

Guideline Leaflet LB02: Applying to the Listed Buildings Advisory Committee

This leaflet explains the six-stage application process for the Listed Building Advisory Committee. It is for churches and their advisors. An application for a Certificate of Authorisation is essential where changes are proposed to any part of a Baptist church building that is listed.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

LB02 Applying to the Listed Buildings Advisory Committee

INTRODUCTION

This is one leaflet that is relevant to churches that have a listed building. The full list is:

- LB01 *Introducing the Listed Buildings Advisory Committee*
- LB02 *Applying to the Listed Buildings Advisory Committee*
- LB03 *Professional Advisors and Applications to the Listed Buildings Advisory Committee*
- LB04 *Listed Buildings Application Form*
- LB05 *Listed Places of Worship Grant Scheme*
- LB06 *Looking after your Church Buildings*
- LB07 *Building Materials and External Fittings in Listed Buildings*
- LB08 *Furnishings in Listed Church Buildings*
- LB09 *Photographic Recording*
- PC03 *Five Year Inspection Reports – Church Buildings*
- PC04 *Redeveloping or Altering Church Premises*
- PC05 *Construction (Design and Management) Regulations*
- L12 *Churches and Disability Issues*

THE PROCESS

The exact pattern followed for a particular application will vary but in outline, the process is as follows:

STAGE ONE – PRE-APPLICATION CONSIDERATIONS AND CONSULTATIONS

- Church formulates initial ideas and prepares brief. Read guidelines leaflets, obtain details of listing to understand the significance of the building and the historic fabric.
- Appoints a suitably qualified Professional Advisor and obtains a full survey report on the building.
- Re-read/check Listed Buildings Advisory Committee guidelines. Consult with amenity societies, design ideas develop, possible visit by representative of the Listed Buildings Advisory Committee.
- Professional Advisor considers the building, consults the Historic Environment Records and other relevant sources to assess the heritage significance of the building, prepares detailed plans, specifications, and statements, photographs, for sample application.
- Church generally happy with outline proposals from Professional Advisor.

STAGE TWO – DRAFT APPLICATION AND VALIDATION

- Design work and preparation of plans, statement of significance, statement of justification and specification, agreed by church members.
- Completes sample application and submits two copies to the relevant Trust Company for validation.
- A member of the Listed Buildings Advisory Committee considers and comments on application. The church's professional advisor supplements or amends paperwork plus plans as appropriate.

STAGE THREE – THE APPLICATION

- The application is submitted, with the payment of the administration charge. Consultation process

begins.

STAGE FOUR – EVALUATING THE APPLICATION

- 28 days external consultation period begins – responses received. Visit and/or review in preparation for Listed Buildings Advisory Committee Meeting. A small group from the Listed Buildings Advisory Committee prepares a report for the meeting.

STAGE FIVE – THE COMMITTEE MEETING

- Application is determined by the Listed Buildings Advisory Committee. Certificate of Authorisation or Refusal Notice issued or further information requested.

STAGE SIX – AFTER THE MEETING

- Matters of detail, or outstanding matters resolved.
- Authorised work undertaken.
- Completion of work and photographs submitted to the Listed Buildings Advisory Committee.

We will now look at each stage in detail.

STAGE ONE – THE EARLY STAGES

The final application is a set of plans and supporting paperwork that is submitted for consideration by the Listed Buildings Advisory Committee. However, this set of papers represents a significant amount of creative thinking, planning and preparation work by the local church and their professional advisors. The need for change will often arise out of the church's desire to develop their spiritual activities, their mission work, and their capacity to engage with their local community.

Initial proposals may have been rejected or adapted several times before a set of workable ideas are identified and developed to become a fully detailed scheme for submission to the Listed Buildings Advisory Committee.

The Listed Buildings Advisory Committee has dealt with over 320 applications since it was formed in 1994 and the vast majority of these have been approved.

