

Statutory Instrument 1990 No. 1519

The Planning (Listed Buildings and Conservation Areas) Regulations 1990

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STATUTORY INSTRUMENTS

1990 No. 1519

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Planning (Listed Buildings and Conservation Areas) Regulations 1990

Made 20th July 1990

Laid before Parliament 30th July 1990

Coming into force 24th August 1990

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Explanatory Note

Statutory Instrument 1990 No. 1519

The Planning (Listed Buildings and Conservation Areas) Regulations 1990 - *continued*

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The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 2, 10, 11, 19, 20, 21, 25, 27, 28, 29, 32, 42, 74, 82, 84, 91^[1], and 93

of the Planning (Listed Buildings and Conservation Areas) Act 1990^[2] and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and shall come into force on 24th August 1990.

Interpretation

2. In these Regulations "the Act" means the Planning (Listed Buildings and Conservation Areas) Act 1990.

Applications for listed building consent or for conservation area consent

3.—(1) An application to a local planning authority for listed building consent or for conservation area consent shall be made on a form issued by the local planning authority and obtainable from that authority and shall, subject to regulation 7, be lodged with the local planning authority together with two further copies of the form, plans and drawings.

(2) On receipt of any such application with a certificate under regulation 6 the local planning authority shall send to the applicant an acknowledgement thereof in the terms (or substantially in the terms) set out in Part I of Schedule 1 hereto.

(3) Where, after the sending of an acknowledgement as required by paragraph (2), the local planning authority form the opinion that the application is invalid by reason of failure to comply with the requirements of paragraph (1) or with any other statutory requirement, they shall as soon as may be notify the applicant that his application is invalid.

(4) Where a valid application under paragraph (1) has been received by a local planning authority, the time within which the authority shall give notice to an applicant of their decision or of the reference of an application to the Secretary of State shall be a period of 8 weeks from the date when the form of application and the certificate under regulation 6 were lodged with the local planning authority or (except where the applicant has already given notice of appeal to the Secretary of State) such other period as may at any time be agreed upon in writing between the applicant and the local planning authority.

(5) Every such notice of decision or reference to the Secretary of State shall be in writing and where the local planning authority decide to grant listed building consent or conservation area consent subject to conditions or to refuse it, the notice shall state the reasons for the decision and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part II of Schedule 1 hereto.

Applications to vary or discharge conditions attached to listed building consent or conservation area consent

4.—(1) An application to a local planning authority by a person interested in a building for the variation or discharge of conditions attached to a listed building consent or conservation area consent granted in respect of that building shall be made on a form issued by the local planning authority and obtainable from that authority, and shall, subject to regulation 7, be lodged with the local planning authority together with two further copies of the form, plans and drawings.

(2) Regulations 3(2) to 3(5) shall have effect in relation to an application under this

regulation as they have effect in relation to an application under regulation 3(1), except that for the reference in regulation 3(5) to a notification in the terms set out in Part II of Schedule 1, there shall be substituted a reference to a notification in the terms set out in Part III of that Schedule.

Advertisement of applications

5.—(1) Subject to paragraph (3), where an application under regulation 3 or 4 is made to a local planning authority in respect of any building the authority shall-

(a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and

(b) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (a).

(2) Subject to paragraph (3), an application under regulation 3 or 4 shall not be determined by the local planning authority before both of the following periods have elapsed, namely-

(a) the period of 21 days referred to in sub-paragraph (a) of paragraph (1) above; and

(b) the period of 21 days beginning with the date on which the notice required by sub-paragraph (b) of the said paragraph (1) was first displayed;

and in determining the application the authority shall take into account any representations relating to the application which are received by them before both of those periods have elapsed.

(3) Paragraphs (1) and (2) shall not apply to any application for-

(a) listed building consent to carry out works affecting only the interior of a building which when last notified to the authority by the Secretary of State as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building; or

(b) the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

Certificate to accompany applications and appeals

6.—(1) A local planning authority shall not entertain any application under regulation 3 or 4 unless it is accompanied by one of the following certificates signed by or on behalf of the applicant-

(a) a certificate stating that, at the beginning of the period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of any of the building to which the application relates;

(b) a certificate stating that the applicant has given the requisite notice of the application to all persons (other than himself) who at the beginning of that period were owners of any of the building to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;

- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either sub-paragraphs (a) or (b), that he has given the requisite notice of the application to such one or more of the persons mentioned in sub-paragraph (b) as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) but has been unable to do so.

