

Conservation and Design Guidance Note 6 CURTLAGE LISTING

This guidance note relates to listed buildings and the extent of protection in terms of buildings and structures located within the building's curtilage.

What parts of a building does listing cover?

Listing covers a whole building, including the interior, unless parts of it are specifically excluded in the list description.

However, it can also cover:

- Other attached structures and fixtures.
- Later extensions or additions (as long as the extension or addition was ancillary to the listed building at the time of listing).
- Pre-1948 buildings on land surrounding to the building. (In the planning system, the term 'curtilage' is used to describe this attached land.)

It is the latter item that this guidance note covers – these are known as curtilage listed structures.



Structures typically covered by the extent of listing – walls, farm buildings, outbuildings and extensions.

Should I rely on the list description to identify everything that is covered by the listing?

For the most part, no. The list entry is only a means of identifying the listed building and is not a full list of everything that is covered by the listing, nor a list of everything that is of significance about the listed building.

However, from 26th June 2013 some new list entries, or list entries amended after that date, may expressly exclude such curtilage buildings from protection.

The list descriptions can be accessed here: [Historic England - The List](#)

What type of structures can be curtilage listed?

The following are examples of typical curtilage listed structures: Boundary walls, railings and gates / outbuildings/ farm buildings / coach houses / stables / garages / lodges / workers cottages.

What is protected and do I need LBC for alterations?

For curtilage listed structures, they receive the same level of protection as the principal listed building.

Listed building consent will therefore be required for works of alteration or demolition.

When considering the acceptability of the works when assessing an application, the assessment will be on whether the works affect the listed building as a whole (that is the principal listed building and all the ancillary fixed items and curtilage listed structures), not just the impact on the curtilage listed building itself.

Failure to apply for listed building consent is a criminal offence and may result in prosecution. Any identified unauthorised works to a curtilage listed building will be reported to the Planning Enforcement Team.

What factors affect whether a structure can be classed as being curtilage listed?

As a result of case law, a set of tests has been established, all three of which must be met when determining whether a structure is curtilage listed:

- It is located within the principal listed building's curtilage (which forms part of its land and has done so since before 1st July 1948).
- It was in the same ownership as the principal listed building at the time of listing.

- The structure was ancillary to the principal listed building at the time of listing.

The date of listing can be found within the listing (see link above to Historic England's website).

These facts can sometimes be difficult to determine, for example, the exact use of a structure, and therefore often a judgement needs to be taken – for example, it is reasonable to assume that an outbuilding to a house, wholly located within the curtilage of that house and where located close to it, is unlikely to have had anything other than an ancillary use to the house. Similarly, a boundary wall will have had the purpose of defining the boundary of a property and therefore will not have had a different use over time.

How can I determine the extent of curtilage and age of a building?

This is not always clear, however, for some sites the curtilage will be obvious. For example, a typical house and its garden will usually have its curtilage defined by its boundary. But not every building will have a curtilage - a town centre building that has never had any outside space could have no curtilage. Conversely, the curtilage of buildings may be very large, such as country houses.

Historic Ordnance Survey maps can be useful in showing the history of a site and the date at which structures appear – thereby confirming a date range for their construction. Websites such as the [National Library of Scotland](#) can be used to access such maps.

How can I find out if I have curtilage listed structures?

The issue is ultimately a legal matter; however, as a matter of practicality in performing the planning process, it falls to the council to reach a conclusion as to whether a structure is curtilage listed. This usually happens in the process of providing guidance on whether listed building consent is required, through pre-application feedback or during the course of a planning or listed building consent application.

However, Historic England offers a paid-for listing enhancement service which can provide clarity over the extent of protection. Details of this service can be found here on their [Listing Enhancement](#) webpage.

Further guidance

Further guidance can be found on the Historic England website, accessible by this link: [Historic England Advice Note 10 - Listed Buildings and Curtilage](#)

Other matters relating to curtilage – planning permission

Development within the curtilage of a listed building requires planning permission where it would not normally (and therefore would in some cases be required in addition to listed building consent), for example:

- Development to an existing boundary to the property (e.g rebuilding of walls, replacement of gates).
- Erection of a new form of enclosure e.g. fence, walls, garden structures such as pergolas.
- Installation of an oil tank.
- Installation of outbuildings or swimming pool enclosures.
- Installation of an electrical outlet mounted on a wall for recharging electric vehicles within an area lawfully used for off-street parking.

It should be noted that listed building consent is not required for the installation of new structures if they are freestanding – that is, they are not to be attached or abutting a listed building (either principal building or any additions or curtilage listed structures).

Other conservation and design guidance notes

Additional conservation and design guidance notes are available:

Note 1 – Rooflights

Note 2 – Listed Buildings

Note 3 - Window Repair and Replacement in Listed Buildings

Note 4 – Non-Designated Heritage Assets

Note 5 – Conservation Areas

Note 7 – Stone Slates