We have amended our procedures from time to time. A recent review has again highlighted the need to help churches to work closely with their professional advisors to submit comprehensive and carefully considered applications.

We encourage churches and their professional advisors to read our leaflets before preparing any paperwork. LB01 *Introducing the Listed Buildings Advisory Committee* contains important information about good conservation practice and the way the Committee functions. Please remember that the Committee is accountable for the operation of the scheme to the dcms (Department of Culture Media and Sport) and the Welsh Assembly.

We encourage churches to make contact with their Property Trustees (Trust Corporation) for guidance and to consult with the Amenity Societies. These include Historic England (previously English Heritage), CADW, The Victorian Society and the Georgian Group. It is also important to consult the Local Authority Conservation Officer.

These consultations need to be taken into account. The comments need to be evaluated by the professional advisor working with the church to create a scheme that balances the needs of the church

as a worshipping community and heritage considerations.

Members of the Listed Building Advisory Committee are sometimes able to visit and offer informal initial guidance, but there are some important points to note:-

- 1 The representative or representatives cannot give formal advice.
- 2 The representative cannot design the project for the church.
- 3 The representative cannot predict the views of the whole committee, although they may be able to give a very general indication of past decisions, and proposed changes that have been rejected elsewhere.
- 4 The representative will want to ensure the church and your Professional Advisor have understood the need to read the leaflets.
- 5 The representative should try to help the church understand the procedures, particularly the time required to process an application.
- 6 The representative will ask probing questions and seek to understand the problems or the project so that they can later report back to the committee.
- 7 The church needs to appoint (or have appointed) a suitable qualified and experienced professional advisor to prepare their application and oversee the project to completion. The representatives will want to know that this has been understood, and accepted.
- 8 The church needs to understand that the only changes that can be permitted are those that have been fully justified – the need for formal statements of justification will be explained.

APPLICATION FORMS

Application forms are available from the Secretary to the Listed Buildings Advisory Committee and online from www.baptist.org.uk as is our Guidelines Leaflet LB06 *Listed Buildings Application Form*.

Completed forms must be returned to the appropriate Trust Corporation who are the trustees for the church. The form has been designed to encourage churches to provide a clear and comprehensive set of application papers.

The checklist on page 4 is important – and is intended to help churches and their professional advisors to submit a clear and adequate set of papers.

As we have said already – you need to read LB01 *Introducing the Listed Buildings Advisory Committee* (as well as the information in the other leaflets listed at the start of this leaflet).

HELPFUL HINTS

To illustrate what a 'good' application might look like, we are including some 'stories'. None of the stories are wholly true. We have amended the details to avoid recreating actual circumstances that applied to any one church but they all illustrate typical problems!

"We only wanted to remove some pews."

In their statement of justification the church assumed that everybody involved in the application process would know about Café Church and Alpha Courses, so had not explained clearly enough why these activities could not be accommodated within the existing layout. No retained pews were shown in the design despite good conservation practice requiring a sample of pews to be retained. It was only when the committee asked the church to consider removing a few rows, or a block of pews that it became clear that the church actually wanted to create a totally open and flexible space, rather than adjusting the pews to accommodate particular small scale activities. The lack of any appraisal of the heritage and architectural importance of the pews, information about the removal of pew platforms, and a replacement for the under pew heating system also caused delays.

"We wanted to remove our front wall to accommodate the new entrance".

A local historian responded to the consultation asserting the front wall was the remnant of a boundary wall to an old manor house destroyed by fire in 1829. The Committee asked for evidence about the age of the wall but it took the church some time to realise that the Committee could not simply ignore this objection. Eventually they were able to demonstrate, by producing old photographs, church minutes, and a newspaper cutting, that the wall had been built in 1940 and had no historic significance. Recognising that the removal of any existing fabric requires a full evaluation of its significance would have helped the church and their advisors to obtain this information earlier, and include a comprehensive assessment of the wall and a full justification for the removal of the wall in the application papers, saving a lot of time and controversy.

