



Department for

Communities

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Historic Environment Division

Guidance for District Councils on Building Preservation Notices

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Front cover image: 34 Kilbroney Road, Rostrevor, Listed building initially protected by a BPN issued by Newry, Mourne and Down District Council

Introduction

Since 1 April 2015, District councils have had the power to serve a Building Preservation Notice where it appears that a building may be of special architectural or historic interest and is at risk of demolition or significant alteration. This discretionary power transferred from the former Department of the Environment (DoE) as part of the Review of Public Administration.¹

This guidance is intended to support district councils and is presented in a question-and-answer format. It represents good practice and is not legal advice. Councils must continue to exercise their own judgement when making decisions. However, following the steps set out in this guide will assist councils in identifying and meeting legislative responsibilities in relation to a BPN.

What is a Building Preservation Notice (BPN)?

A Building Preservation Notice provides temporary statutory protection to an unlisted building for six months. For the duration of a BPN, the building benefits from the same protection as a listed building. All relevant planning controls apply, including the need to obtain Listed Building Consent for works affecting its special architectural or historic interest, enforcement powers also apply to unauthorised works.

When should councils consider serving a BPN?

Before serving a BPN, two statutory tests must be satisfied.

Under Sections 81–83 of the Planning Act (NI) 2011, a council may serve a BPN if it **appears** that an unlisted building:

- is **of special architectural or historic interest**; and

¹ The relevant powers within the Planning Act (Northern Ireland) 2011 are detailed in the Departments (Transfer of Functions) Order (Northern Ireland) 2016.

- is **in danger of demolition or of alteration** in such a way as to affect its character as a building of such interest.

It is the responsibility of the district council to determine whether the available evidence satisfies both tests.

Test 1: Does it appear that the building is of special architectural or historic interest?

The legislation makes clear that the council's role at this stage is limited to **an initial judgement** as to whether a building appears to be of special architectural or historic interest.

Councils should refer to the guidance set out in Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, including associated procedures.

[Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures](#)

Councils may also seek early advice from the Department for Communities (DFC) Historic Environment Division (HED). As the Government's expert advisor on the historic environment, HED can provide informal guidance at the initial assessment stage. When requesting Initial Advice from HED, provide as much background information as possible. Your enquiry should follow the format of a standard listing request. Guidance on the information required for a listing query is available at:

[Nominating a building for listing in Northern Ireland | Department for Communities](#)

Where HED advises that a building warrants further consideration and appears to meet the criteria, Test 1 may be regarded as satisfied.

Once a BPN has been served, responsibility for the full assessment on whether the building is of special architectural or historic interest under Section 80 (1) of the Planning Act NI 2011 passes to DFC-HED. HED undertakes research, site inspection, consultation, and evaluation, completing its assessment within the six-month lifespan of the BPN.

Requesting Initial Advice from HED

Provide as much background information as possible when seeking preliminary advice. Your enquiry should follow the format of a standard listing request. Guidance on the information required for a listing query is available here:

[Nominating a Building for Listing in Northern Ireland | Department for Communities \(communities-ni.gov.uk\)](#)

Test 2: Is the building in danger of demolition or harmful alteration?

This test is normally satisfied where there is clear or credible evidence of risk, for example:

- a planning application proposing demolition;
- marketing of the site as a cleared-site or development opportunity;
- credible but unconfirmed reports indicating imminent demolition or alteration.

Buildings that are unoccupied are often at greater risk of sudden or unanticipated removal than those which remain in use.

When should a BPN not be served?

A BPN must not be served unless both statutory tests are met. A BPN must not be served on a building that is already protected through statutory listing or scheduling.

Why should district councils consider serving a BPN?

District councils and the Department for Communities share a statutory duty under the Planning Act (NI) 2011 to protect and conserve Northern Ireland's historic environment. In some cases, rapid intervention is required to prevent irreversible loss. District councils are the only bodies under the Planning Act (NI) 2011 empowered to serve a BPN.

Temporary protection allows HED sufficient time to gather evidence and properly assess the building against the listing criteria.

