

Energy Performance Certificates (EPCs) for Listed Buildings

Let's start with the simple points first. As far as we can ascertain....

- 1) Listed buildings are NOT exempt from needing an EPC on sale or rental because of their listing.
- 2) Listed buildings are also NOT exempt from complying with the Minimum Energy Efficiency Standard (MEES) because of their listing.

A very tiny proportion of listed buildings will be exempt because there are no energy efficiency measures that could be carried out without unacceptably altering their character. There are hardly any of those sorts of buildings. The specific wording of the legislation excludes:

“buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance”

So yes, listed buildings almost certainly fit the description of *“officially protected as part of a designated environment or because of their special architectural or historical merit”*. However, the legislation does not say those buildings are exempt, it says they will only be exempt *“in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance”*. Therefore, listed buildings which can achieve *“compliance with certain minimum energy performance requirements”* without *“unacceptably alter(ing) their character or appearance”* are NOT exempt.

The big problem with this legislation is that you almost need to get an EPC to demonstrate that none of the measures would be permitted, to prove you don't need an EPC. However, having got an EPC the chances are there will be at least one measure that could be carried out without unacceptably altering the character or appearance. The building (listed or not) it therefore not exempt. The MEES requires any viable measures to be carried out, even if they only move the building part way towards achieving the minimum standard. The fact you cannot get all the way does not exempt you from having to go as far as you can.

There will be listed buildings where you have no chance of installing things like wall insulation or double glazing. Some however you will not be able to do it on the front façade but you would be able to at the rear. A significant proportion of the benefit can still be achieved. You may be able to insulate the roof and quite possibly the floor. You could probably heat it with a heat pump.

There is no logical reason why just because we know some measures will not be possible, we should avoid looking for others that will be. The energy efficiency of virtually all listed buildings can be improved, and needs to be improved to keep them viable for people to live and/or work in.

Many of the people living in listed properties will be in or close to fuel poverty because of the high cost of heating them (or living in conditions hazardous to their health because they cannot adequately heat them). That is why EPCs for listed buildings are essential.

If we don't tackle energy efficiency in listed buildings, we will end up with them becoming a sort of under-class of building that nobody can afford to live in. It would be difficult to justify an interpretation of the regulations that would encourage that to happen.

When you look at the bigger picture, the EPC is central to identifying properties that need to be made more energy efficient, signposting how it can be achieved, and facilitating access to funding, finance and other support to make it happen. Finding an excuse to exclude energy inefficient buildings from having EPCs is politically, financially and environmentally counterproductive.

The only real difference with listed properties is that some (but hardly ever all) possible measures will not be appropriate, and some measures that are appropriate may need to be done more sensitively and/or using different materials.

The moral is simply that there are very few buildings where you cannot significantly improve the energy efficiency without unacceptably altering the character or appearance. Just because some measures may not be suitable, we must not be ignoring the others that would be. It just needs EPCs to point people to how it can be done, with good supporting advice from the specialists who will make sure it is done appropriately.

If you have a listed building, it probably means you will not be able to get the EPC rating as high as you could if it was not listed. It does not mean you don't need an EPC, and it does not mean you cannot benefit from improving the energy efficiency of your building.

Disclaimer

This does not constitute legal advice. Ultimately it is for the legal advisors to the parties involved to determine whether an EPC is required in respect of any specific situation. However, we do believe that the above represents the only logical interpretation of the regulations in respect of how they apply to listed buildings and would hope that suitably informed and qualified legal advisors would come to the same conclusion. You must not rely on the above in place of specific legal advice in respect of all or any building(s) and Proficiency cannot be held liable if you do.