

Changes to Demolition Rules – England and Wales

On March 25th 2011, a Court of Appeal Judgement in the case of SAVE Britain's Heritage v SSCLG resulted in all buildings now requiring planning permission or prior approval prior to demolition.

Previously only homes, listed buildings and buildings within conservation areas were affected. Now any factory, office, school, hospital or other commercial building will require approval. Specifically, this means that the demolition of a listed building, a building in a conservation area, a building which is a scheduled monument, or a building that is not a dwelling house or adjoining a dwelling house is now a 'development' under the planning regime.

This brings the demolition of these structures into line with the treatment of residential buildings.



Additionally, the Court of Appeal concluded that demolition works come within the scope of the Environmental Impact Assessment (EIA) Directive. Consequently, where demolition works are likely to have significant impacts upon the environment the local planning authority must issue a 'screening opinion' on whether an environmental impact assessment is required under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, Schedule 2.10(b).

Although the Court of Appeal's verdict is not binding in Scotland, the wording that has been quashed in English law is the same as that under Scottish law; hence, a precedent may have been established.

What does this mean to GT?

Should any GT Business Unit plan to demolish any of the following as a separate project then an application must be sought from the local planning authority for a determination as to whether prior approval for the method of demolition is required. This is in addition to any other consent required for demolition (e.g. for heritage properties):

- A listed building
- A building in a conservation area
- A building which is a scheduled monument, or
- A building that is not a dwelling house or adjoining a dwelling.

Additionally, a 'screening opinion' should be sought from the local authority as to whether an EIA is required prior to demolition works proceeding. If a positive 'screening opinion' is given (or the local authority later state that an EIA is required) then the permitted development cannot proceed i.e., where an EIA is required the development is not a permitted development; therefore, a planning permission application and an EIA are required.

Where GT Business Units have existing unimplemented planning permissions checks need to be made to ensure that demolition is expressly included within the permission. Otherwise, the local planning authority should be consulted to ascertain whether prior approval or an EIA are required.

Paul Thomas
Group Environmental Manager; Galliford Try Plc