Why emergency powers are needed

Some owners may try to preempt listing by demolishing or altering a building before statutory protection can be applied. Such actions often arise from misconceptions about listing, including beliefs that:

- listing requires costly restoration;
- listing prevents all development; or
- listed buildings are difficult to sell.

Recent departmental guidance helps to address these misconceptions, including:

- [Listed Buildings: Common Myths and Queries](#)
- [Making a Better Application for Listed Building Consent](#)
- [An Owner's Guide – Listed Historic Buildings of Northern Ireland](#)

Despite this outreach, rapid demolition or alteration still occurs. In these circumstances, the discretionary emergency power afforded by a BPN may need to be exercised with very little notice—sometimes within 24 hours.

It is unlikely that this power will be over frequently used. Between 2003 and 2015, 'when the power resided with the former Department for the Environment' records show 38 BPN's were served by the Department across Northern Ireland, 33 of these buildings were listed and 5 remained unlisted.

Consequences of not applying a BPN in time

Where a BPN is not served promptly, a building may be altered or demolished in a way that removes its special interest. Once this occurs, the building no longer has the potential to meet the Criteria for Listing.

From the transfer of BPN powers to Councils in 2015 and up to 2026, current HED records show 24 BPNs have been served across Northern Ireland. 19 of these buildings were listed and 5 remained unlisted. This demonstrates that BPNs are an important consideration for Councils and an effective tool for protecting buildings.

How a BPN request may arise

Consideration of a BPN may be initiated by a district council itself or prompted by information from other sources, including:

- a planning application proposing demolition;
- a building control application for demolition;
- reported works by members of the public involving loss of historic fabric;
- concerns raised by members of the Historic Buildings Council;

- alerts from heritage organisations (such as Ulster Architectural Heritage Society, The National Trust); or
- information obtained by HED during site visits or the listing process.

If a BPN request originates from HED it can be deemed to have met Test 1. i.e. that the building appears to have special architectural or historic interest.

Risk may arise at any stage. A BPN may either initiate the listing process or safeguard a building already under consideration.



Straid Congregational Church, BPN request originated from HED and issued by East Antrim District Council

How do BPNs fit into the listing process?

During its assessment and survey work, HED may identify buildings that appear to meet the listing criteria and are at risk. Where there is concern that demolition or harmful alteration may occur before assessment is complete, HED may request that the council consider serving a BPN. Examples include:

Risk identified during survey work

HED may become aware of demolition proposals while surveying a building and notify the council accordingly.

Risk identified during routine listing consultation

HED may determine a building to be of special historic or architectural interest as part of the listing process and proceed to consult with the District Council. At this point, if the building is vacant or there is emerging information to indicate increased vulnerability, Council may decide to act. The decision to serve a BPN rests solely with the district council.

What is the procedure for serving a BPN?

Where both statutory tests are met, a council may issue a BPN in accordance with **Section 82 of the Planning Act (NI) 2011**. A Notice may be:

- served on the owner and occupier; or
- in urgent cases, affixed to the building.

Where ownership is unclear, affixing the Notice is recommended. Any Notice affixed to a building must clearly state that it has the same legal status as a notice served directly.

Best practice also includes providing an Ordnance Survey location map identifying the principal building, particularly where postal addresses are ambiguous.



BPN notice affixed by Mid Ulster District Council to the Telephone Kiosk at Tullyboy Road, Magherafelt

Recommended BPN template

While the format of a BPN is a matter for individual councils, recommended content is set out in the template Appendix 1.

At the same time as issuing a BPN, councils should submit a listing request to HED, enabling full use of the six-month assessment period. This should include the evidence relied upon in meeting both tests, together with any supporting background information.

The Department will then:

- proceed to full survey and record the building;
- undertake detailed historic research;
- evaluate the building against the criteria for listing;
- if a building is proposed for listing, carry out statutory and non-statutory consultation; (Section 80 (3) of the Planning Act (NI) and following a normal six-week consultation period,
- present the proposed listing and any representations to the Director for final sign off.