(2) Any such certificate as is mentioned in sub-paragraph (c) or sub-paragraph (d) of paragraph (1) shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (which must not be earlier than the beginning of the period mentioned in sub-paragraph (a) of paragraph (1)) been published in a local newspaper circulating in the locality in which the building is situated.

(3) Where an application under regulation 3 or 4 is accompanied by such a certificate as is mentioned in sub-paragraph (b), sub-paragraph (c), or sub-paragraph (d) of paragraph (1), the local planning authority-

- (a) shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or, if later, the date of publication of a notice as so mentioned;
- (b) shall in determining the application take into account any representations relating to it which are made to them before the end of that period by any person who satisfies them that he is an owner of any of the building to which the application relates; and
- (c) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with sub-paragraph (b).

(4) For the purposes of this regulation, "owner" means a person who is for the time being the estate owner in respect of the fee simple or is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

(5) The provisions of this regulation shall apply, with any necessary modifications, where an application under regulation 3 or 4 is referred (or is deemed to have been referred) to the Secretary of State under section 12 of the Act or, in relation to an appeal to the Secretary of State under sections 20 or 21 of the Act, as they apply in relation to an application which falls to be determined by the local planning authority.

(6) Certificates issued for the purposes of this regulation shall be in the forms set out in Part 1 of Schedule 2 hereto.

(7) The requisite notices for the purposes of the provisions of this regulation in

relation to applications shall be in the forms set out in Part II of Schedule 2 hereto.

(8) The requisite notices for the purposes of the provisions of this regulation in relation to appeals shall be in the forms set out in Part III of Schedule 2 hereto.

Applications in National Parks

7.—(1) An application under regulation 3 or 4 as respects a building situated in an area of a National Park outside a metropolitan county shall be made to the council of the district who shall send it on, together with all accompanying documents required by these Regulations, to the body authorised to exercise the functions relating to such application (being the council of the county, the joint planning board or the special planning board, as the case may be).

(2) An application under regulation 3 or 4 as respects a building situated in an area of a National Park within a metropolitan county shall be made to the joint planning board.

Appeals

8.—(1) An applicant who desires to appeal-

(a) against a decision of a local planning authority-

(i) refusing listed building consent or conservation area consent or granting either such consent subject to conditions; or

(ii) refusing to vary or discharge the conditions attached to a listed building consent or a conservation area consent, or in respect of the addition of new conditions consequential upon any such variation or discharge; or

(b) on the failure of a local planning authority to give notice of their decision or of the reference of the application to the Secretary of State;

shall give notice of appeal to the Secretary of State (on a form obtained from the Secretary of State) within six months of notice of the decision or of the expiry of the appropriate period allowed under regulation 3(4), as the case may be, or such longer period as the Secretary of State may at any time allow.

(2) Such a person shall also furnish to the Secretary of State a copy of each of the following documents-

(i) the application;

(ii) all relevant plans, drawings, particulars and documents submitted with the application, including a copy of the certificate given in accordance with regulation 6;

(iii) the notice of the decision, if any;

(iv) all other relevant correspondence with the local planning authority.

Claims for compensation and listed building purchase notices

9.—(1) A claim for compensation made to a local planning authority under sections 27, 28, 29 of the Act, or a listed building purchase notice served on the council of a district, or on the Common Council or on the council of a London borough under section 32 of the Act, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council addressed to the clerk thereof, or by sending it so addressed by prepaid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) shall be served, shall be-

- (a) in the case of a claim for compensation, 6 months; and
- (b) in the case of a listed building purchase notice, 12 months from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Secretary of State may allow in any particular case.

Advertisement of unopposed revocation or modification order

10. Where by virtue of the provisions of section 25(2) of the Act the making of an order under section 23 of the Act in respect of works to a building is required to be advertised, the local planning authority shall publish the advertisement in a local newspaper circulating in the area in which the building is situated.