"We only wanted to alter the ladies and gents toilets."

The church thought this was going to be easy, so they did not take advantage of the validation process or appoint a fully qualified professional advisor. They sent the twenty five sets of papers but only included a few photographs of the old plumbing fittings, with a sketch plan of the new cubicle layout. They had not included information about the rest of the building so it was some time before it became clear that these toilets were located in a 1960's extension. A lot of time was wasted making a visit to the church to try to help them, and asking questions about the loss of historic fabric and the lack of provision of facilities for disabled people, when a layout plan of the site and building would have enabled everybody to realise that this proposal was not significant in heritage terms, and that within this large church building there were other suites of toilets, including facilities for disabled people.

"We want to remove the organ and pulpit to make room for a new platform for the music group."

Numerous objections were received during the consultation. The organ had been built by the famous English organ builder Maximus Bloggs. The historic instrument had been used for early performances by the now famous local composer Frederick Smythe. The pulpit was the last example in the church of the specially commissioned interior by the arts and crafts specialist Benjamin Carpenter, (his pews having been removed in the 1970s). An early evaluation of the quality and historic significance of the organ and remaining interior fittings might have prompted the church to develop alternative proposals. It was

always unlikely that the preferences of the church would outweigh the heritage considerations in this case. A few years later revised proposals were approved, including a more suitable platform but without needing to remove the pulpit or organ. By that time the church was being used for lectures to visiting music students, as a concert venue during the local arts festival, and visiting professional organists were playing the instrument regularly, helping to keep it in good condition. Most of the members still do not appreciate organ music, and the organ is never used in church services.

“We didn’t want to spend money on a specialist architect.”

The church secretary had asked a friend to ‘draw up’ their plans. The application was poorly presented and the design was unimaginative. In an attempt to be helpful the Listed Buildings Advisory Committee considered the application but strongly recommended that they should obtain the services of an architect with conservation experience to help them adapt the scheme. No progress could be made so eventually the Committee issued a Refusal Notice. The church was cross. They had not expected that a Baptist Committee would be so unreasonable. They were saying all the same things as that silly conservation officer at the local authority!!

“We want to remove all the pews because we are a growing church.”

The Committee initially found it difficult to understand how replacing the pews with chairs would help accommodate more people since this would result in a net loss of seats (pews can usually seat more people than chairs).

The church actually wanted to create more flexible space, since they hoped to diversify and use their main worship area differently, including use for midweek events. They had other large rooms but had not explained these were also at capacity. A chart illustrating how all the available flexible space was being used, especially on Sunday mornings, would have supported their assertion that they lacked enough space, the core reason advanced for removing the pews.

The church had not explained why other options, such as two Sunday morning services, or a church planting strategy were not being considered.

“By the time the visitors from the Listed Buildings Advisory Committee arrived to review the proposals the church had a thorough understanding of the history of their building.”

The church and their advisors (who were members of the Ecclesiastical Architects Association) had created a bold scheme for their main worship area and foyer. This included creating a useful ante room and discreet chair store from a previously draughty corridor and disused vestry, cleverly incorporating and relocating the memorial window commemorating the life of the Baptist theologian Robert Bookworm. After renovation, they would further enhance the appearance of the most significant architectural features with a specialist lighting scheme. The Committee noted the efforts made to conserve the most important historic fabric and so could respond sympathetically to more radical changes to their inadequate foyer, including the innovative use of high quality modern materials. The application had been easy to understand, with clear photographs, comprehensive statements of significance, need and justification from the church and the professional advisors, and carefully detailed drawings. The Committee were also impressed that the church had plans to tackle other long term maintenance issues mentioned in the Quinquennial (Five Year) Survey affecting other parts of the building.

“Old pews are uncomfortable and nobody wants to keep them.”

