

Rosemary Cantwell

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**IWC Ref iw12/2/49999**

**Bill Murphy**

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**Contact** **Ian Lacey**  
**Date** **6 March 2012**

Dear Ms Cantwell,

**Planning Services – Freedom of Information request** Listed Buildings

I write with reference to your request for information that was received by the Planning Department on the 20 February and is currently being considered.

Your request for information comprised the following items:

*a] the Settings of each and every Nationally Listed Building on the Isle of Wight to be made public - so as to avoid legal challenge that can end up in the High Court with massive public monies at stake as well as much time and effort and money by the owners of Listed Buildings*

*b] the Curtilages to be made public - note not the boundaries of the sites of where these Listed Buildings are because the Listed Building Curtilages can be different - and hence the knotty problems that can end up in the High Court with massive public monies at stake unless there is total clarification for each and every Listed Building*

*c] the precise details of each and every Listed Building Curtilage Building and Curtilage Structure to be made published so as to avoid legal challenge in the High Court as it is a contentious matter as to what is and is not a Listed Building Structure or Building - as I have found out over the last 3 years.*

*Without these details, I believe that the Isle of Wight Council might be on very shaky ground - literally and metaphorically speaking - and there could be a great deal of toing and froing in light of the new presumption for sustainable development on account of the new proposals for the national planning framework within which each local planning authority will have to make decisions.*

*Clearly this is of national proportions - each authority has to provide its strategy plan. A great deal of energy has gone into getting this Core Strategy Plan to be accepted by the Planning Inspectorate.*

*Did the Isle of Wight Council produce the Register of its hundreds of Listed Buildings and Listed Structures to the Planning Inspectorate complete with the register of all the curtilages of each and every Listed Building and each and every Listed Structure; and of each and every Listed Building Curtilage Building and of each and every Listed Building Curtilage Building; and of each and every Listed Building setting?*

*For English Heritage has stated to me that this is the regulatory duty of the Isle of Wight Council as it is they and not English Heritage which has the responsibility to register these details.*

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*And so I come again to request these details just as I did previously.*

*Please may I have the url link to your Register as requested above via whatdotheyknow website - it must include the precise details of all the Listed Building and Listed Structure settings, all the Listed Building curtilage buildings, all the Listed Building curtilage structures, all the Listed Building and Listed Structure precise details of their curtilages.*

*This way when people want to know whether or not there are any potential blocks to their applications rather than wait until they get to a High Court to argue the toss, they can look BEFORE making any planning application and then consider their options thereby saving not only them money and time but also the Council considerable effort and money in trying to find out what is actually the position.*

Mrs Cantwell the request for information has been considered under the Environmental Information Regulations.

To answer the first part of your request - Mrs Cantwell the following exception applies 12.4.a the Council does not hold the information when the request for information was received. The Council does not have a full list of all the listed buildings settings, in fact there is no such list in existence, nor is it possible to produce such a list. Setting is the surroundings in which a listed building are experienced (English Heritage guidance) and page 5 of the guidance refers to the definition of setting given in Planning Policy Statement 5 (PPS5) - *"the surroundings in which (the asset) is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve."* The guidance then goes on to provide information on the principles that enable the concept of setting to be better understood, but importantly it clearly states that *"setting does not have a fixed boundary and cannot be definitively or permanently described as a spatially bounded area or as lying within a set distance of a heritage asset"* Planning Officers use their professional judgement and guidance from English Heritage to assess the setting of Heritage Assets - <http://www.english-heritage.org.uk/publications/setting-heritage-assets/>

The setting of a listed building will often mean something wider than its curtilage or just the land that can be seen from it. In practice the question is not what is the boundary of the setting, but rather does a particular proposed development affect the setting of a listed building in the vicinity. The answer to this is likely to depend upon the nature of the proposal as much as on that of the listed building. Therefore it would not be possible to identify the 'setting' of every listed building on the Isle of Wight as this must be dealt with on a case by case basis taking into account the type of development proposed.

To answer the second and third parts of your request - Mrs Cantwell the following exception applies 12.4.a the Council does not hold the information when the request for information was received. The Council does not hold a register of all of the curtilages of the listed buildings, nor is it legally required to do so. Listed buildings are listed by English Heritage and the information is provided to the Local Planning Authority by English Heritage. The Local Planning Authority identify if a building is listed, or not from the information supplied by English Heritage. Planning officers use their judgement to assess the curtilage based on the details of the specific site and the information provided by English Heritage.

To answer the fourth part of your request - Mrs Cantwell the following exception applies 12.4.a the Council does not hold the information when the request for information was received. The council has not provided a register of listed buildings and structures to the Planning Inspectorate as part of the Island Plan Core Strategy examination. Such information was not requested by the Inspectorate, or by English Heritage. As you are aware, English Heritage has been a statutory consultee in the Island Plan Core Strategy process and at no point did they request that such information was provided, or indeed quote any legislation or guidance that required the council to

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do so. Both the statutory listing of buildings and local listing of buildings are processes which are outside of the Local Plan process. Therefore whether a building is listed or not (statutory or locally) is not an for consideration through the core strategy process. However, for your information, the core strategy when finally adopted will be accompanied by a set of proposals maps, which will include information provided to the LPA from English Heritage which identifies listed buildings and locally listed buildings identified by the LPA.

The soundness of the Island Plan Core Strategy and it being adopted is not dependent upon, or related to, the provision of any register of listed buildings.

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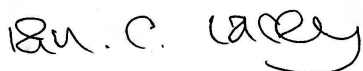
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**This information is available in Braille, large print, tape and community languages from the above offices and Typetalk calls are welcome.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Lacey'.

**Ian Lacey**  
**Performance and Business Manager – Planning Services**