Application of the Public Health Act 1936 to listed building enforcement notices

11. The provisions of sections 276, 289 and 294 of the Public Health Act 1936^[3] shall apply in relation to steps required to be taken by a listed building enforcement notice, as if-

- (a) references to a local authority were references to the local planning authority who issued the enforcement notice or where the enforcement notice was issued by the Commission, to the Commission;
- (b) references (in whatever form) to the execution of works under the said Act of 1936 were references to the taking of steps required to be taken under the notice;
- (c) references in the said section 289 to the occupier were references to a person having an interest in the premises other than the owner; and
- (d) the reference in the said section 294 to "expenses under this Act" were a reference to expenses incurred in the taking of such steps as aforesaid.

Demolition of unlisted buildings in conservation areas

12. In their application to buildings in conservation areas, the provisions of the Act referred to in section 74(3) and which are set out in column (1) of Schedule 3 hereto shall have effect as they have effect in relation to listed buildings subject to-

- (a) the substitution of "conservation area enforcement notice" for any reference to "listed building enforcement notice", and the substitution of "conservation area purchase notice" for any reference to "listed building purchase notice"; and
- (b) the exceptions and additional modifications (if any) set out opposite such provisions in column 2 of that Schedule.

Applications by local planning authorities

13.—(1) In relation to applications by local planning authorities relating to the execution of works for the demolition, alteration or extension of listed buildings or for the demolition of unlisted buildings in conservation areas, the provisions of the Act specified in section 82(3) of the Act shall have effect subject to the exceptions and modifications prescribed in this regulation.

(2) Where a local planning authority require listed building consent for the demolition, alteration or extension of a listed building in their area or conservation area consent for the demolition of a building within a conservation area in their area, the authority shall, subject to paragraph (7), make application to the Secretary of State for that consent.

(3) Any such application shall be in the form of an application to the local planning authority, and shall be deemed to have been referred to the Secretary of State under section 12 of the Act and the provisions of that section shall apply to the determination

of the application by the Secretary of State.

(4) Where a local planning authority have made an application for consent under paragraph (2) they shall, before sending it to the Secretary of State-

(a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and naming a place within the locality where a copy of the application, and of all the plans and other documents which it is intended to submit to the Secretary of State with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and

(b) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (a) above.

(5) Paragraph (4) does not apply to any application by a local planning authority relating to works affecting only the interior of a building which when last notified to the authority by the Secretary of State as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building.

(6) An application by a local planning authority to the Secretary of State under paragraph (2) above shall be accompanied by a copy of all representations duly made in relation thereto.

(7) An application by the council of a county to the Secretary of State under paragraph (2) above, together with any accompanying documents required by this regulation, shall be made to the council of the district who shall forthwith send it on to the Secretary of State.

(8) In relation to a listed building, or a building in a conservation area, belonging to a local planning authority, the Secretary of State may serve any notice authorised to be served by a local planning authority in relation to a listed building or a building in a conservation area.

Form of notice that a building has become, or ceased to be, listed

14. The forms set out in Schedule 4 hereto (or forms substantially to the like effect) are the prescribed forms of notice for the purposes of section 2(3) of the Act.

Application for listed building or conservation area consent in anticipation of disposal of Crown land

15.—(1) The following provisions of these Regulations shall, in their application to the making and determination of applications for listed building consent and conservation area consent made by virtue of section 84(2) of the Act, have effect subject to the following modifications-

(a) in regulation 3(2), for the words "a certificate under regulation 6" substitute the words "the certificate or other document required by regulation 6 below";

(b) in regulation 6(1), after the words "accompanied by" insert the words "the documents described in paragraph (1A) below or"; and

(c) after paragraph (1), add the following paragraph;

" (1A) Where an application for listed building consent or conservation area consent is made in respect of Crown land by the

appropriate authority or by a person authorised by that authority in writing, and where there is no interest in the land which is for the time being held otherwise than by or on behalf of the Crown, the application shall be accompanied by-

- (a) a statement that there is for the time being no private interest in the land; and
- (b) where the application is made by a person authorised by the appropriate authority, a copy of the relevant authorisation." .

(2) The appropriate authority shall, as soon as may be, after disposing of, or disposing of an interest in, any Crown land in respect of which an application has been made by virtue of section 84(2) of the Act, give notice in writing to the local planning authority of such disposal.