Apart from this cryptic comment the church had not offered any further justification for the removal of the pews. Later they were able to say that they had tried using cushions to try to make the pews more comfortable, without success. In fact the pews were eventually confirmed as being of mediocre quality having little significance in terms of historic fabric having been installed in the 1930s after being reclaimed from a variety of unknown sources. The church’s case was not helped by the letters received from twenty church members saying that they liked the pews and objected to their own church’s proposals to remove them!

STAGE TWO – THE VALIDATION PROCESS

When the application is almost ready we invite the professional advisors to submit the application for validation. An experienced member of the Listed Buildings Advisory Committee will review the papers to check that they are suitable before moving on to the next stage.

Why do we now ask you to do this? We recognise the very significant cost to you of preparing the application papers we require. An initial review should help identify any gaps in the information or areas where greater clarity is needed and save time and trouble later on.

We will check that all the items mentioned in the checklist on page 4 of the Application Form have been included.

In preparing the application it is vital to consider how the information will be received and understood by the official bodies contacted during the statutory consultation process.

Remember – the outside bodies we must consult and our Committee Members can only respond to the information they receive.

We will need to check that the drawings and supporting paperwork is sufficiently detailed. More detail is required for listed building projects than for something like a small modern house extension.

We will consider:

- Does the sample application adequately describe the building?
- Does it illustrate the proposed changes clearly?
- Has the information contained in statements from the church and their advisors justified the reasons for these proposed changes sufficiently?
- Will your explanations be clear to somebody who has never visited your building?
- Will your explanation be clear to somebody who knows nothing about Baptist churches and their activities?

We will write to you with any observations on the papers, and would encourage you to carefully review your application before submitting the final version to your Trust Company.

This review is not intended to offer any kind of preliminary approval, or an indication that the whole committee will like the design. We cannot – for obvious reasons – pre-judge the response of the full committee.

We hope that this initial review process will take no more than 3 weeks from the time we receive the sample application.

ADMINISTRATION CHARGE

An administration charge is payable to the Listed Buildings Advisory Committee, depending on the

estimated cost of the proposed works, on an agreed scale.

Part of the administration charge (£75.00) is retained by the Trust Corporation to cover their expenses. The balance will be sent by the Trust Corporation to the Listed Buildings Advisory Committee to meet their operating costs.

The church will also be responsible for the cost of the advertisement in the local newspaper.

The administration charge is calculated as follows:-

Works (excluding VAT and professional fees) costing up to £10,000	Administration charge of £100
Works (excluding VAT and professional fees) costing over £10,000 and up to £100,000	Administration charge of £100 plus 0.75% of the cost of the works over £10,000
Works (excluding VAT and professional fees) costing over £100,000	Administration charge of £100 plus 0.75% of the cost of the works over £10,000 and up to £100,000 plus 0.50% of the cost of the works over £100,000

The cheque for the administration charge payable to the Trust Corporation must be sent with the Application.

STAGE THREE - SUBMITTING THE APPLICATION

After the Validation Process has been completed, adjustments and amendments must be made, then the application submitted to the Trust Corporation with the appropriate administration charge.

The Listed Buildings Advisory Committee require the proposals to have been considered on behalf of the church and prepared by an architect or building surveyor who is suitably qualified and experienced in working with listed buildings.

The Listed Buildings Advisory Committee will not consider an application until the proposals have been approved by the Regional Trust Corporation (for churches who have appointed the Baptist Union Corporation this is managed as part of the overall process).

The Listed Buildings Advisory Committee and statutory consultees will assess the application on the basis of the information provided to them. We want to emphasise again - it is essential that the application papers and statements properly explain, illustrate, and support the proposals.

The Trust Corporation initially require a set of papers sent by email to kwylie@baptist.org.uk and sspicer@baptist.org.uk.

These must include all the items indicated as essential in the checklist on page 4 of the Application Form. If this is not possible then please speak to us first about a suitable format.

The Trust Corporation will have to send copies of the application and the supporting documentation to the local planning authority and the national amenity societies and conservation bodies. Each member

of the Listed Buildings Advisory Committee will need a full set of papers.

