

EPCs and MEEES in listed properties



The Regulations

The Energy Performance of Buildings (England and Wales) Regulations 2012 were introduced to improve the energy efficiency of buildings, reduce carbon emissions, and reduce the impact of climate change. They also set requirements of when an energy performance certificate (EPC) is required for a building which is being built, sold or rented.

In 2018 the government also introduced the Minimum Energy Efficiency Standards (MEES) Regulations. They aim to improve energy efficiency, comfort and conditions and reduce fuel poverty in the privately rented sector. They also set a minimum energy efficiency level of E for private rented properties which are legally required to have an EPC.

Are listed buildings exempt from obtaining an EPC ?

Since January 2013 there has been a qualified exemption for listed buildings. It states a

property is exempt insofar as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance.”

What does this qualified exemption mean?

The qualification covers works that might be carried out to the property to improve its energy performance. These are works that would require consent under Part L of the Building Regulations (the conservation of fuel and power) and would be included in the recommendations section of an EPC report if one were obtained. If such works would unacceptably alter the building’s character or appearance, then the listed building would qualify for an exemption from the requirement of an EPC.

What does this mean for my listed property?

To find out if your property would be exempt, we would recommend you seek advice from a Domestic Energy Assessor (DEA) or a surveyor to understand what energy efficiency improvements might be possible. The DEA may be able to provide an overview report of the property tailored to the status of the building without lodging an EPC.

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If internal or external works are identified by the DEA, before these works are carried out, you would then need to email planning@hastings.gov.uk to set out what works are proposed to the property in question and to ask whether listed building consent is likely to be granted for such works. This is called a 'pre-application' request.

Details of how to apply for pre-application advice and associated fees can be found here - hastings.gov.uk/planning/advice/preapplication_advice/. For your information we also provide some general advice on listed buildings which can be viewed here - hastings.gov.uk/planning/advice/ListedBuildings/.

If the decision is that the property is exempt, you will need to keep evidence of this as we may request to see it.

My listed building has an EPC, do I still need to comply with MEES?

Since 1 April 2020, property owners can no longer let or continue to let properties covered by the MEES Regulations if they have an EPC rating below E, unless they have a valid exemption in place.

Examples of measures that have minimal or no impact on the character or appearance of the property are:

- installing a more energy efficient boiler
- changing fuel source
- adding additional loft insulation
- secondary glazing to windows
- draught-proofing

Landlords will be expected to spend up to £3,500 to increase the standard of the property.

What are the exemptions?

There are range of exemptions available, and if applicable they should be registered, and evidence provided. Exemptions could include if the works will cost more than £3,500, if permission to make improvements is refused or if improvements would be detrimental to the character of the property.

Guidance on exemptions can be found at: gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions/guidance-on-prs-exemptions-and-exemptions-register-evidence-requirements

Are there any penalties for not complying?

Financial penalties of up to £5,000 can be issued for failing to have a valid EPC when required or renting out a property with an F or G rating, when no exemption has been registered.

Where can I get further information?

hastings.gov.uk/housing/landlord/MEES/

hastings.gov.uk/conservation/building-conservation/

historicengland.org.uk/advice/your-home/saving-energy/