

Georgian Leaflet No. 2

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TOWN AND COUNTRY PLANNING
ACT, 1944

— AND —

BUILDINGS OF ARCHITECTURAL
OR HISTORIC INTEREST

THE GEORGIAN GROUP
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“ Whatever is good of its kind ought to be preserved in respect of antiquity as well as our present advantage; for destruction can be profitable to no one but such as live by it.”

Hawksmoor, 1714.

TOWN AND COUNTRY PLANNING ACT, 1944.

Though the main purpose of this Act is to enable local planning authorities to acquire "blitzed" and "blighted" land for planning purposes, it contains important provisions extending the inadequate protection previously given by the law to buildings of architectural or historic interest.

Of prime importance is sect. 42 which provides for the compilation by the Minister of Town and Country Planning of lists of buildings of special architectural or historic interest, after consulting with "such persons or bodies of persons as appear to him appropriate as having special knowledge of or interest in" such buildings. At long last the architectural wealth of England and Wales (the Act does not apply to Scotland) will be catalogued for all to see, so that the Nation may no longer be covertly robbed of its heritage of "national buildings".

The other provisions are administrative and fall under three heads. First, in dealing with land acquired under the Act local planning authorities are required by sect. 19(8) to have regard to "the desirability of preserving features of special architectural or historic interest" and, in particular, listed buildings. And, before giving his consent to any disposal or appropriation of any such land, the Minister is required to satisfy himself *either* that listed buildings on the same will be effectively preserved *or* that there is good reason for not doing this.

Secondly, by sect. 43(1) and (2), the Act remedies a defect in the Town and Country Planning Act, 1932, sect. 17 of which empowers local authorities to make Orders which prohibit the *demolition* without their consent of buildings of special architectural or historic interest but leaves the owners free to *alter* them at will, even though such alterations may destroy their architectural value. In future, an Order made under the section may forbid not only demolition but also any alteration or addition which will seriously affect the character of the building. In addition, by sect. 43 (9), a local authority may with the consent of the Minister acquire by agreement any land needed for the "proper control or management" of a building protected by a "Section 17 Order" or for the preservation of its amenities; and may with the like consent purchase compulsorily the building itself where this is the only way of ensuring that it will be kept in a proper state of repair.

Lastly, by sect. 43(5), no one is to demolish *any* listed building, or alter or extend it in such a way as seriously to affect its character, unless at least two months before the work is set on foot

notice in writing has been given to the local planning authority, which must then send a copy of the notice to the Minister and to such persons or bodies of persons (*e.g.*, Amenity Societies) as he may specify. It follows that listed buildings in private ownership are *not* definitively preserved (this would raise difficult questions of compensations); but that they *are* protected from demolition or damaging alteration without warning. The public, in short, is to be given an opportunity of considering each case on its merits and of intervening, if necessary, to prevent the loss of a national asset.

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These provisions of the Act are based on amendments to the original Bill which were drafted by the Georgian Group and approved by a Conference at which, in addition to the Group, the following Societies were represented: the Royal Institute of British Architects, the Council for the Preservation of Rural England, the National Buildings Record, the National Trust, the Society for the Protection of Ancient Buildings, and the Town Planning Institute.

October, 1947.

The GEORGIAN GROUP was founded in 1937. Its aims are :

- (1) to awaken public interest in Georgian architecture and town planning ;
- (2) to afford advice in regard to the preservation, repair and use to-day of Georgian buildings ;
- (3) to save from destruction and disfigurement Georgian squares, terraces, streets and individual buildings of special merit ;
- (4) to ensure, when an area is replanned, that Georgian buildings are not wantonly destroyed, and that the new buildings harmonise (though they may contrast) with the old.

Particulars of Membership may be obtained from the Secretary.