You can expect to receive an acknowledgement and an explanation of the next stage in the process. This will usually include a group of three committee members being chosen, who will consider the application in detail, and prepare a report for the committee to consider at their meeting.

THE CONSULTATION PERIOD

Before any decision is made by the Listed Buildings Advisory Committee the proposals must be advertised by the Trust Corporation/Baptist Union Corporation.

A notice has to be placed outside the church building. In the case of external work, or for any work to a Grade I or Grade II* listed building, a notice must also be published in a local newspaper.

The Trust Corporation will send details of the proposals to the local planning authority and to various national amenity societies and conservation bodies. Representations are invited and must be received by the Listed Buildings Advisory Committee within a twenty-eight day consultation period.

It will be taken to imply that these agencies have no objection to the proposals if no representation is received by the Listed Buildings Advisory Committee within the consultation period.

Consultees will, however, be allowed to request further information and to seek an extension of time if the documentation is inadequate to enable them to come to a view about the application.

STAGE FOUR - EVALUATION THE APPLICATION AND PREPARING FOR THE MEETING

The Listed Buildings Advisory Committee will review all applications, working together as a whole group. They usually meet in March, June, September and December.

A small sub group of three committee members will prepare a report for the meeting, and will often visit the church to inspect the premises and discuss the proposals with the church leadership and the church's professional advisors.

The Listed Buildings Advisory Committee must consider the application as submitted, and all representations received during the consultation period.

If the proposals, and any representations received, are very straightforward the Listed Buildings Advisory Committee may be able to make a decision without visiting the church.

STAGE FIVE – THE COMMITTEE MEETING

CRITERIA FOR DECISIONS

In coming to a decision the Listed Buildings Advisory Committee are required to take into account the following criteria:

- a) The role of the church and its mission to the locality.
- b) The needs of the congregation of the Baptist church.
- c) Developments in Baptist church practice and styles of worship.
- d) The desirability of preserving historic church buildings.
- e) The importance of protecting features of architectural merit and historic importance.
- f) The archaeological importance of a church building or archaeological remains within the building or its curtilage.

APPLYING THE CRITERIA

The Listed Buildings Advisory Committee apply the criteria in the following way:

- They will consider each application on its own merits.
- They will balance (a) - (c) against the other criteria. For example where a church worships in a building that has survived more or less intact from the 18th century it is likely that criteria (d) and (e) would be given greater weight than in the case of a late 19th century building which had relatively poor architectural or historical features which had already been corrupted.
- The significance and permanence of the proposed alterations will be relevant. For example where a horizontal division of a large Victorian building is proposed which could not easily be reversed the Listed Buildings Advisory Committee would need to be satisfied that criteria (a) - (c) have sufficient weight to justify a permanent alteration.
- Criteria (f) is likely to apply only to a church which uses a very ancient building or is on a site of archaeological importance.
- They will consider all observations and advice offered by the local planning authority, Historic England (formerly English Heritage) or for churches in Wales CADW, the amenity societies and conservation bodies and any other representations received.
- They will want to make sure that, in cases of demolition or major alterations, the Royal Commission on the Historical Monuments of England (or Wales) will be given the opportunity to make a record of the premises before work is commenced.

STAGE SIX – AFTER THE MEETING

CERTIFICATE OF AUTHORISATION

If the proposals are approved a Certificate of Authorisation will be issued, on behalf of the Listed Buildings Advisory Committee, to the Trust Corporation. The Certificate will be countersigned on behalf of the Trust Corporation and sent to the church or their professional advisors. Copies will be sent to the local planning authority and the national amenity societies and conservation bodies.