Schemes of Delegation

In some councils, committee approval is required before a BPN can be served. This may introduce delays that undermine the emergency nature of the power. There are opportunities for Councils to review their schemes of delegation in line with legislation.

What happens if a building is not listed?

A BPN ceases to have effect when the Department for Communities lists the building or notifies the council that it will not be listed. If the Department concludes that a building does not meet the legislative test under Section 80 of the Planning Act (NI) 2011, the building record is entered on the Northern Ireland Buildings Database as ‘– Record Only- Not Listed’.

Councils must immediately notify the owner and occupier where HED concludes that the legislative test has not been met.

Under Section 82(7) of the Planning Act (NI) 2011, following a notification by the Department under subsection (4)(b) no further building preservation notice in respect of the building shall be served by the council within the period of 12 months beginning with the date of the notification.

What about compensation?

Building fails to merit listing

Under Section 186 of the Planning Act (NI) 2011, Owners may claim compensation for loss or damage directly attributable to the effect of a BPN, including losses arising from works halted as a result.

Between 2003 and 2026, Departmental records show 62 BPNs were applied. Ten buildings were ultimately not listed, and no compensation claims have been made.

Existing planning permission

Under paragraph 14.3 of the document ['Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures'](#):

"A building will not normally be considered for listing by the Department once planning permission which will affect its special architectural or historic interest has been granted and is still valid, or while works which have received such planning permission are under way."

"A building will not normally be considered for listing by the Department once planning permission which will affect its special architectural or historic interest has been granted and is still valid, or while works which have received such planning permission are under way."

Paragraph 14.3 Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures.

While paragraph 14.3 may apply, a BPN may still be served. If the building is subsequently listed, compensation may be payable under Section 186 of the Planning Act (NI) 2011.

If a council is considering serving a BPN where an extant planning permission exists, the exceptional circumstances must be clearly set out in the listing request to HED.

Where a permission has lapsed or has not been implemented in accordance with its conditions, it is no longer valid, and the building may be considered for listing.

Are there alternative protections?

Listing, Scheduling & Area-based designations

BPNs form part of a broader framework for protecting the historic environment. Buildings may also be protected as:

- Scheduled Historic Monuments
- Listed Buildings

Varying degrees of protection may also arise through area-based designations, including:

- Conservation Areas
- Areas of Townscape Character
- Local Landscape Policy Areas

However, unlike a BPN, these measures cannot be implemented speedily.

Not all designations afford the same level of protection. Where a building falls within an area designation, councils may consider whether the circumstances justify the additional protection offered by a BPN.

An Article 4 Direction

To provide protection from demolition or inappropriate alteration, councils may also consider using an Article 4 Direction. This removes certain permitted development rights for a defined area or specific feature. An Article 4 Direction can be implemented relatively quickly; however, it requires agreement from the Department for Infrastructure before it can be implemented.

Historic Buildings of Local Importance

Paragraph 6.24 of the Strategic Planning Policy Statement (2015) enables councils to include policies in their Local Development Plans to protect historic buildings of local importance. These are non-designated heritage assets recognised for their local architectural or historic significance.

To support councils in developing strategies for identifying and protecting historic buildings of local importance, HED has published dedicated guidance: Historic Buildings of Local Importance.

Strategic Planning Policy Statement 15

“buildings, structures or features that, while not statutorily listed, have been identified by the council as important to local heritage because of their architectural or historic significance”

[hed-historic-buildings-of-local-importance-designation-guidance.pdf](#)

[DISTRICT COUNCIL NAME]

PLANNING SERVICE

BUILDING PRESERVATION NOTICE

Planning Act (Northern Ireland) 2011 – Section 81–83

Council reference:

Date of service: [DD/MM/YYYY]

IMPORTANT

THIS NOTICE AFFECTS YOUR PROPERTY

URGENT SERVICE OF THIS NOTICE

In urgent cases, the law allows the Council to bring a Building Preservation Notice into effect **immediately**, even if it has not yet been formally served on the owner or occupier.

