



## HISTORIC BUILDINGS & PLACES

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### Consultation: Reforms to the statutory consultee system

**Statutory Remit:** Historic Buildings & Places (formerly the AMS) is a consultee for Listed Building Consent applications, as per the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021. We are concerned with historic assets of all types and all ages, including conservation areas and undesignated heritage.

**Comments:** Thank you for the opportunity to comment on this consultation. HB&P does not support the proposals to remove The Gardens Trust and Theatres Trust as statutory consultees in the planning system. The following comments are in relation to questions 6 to 9 in the consultation document (referred to hereafter as 'the document').

HB&P is concerned that heritage is no longer '*at the heart of the planning system*' and disagree with the suggestion in the document that the protection of historic buildings and places is a 'burden' on the planning system. The historic environment is a vital part of the planning and placemaking process and a robust planning system should respect what we have inherited from the past; value and enhance our shared heritage now; and preserve and pass it on for future generations to enjoy.

One of the stated reasons for removing statutory consultees is duplication, given Historic England is also a statutory consultee in relation to Grade I and Grade II\* listed buildings and registered parks and gardens. Historic England's website notes that only around 2.5% of heritage assets are Grade I and around 5.8% are Grade II\*. Roughly 91% of heritage assets are grade II and this change to consultees (noting the proposed changes to Historic England's role in London) would leave the majority of planning applications that affect heritage assets with no formal heritage consultee.

Both theatres and historic parks and gardens are very specialised asset types and currently the Theatres Trust and Gardens Trust provide the specialised expertise needed to help ensure planning proposals are progressed in a sensitive and timely manner. More delegation to planning officers, even with training, doesn't address the loss of that specialised expertise.

The statistics presented in the document show that the Gardens Trust respond in a timely manner and that the vast majority of their responses offer constructive advice, not just objections. Likewise, the Theatres Trust are only involved in a very minor proportion of the overall number of applications submitted each year and this is to protect a very specialised form of development.

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Whilst there are no statutory consultees for Grade II listed buildings, there is a requirement to notify the national amenity societies (which includes HB&P) of relevant applications for listed building consent. The consultation document suggests, as an alternative for the Gardens Trust's consultee role, 'a notification requirement that parallels the amenity society role', however, registered parks and gardens do not yet have the same status as listed buildings, so this would not achieve the same level of protection.

The Gardens Trust note that a significant proportion of their responses relate to setting and the impact of new development on park and gardens, as opposed to applications for development within a registered park and garden. The proposed notification requirements do not factor in the importance of setting and, if pursued, must be reworded to ensure notification of all relevant applications that may impact the character and significance of a historic park and garden.

HB&P also urge the swift implementation of section 102 of the Levelling Up and Regeneration Act to ensure full recognition of registered parks and gardens and to ensure they are given 'special regard' by LPAs in the planning process.

While we acknowledge that some issues, such as 'Agent of Change', can be addressed by updating the NPPF and PPGs, both the Gardens Trust and Theatres Trust provide valuable, expert, and specialised advice which benefits the planning system and should therefore be retained as statutory consultees.

Regards

Historic Buildings and Places