The Certificate will always contain certain standard conditions:-

- 1 Work to which the Certificate relates must be begun not later than five years from the date of the Certificate.
- 2 Following completion of the work a Certificate of Practical Completion must be sent to the Secretary of the Listed Buildings Advisory Committee, signed by the Architect or Building Surveyor advising the church and counter-signed on behalf of the church, confirming the work has been completed in accordance with the plans and other information accompanying the application for the Certificate of Authorisation as may have been varied (if at all) with the approval of the Listed Buildings Advisory Committee.
- 3 The church must provide photographs (both before and after) for retention by the Listed Buildings Advisory Committee. Copies of the photographs are also to be deposited by the church in the Historic Environment Records, local Record Office, and in the church's own archives.
- 4 The church must provide a copy of the Statement of Significance and details of the scheme to the Historic Environment Records so as to explain and record the changes made.
- 5 *(In the case of applications for demolition or major alterations).*

The church shall make available facilities to the Royal Commission on the Historical Monuments of England (or Wales) to take photographs and record other details by giving not less than twenty-eight days' notice to the Royal Commission prior to commencement of the works.

Additional conditions are often included.

The Listed Buildings Advisory Committee may impose other conditions which they think are appropriate, for example, requiring further details of how a particular feature is to be preserved for approval.

Matters of detail can often be agreed between meetings but the information must be of good quality, and presented for approval in good time. Sometimes the Listed Buildings Advisory Committee is able to delegate decisions to a small sub-group, particularly after the scheme is agreed generally.

In the case of very major schemes particular members of the Listed Buildings Advisory Committee may be assigned to work through the details of the project. Random inspections may be made on behalf of the Listed Buildings Advisory Committee from time to time as the work progresses.

REFUSAL NOTICE

Sometimes the Listed Buildings Advisory Committee cannot agree to the proposals and the application for a Certificate of Authorisation is refused.

This does not happen often, but a Refusal Notice will be issued giving reasons for the decision. It is possible to appeal (see below).

APPEALS

If the decision of the Listed Buildings Advisory Committee is not to grant a Certificate of Authorisation the church may appeal against the decision to the Baptist Union of Great Britain. The group that will be responsible for managing the appeal process will be the Directors of the Baptist Union Corporation. They will refer the matter to an independent adjudicator appointed to hear the appeal in the following manner:

1. The adjudicator shall be appointed solely for the purpose of that appeal.
2. The terms of engagement and remuneration shall be agreed between the adjudicator and the Baptist Union.
3. The adjudicator shall be a member of not less than ten years standing of The Royal Institute of British Architects, the Royal Institution of Chartered Surveyors, The Royal Town Planning Institute or a similar learned profession or society, with relevant experience.
4. The adjudication shall be conducted in a manner similar to an appeal by written representations under the Town and Country Planning Act 1990 and the Town and Country Planning General Development Order 1988 (SI 1988 No 1813) insofar as is fair and reasonable although the adjudicator shall not be bound by such rules. His or her decision shall be in writing and shall be sent to the Baptist Union (Directors of the Baptist Union Corporation) and the church.
5. The Baptist Union Corporation Directors (acting on behalf of the Baptist Union) reserves the right to reject the appeal notwithstanding the adjudicator finding in favour of the church.
6. Unless the adjudicator makes a specific recommendation to the contrary the party that loses the Appeal shall bear the costs and expenses of the Appeal.

BUILDING WORK AND COMPLETING THE PROJECT

The Professional Advisor will have responsibility for supervising the project and issuing a Certificate to confirm that the work has been completed in accordance with the approved scheme.

A photographic record is required. The deposit of the before and after photographs with the Listed Buildings Advisory Committee, the Local Authority, with the Historic Environment Records, and the church archive is very important.

For more information about creating a record see LB08 *Photographic Recording*.

There is more detailed information about completing the work in our guidelines leaflet LB01 *Introducing the Listed Buildings Advisory Committee* and LB09 *Photographic Recording*.

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
 129 Broadway, Didcot OX11 8RT
 Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk
 Website: www.baptist.org.uk Registered CIO with Charity Number: 1181392

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