Revocations

16. The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987^[4] are hereby revoked.

Chris Patten

Secretary of State for the Environment

18th July 1990

David Hunt

Secretary of State for Wales

20th July 1990

SCHEDULE 1
Regulations 3 and 4

PART I

NOTIFICATION TO BE SENT TO APPLICANT ON RECEIPT OF APPLICATION

Your application dated _____ was received on _____ (a). *[Examination of the form of application and accompanying plans and documents to ascertain whether your application complies with the statutory requirement has not been completed.

If on further examination it is found that the application is invalid for failure to comply with such requirements (or for any other reason) a further communication will be sent to you as soon as possible.]

If by _____ (b) *[you have not received notification that your application is invalid and] this authority have not given you notice of their decision (and you have not agreed with them in writing that the period within which their decision shall be given may be extended) you may

appeal to the Secretary of State in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by notice sent within six months from that date (unless the application has already been referred by this authority to the [Secretary of State for the Environment] [Secretary of State for Wales]). Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office].

Notes

(a) Insert date when relevant document(s) referred to in regulation [3(1)], [4(1)]* were received.

(b) Insert date 8 weeks from date of receipt of application (as given at (a)).

* Delete where inappropriate.

PART II

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT, OR GRANT OF CONSENT SUBJECT TO CONDITIONS (TO BE ENDORSED ON NOTICES OF DECISION)

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant consent subject to conditions, he may appeal to the [Secretary of State for the Environment] [Secretary of State for Wales] in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(2) If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the local planning authority or by the [Secretary of State for the Environment] [Secretary of State for Wales], and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district, or London borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(3) In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

PART III

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL TO VARY OR DISCHARGE CONDITIONS ATTACHED TO LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT, OR ON THE ADDITION OF NEW CONDITIONS CONSEQUENTIAL UPON VARIATION OR DISCHARGE

If the applicant is aggrieved by the decision of the local planning authority-

(a) to refuse to vary or discharge the conditions attached to a listed building consent or a conservation area consent; or

(b) to add new conditions consequential upon any such variation or discharge, he may appeal to the [Secretary of State for the Environment] [Secretary of State for Wales] in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

SCHEDULE 2

Regulation 6

PART I

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Certificate A*

I hereby certify that:

No person other than [myself] [the applicant] [the appellant]* was the owner (a) of any of the building to which the [application] [appeal]* relates at the beginning of the period of 21 days ending with the date of the accompanying [application] [appeal]*.

or

Certificate B*

I hereby certify that:

[I have] [The applicant has] [the appellant has]* given the requisite notice to all the persons other than [myself] [the applicant] [the appellant]* who, at the beginning of the period of 21 days ending with the date of the accompanying [application] [appeal]*, were owners (a) of the building to which the [application] [appeal]* relates-

Name of owner	Address	Date of service of notice
---------------	---------	---------------------------

or

Certificate C*

I hereby certify that:

1. [I am] [The applicant is] [The appellant is]* unable to issue a certificate in accordance with either sub-paragraph (a) or sub-paragraph (b) of regulation 6(1) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of the accompanying [application] [appeal]* dated

2. [I have] [The applicant has] [The appellant has]* given the requisite notice to the following persons other than [myself] [the applicant] [the appellant]* who, at the beginning of the period of 21 days ending with the date of the [application] [appeal]*, were owners (a) of the building to which the [application] [appeal]* relates-

Name of owner	Address	Date of service of notice
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3. [I have] [The applicant has] [The appellant has]* taken the steps listed below, being steps reasonably open to [me] [him]* to ascertain the names and addresses of the other owners (a) of the building and [have] [has]* been unable to do so: (b).

4. Notice of the [application] [appeal]* as set out below has been published in the (c) on (d).

Copy of notice as published

or

Certificate D*

I hereby certify that:

1. [I am] [The applicant is] [The appellant is]* unable to issue a certificate in accordance with sub-paragraph (a) of regulation 6(1) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of the accompanying [application] [appeal]* dated and [have] [has]* taken the steps listed below, being steps reasonably open to [me] [him]*, to ascertain the names and addresses of all the persons other than [myself] [himself]* who, at the beginning of the period of 21 days ending with the date of the [application] [appeal]*, were owners (a) of the building to which the [application] [appeal]* relates and [have] [had]* been unable to do so: (b).

2. Notice of the [application] [appeal]* as set out below has been published in the (c) on (d).

Copy of notice as published

Signed

[on behalf of]*

Date

*** Delete where inappropriate.**

Notes

(a) "Owner" means a person having a freehold interest or a leasehold interest of which not less than 7 years remain unexpired.

