



CURTILAGE FACT SHEET

Listed buildings each have an entry on the national heritage list, describing the building. However, many listings include an area around the building, called the curtilage, which is given equal protection as part of the listing, but the extent of the area or the buildings covered is often not stipulated.

THE FACTS

- Curtilage has historically been how an individual property is defined, and typically included buildings like coach houses, cottages and barns that were owned as a part of the same property.
- Over time many of these properties have been divided up and changed ownership, and a good number have been listed.
- Some listings include the whole historic curtilage, others only buildings that are part of the modern property, and many give no indication which measure should be used.
- This creates a lot of uncertainty as there are thousands of listings that leave owners unclear about which outbuildings, if any, are protected.
- Legal rulings regarding curtilage have added more complexity, with some contradictory guidance being sent as a result.
- Historic England offer an enhanced listing service that can clarify curtilage but this can be extremely expensive for owners.
- The issue of curtilage will likely lead to damage to historic buildings. As the courts rule certain buildings not to be protected by the present system some historic buildings will either fall derelict or be demolished due to a lack of protection.

OUR POLICY

We are campaigning for the enhanced listing process to become the standard for listings, and for public funding to be offered in clarifying complex curtilage situations.

WHY?

Uncertainty regarding curtilage raises the cost of owning a listed building, while decreasing the market value.

It is critical that owners and would-be owners have a clear understanding of what their responsibilities would be to outbuildings. Owners cannot follow the law if they don't know which buildings it applies to.

Laws that are unclear create a chilling effect. Owners are forced to assume all outbuildings are protected by curtilage and to undertake extremely expensive work to preserve buildings that are not protected.

No-one benefits from not knowing which buildings are listed, including councils who must make planning decisions and potentially face legal action if they are incorrect.