

## THE SCHEDULING AND LISTING OF MONUMENTS AND BUILDINGS.

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IN view of the number of misconceptions which exist regarding Ancient Monuments and Listed Buildings, the Council of the Society has asked me to compile a few notes on the subject for the information of members.

There are two separate sets of Acts of Parliament relating to monuments and buildings which are thought to be worthy of preservation. The first and more important to the archaeologist are the Ancient Monuments Acts of 1913 and 1931 and the Historic Buildings and Ancient Monuments Act of 1953, which are implemented by the Ministry of Works. These deal with what are generally referred to as "Scheduled" buildings. The second is the Town and Country Planning Act (Section 30), which is implemented by the Ministry of Housing and Local Government and deals with what are known as "Listed" buildings.

The Ancient Monuments Acts, concerned essentially with the protection and maintenance of ancient monuments, provide for the formation of a Schedule of such structures, the appointment of guardians, the issuing of Orders, the acquisition of buildings and their subsequent maintenance. This work of the Ministry is financed by the Exchequer. These Acts define an ancient monument so widely as to include, for all practical purposes, any building or structure made or occupied by man from very ancient to modern times. One very important exception is that no ecclesiastical building in use for ecclesiastical purposes can be included within the scope of these Acts. It will be seen then that a cave which has been occupied can be scheduled and, in fact, in Derbyshire the Pin Hole Cave and Mother Grundy's Parlour in Creswell Crags, and Langwith Bassett Cave have been so treated.

Under the 1913 and 1931 Acts, the Minister of Works may accept as a gift or may purchase any ancient monu-

ment. The Minister then becomes the guardian of the monument and accepts the duty of preserving and maintaining it in perpetuity. A Local Authority is also enabled by these Acts to become a guardian similarly but, except in rare cases, they have not used this power because of the financial responsibility, which falls on the rates. Under these particular Acts, the powers do not apply to inhabited buildings, although the Minister may acquire an inhabited house. One of their provisions is that the Minister shall prepare a Schedule of monuments worthy of preservation. Advisory bodies known as Ancient Monuments Boards recommend to the Minister buildings which should be scheduled and the Minister is bound to schedule all such monuments. The Boards generally receive their advice from Inspectors of Ancient Monuments, who are on the Ministry staff, and they in turn rely on the help of archaeological societies, archaeologists and other interested people. Anyone can make a recommendation to the Inspectorate, who will always investigate fully and carefully. A list of monuments scheduled in Derbyshire, with notes by Mr. J. P. Heathcote, the County Representative, was published in the 1957 *Journal*.

To implement the powers of preservation an Interim Preservation Notice will be served on any owner who attempts to carry out alterations or demolition without the Minister's consent. This can be followed by a Preservation Order, which places the building under the Minister's protection or by a Guardianship Order, which empowers the Minister to carry out works to preserve and maintain it. In its 1958 Report the Ancient Monuments Board emphasised its concern with the "decaying condition" of Wingfield Manor and recommended that, if further negotiations with the owner failed to secure agreement to place the monument in the Ministry's guardianship, compulsory powers for taking guardianship should be used.

As stated above, under the 1913 and 1931 Acts the Minister could not make grants for the maintenance of buildings for which he was not the guardian and inhabited buildings were excluded. It was mainly to remedy this position that the Historic Buildings and Ancient Monu-

ments Act of 1953 was passed. This Act empowered the Minister to make grants towards the maintenance and repair of any building "of outstanding historic or architectural interest". Historic Buildings Councils have been set up in England, Scotland and Wales, and each has to submit an annual report to the Minister. The general practice is that inhabited buildings are dealt with under this Act and other structures under the Ancient Monuments Acts. A condition of financial assistance usually is that the public shall have access for a small fee at certain fixed times.

There have been some notable contributions to buildings in Derbyshire. The largest was to Hardwick Hall in 1958 when a grant of £32,000 was made. Kedleston Hall received £20,000 in 1957, and this was increased to £22,975 in 1958. Barlborough Hall in 1957 received a grant of £10,000. The only other grant of which I have record is £1,000 in 1958 for the Assembly Rooms in Derby. These figures show clearly, I believe, that without these grants many fine buildings would inevitably fall into decay.

In addition to the Acts administered by the Ministry of Works, Section 30 of the Town and Country Planning Act of 1947 has to be considered. There is an appreciable overlap with the Ancient Monuments Acts, as under this Act, which is administered by the Minister of Housing and Local Government, buildings of historical and archaeological interest are listed and any structural alteration has to receive prior approval by the Planning Officer. The Act relates only to buildings and does not cast its net so widely as the Ancient Monuments Acts but it fills certain gaps. For example, the Ministry of Housing and Local Government, unlike the Ministry of Works, can issue Preservation Orders for inhabited houses. Ecclesiastical buildings in use as such are excluded from this Act, as is any building scheduled as an ancient monument. There is a liaison arrangement between the two Ministries designed to minimise the risk of overlapping between scheduling and listing. For the sake of completeness Section 30 lists usually include scheduled monuments marked with a special symbol.

Listed buildings are subject to restrictions similar to those applying to scheduled monuments. Thus, if a building is threatened with alteration or demolition, the Minister through the Planning Authority may issue a Preservation Order to prevent the owner from carrying out his proposals, but it cannot make the owner keep the building in repair; he may therefore allow it to become ruinous or even to fall down. However, where reasonable steps are not being taken for the proper preservation of the building, the Local Authority can acquire the property compulsorily and keep it in repair themselves. The great drawback here is that the cost of acquisition and the maintenance in perpetuity falls on the rates; this is a burden which Local Authorities are loth or unable to carry. A case in point is that of Staunton Harold where these circumstances arose and where the Local Authority could not accept the financial responsibility of acquisition. It was Group-Captain Cheshire who saved Staunton Harold, and not the provisions of any of the Acts to which I have referred.<sup>1</sup>

Interest in old buildings and monuments is widespread and both Ministries receive a great deal of advice from individuals, archaeological societies and other organisations. Foremost amongst these other bodies is the National Trust, which has been given many places of scenic interest and many important buildings, including Hardwick Hall. Unfortunately its financial resources are limited and it relies largely on membership fees, gifts and legacies. The Society for the Protection of Ancient Buildings is another private body acting on similar lines; it owns a small number of sites and buildings but its main function is that of advising owners on the repair and treatment of their buildings. Other organizations are the Georgian Group, concerned with Georgian buildings, and the Council for the Preservation of Rural England, which is interested in cottages and other buildings in the country.

<sup>1</sup> L. Osman, "Staunton Harold, Leicestershire, and Foremark, Derbyshire", *Trans. Ancient Monuments Society*, IV (1957), 66-78.