claims to special interest. In so doing, we may undertake historical research, and make comparisons with other examples of the same building type.
• In most cases an inspection will be undertaken, although this is not always necessary. Where English Heritage considers that an inspection is desirable, the owner’s permission will be sought.

• We will then put together an initial report, which will be sent out to the owner, applicant and local planning authority for consultation. The initial report sets out the history and background information about the building proposed for de-listing, and will form the basis for our assessment about whether the building no longer meets the criteria for listing. National amenity societies are also consulted.

• Consultees will be asked to send in their responses within 21 days from the date of the consultation letter.

• It is important to note that we can only consider comments on the special architectural or historic interest of a building.

• We will then consider all representations made before finalising our recommendation to the Secretary of State. The decision on whether to de-list is taken by the Secretary of State.

• After the Secretary of State has come to a decision, the owner, applicant and local authority will be notified, and sent a letter detailing the reasons for the decision.

• The whole process takes on average 5 months.

Notes on applying for de-listing:

• De-listing is only recommended after careful consideration has been given to each case. The vast majority of buildings that are listed have been correctly identified as of special interest.

• It should not be assumed that the list description encompasses all aspects of the special interest for which the building was listed. Older list descriptions in particular were often tools for identifying a building, rather than an explanation of its special interest. Even the more extensive modern descriptions will not necessarily cover all aspects of the special interest.

• English Heritage has published a series of selection guides that shed further light on our approach to assessment of candidates for listing and will aid understanding of what constitutes special interest. They are an aid to understanding, not a definitive description of any building type. They can be found on the English Heritage website.

• Under the Data Protection Act 1998 the identity of an applicant for de-listing will not be revealed unless they give their express permission. For more information on English Heritage’s privacy policies please click here.

• Every application for de-listing will be individually considered on its own merits. On average around 150 applications are made per year and around 50% lead to a de-listing.