If the Council considers it urgent, it may do this by securely attaching the Notice to a visible part of the building or property (for example, a door or external wall), instead of delivering it directly to the owner or occupier.

If this **Notice has been attached to the building or property itself**, it is legally treated as having been served on the owner and occupier. This means:

- the Notice is in force straight away; and
- all restrictions explained in this Notice apply from that moment.

You must **not** demolish or alter the building in any way that affects its character unless you have written consent from the Council. Carrying out unauthorised works is **a criminal offence**.

Parties

Issued by:

[Full name of District Council]

Planning Service

Address: [Council address]

Authorised officer:

Name: [Officer name]

Job title: [Grade]

Telephone: [Number]

Email: [Email address]

Served on:

Owner / Occupier

Name: [If known]

Address: [If known]

Land to which this Notice relates

The building known as:

[Insert full postal address of building]

(as shown edged in red on the attached location map)

("the Building")

Reason for serving this Notice

This Building Preservation Notice ("the Notice") is served under Sections 81–82 of the Planning Act (Northern Ireland) 2011.

[District Council] considers that:

- the building is not currently listed, but
- it appears to be of special architectural or historic interest, and
- it is at risk of demolition or alteration that would harm its character.

The Department for Communities is considering whether the building should be added to the statutory list of buildings of special architectural or historic interest under Section 80 of the Planning Act NI 2011.

Effect of this Notice

This Notice takes **effect immediately** upon service on both the owner and occupier and remains in force for **six months** from the date of service, unless it ends earlier.

The Notice will end before the six-month period expires if the Department for Communities:

- adds the building to the statutory list or notifies the Council that it does not intend to list the building.
- The Council will immediately notify the owner/occupier in writing of the Department's decision.

While this Notice is in force, the building is **treated as if it were a listed building** for the purposes of the Planning Act (Northern Ireland) 2011 (except for Section 103).

Restrictions during the Notice period

While this Notice is in force, you must **not**:

- demolish the building;
- alter or extend the building; or
- carry out internal or external works affecting its character,

unless you have first obtained listed building consent in writing from [District Council].

When the Notice ceases to have effect

If the Notice ceases to have effect because the six-month period expires or the building is not listed:

- liability for any offence committed while the Notice was in force remains;
 - any listed building consent application made during the Notice will lapse;
 - any listed building enforcement notice served during the Notice will cease to have effect, and related proceedings will lapse;
 - provisions relating to recovery of expenses already incurred will continue to apply.
-

No immediate action required

This Notice **does not require immediate action** unless you propose to carry out work that would affect the building.

Any such work would require Listed building consent. If you are unsure whether work requires consent, you are advised to contact the District Council Planning authority before proceeding.

Warning – offence and penalties

This Notice takes effect on the date of service.

Any person who carries out unauthorised works commits an offence under Section 85 of the Planning Act (Northern Ireland) 2011 and may be liable to:

- **Summary conviction:**
Up to 6 months' imprisonment and/or a fine of up to £100,000
- **Conviction on indictment:**
Up to 2 years' imprisonment and/or a fine

In determining any fine, the court will consider any financial benefit gained from the offence.

Advice and legal challenge

You may wish to seek independent advice from a lawyer, planning consultant, or other suitably qualified adviser.

There is **no right of appeal** against this Notice to the Planning Appeals Commission.

The validity of this Notice may only be challenged by an application to the High Court for judicial review.

Schedule

Address of building being served:

[Full address]

Signed: _____

Name: [Authorised officer]

Position: [Job title]

Date: _____

For and on behalf of:

[District Council name]

Location Map

A location map identifying the building is attached to this Notice.

Informative Note – Curtilage

For listing purposes, under Section 80 (7) of the Planning Act NI 2011;

In this Act “listed building” means a building which is for the time being included in a list compiled under this section; and, for the purposes of the provisions of this Act relating to listed buildings, the following shall be treated as part of the building—

- (a) any object or structure within the curtilage of the building and fixed to the building;
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since prior to 1st October 1973.