(b) Insert description of steps taken.

(c) Insert name of local newspaper circulating in the locality in which the land is situated.

(d) Insert date of publication (which must not be earlier than 20 days before the application or appeal).

PART II

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 NOTICE FOR SERVICE ON INDIVIDUALS

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

TAKE NOTICE that application is being made to the (b) Council by (c) for [listed building consent] [conservation area consent] [variation or discharge of conditions]* (d).

If you wish to make representations about the application, you should make them in writing, not later than (e) to the Council at (f).

Signed

[on behalf of]*

Date

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

NOTICE FOR PUBLICATION IN LOCAL NEWSPAPERS WHERE NOT ALL THE OWNERS ARE KNOWN, PURSUANT TO REGULATION 6(2) OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1990
Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

Notice is hereby given that application is being made to the (b) Council by (c) for [listed building consent] [conservation area consent] [variation or discharge of conditions]*

(d).

Any owner of the building (namely a freeholder, or a leaseholder entitled to an unexpired term of at least seven years) who wishes to make representations to the above-mentioned Council about the application should make them in writing not later than (e) to the Council at (f).

Signed

[on behalf of]*

Date

*** Delete where inappropriate.**

Notes

(a) Insert name, address or location of building with sufficient precision to ensure identification of it.

(b) Insert name of council.

(c) Insert name of applicant.

(d) Insert description of proposed works and name, address or location of building, or in the case of an application to vary or discharge conditions, insert description of the proposed variation or discharge.

(e) Insert date not less than 20 days later than the date on which the notice is served or published.

(f) Insert address of council.

PART III

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)ACT 1990

NOTICE FOR SERVICE ON INDIVIDUALS

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

TAKE NOTICE that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales]* by (b) [against the decision of the (c) Council] [on the failure of the (c) Council to give notice of a decision]* on an application to (d).

If you should wish to make representations to the Secretary of State about the appeal you should make them not later than (e), to the [Secretary of State for the Environment] [Secretary of State for Wales]* at

Signed

[on behalf of]*

Date

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

NOTICE FOR PUBLICATION IN LOCAL NEWSPAPERS

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

Notice is hereby given that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales]* by (b) [against the decision of the (c) Council] [on the failure of the (c) Council to give notice of a decision]* on an application to (d).

Any owner of the building (namely, a freeholder, or a leaseholder entitled to an unexpired term of at least seven years) who wishes to make representations to the Secretary of State about the appeal should make them in writing, not later than (e), to the [Secretary of State for the Environment] [Secretary of State for Wales]* at

Signed

[on behalf of]*

Date

*** Delete where inappropriate.**

Notes

(a) Insert name, address or location of building with sufficient precision to ensure identification of it.

(b) Insert name of appellant.

(c) Insert name of council.

(d) Insert description of proposed works and name, address or location of building, or in the case of an application to vary or discharge conditions, insert description of the proposed variation or discharge.

(e) Insert date not less than 20 days later than the date on which the notice is served or published.

SCHEDULE 3

Regulation 12

(1) (2)

Provisions of the Act relating to listed building control Exceptions and additional modifications (if any)

Section 7 Omit the words "or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest".

Section 8 **1.** Omit subsection (1).

2. In subsection (2), omit paragraphs (b) and (c).

3. In subsection (3)(a), omit the words "or for its alteration or extension".

4. Omit subsections (4) to (7).

Sections 9 to 12 None.

Section 13 Omit.

Section 14

Substitute the following-

"14. Where application for conservation area consent is made as respects a building situated in Greater London, the local planning

authority shall notify the Historic Buildings and Monuments Commission for England of that application, shall not determine such application until the expiry of a period of 28 days from such notification, shall take into account any representations made by the Commission within such period in respect of that application, and shall notify the Commission of their decision on that application." .

Section 15 1. Omit subsections (1) to (4).

2. In subsection (6) omit "(1) or".

Section 16 Omit subsection (2).

Sections 17 to 20 None.

Section 21 Omit subsections (3) and (4).

Section 22 Omit subsection (1)(b).

Sections 23 to 26 None.

Section 28 None.

Sections 32 to 37 None

Section 38 In subsection (1), for the words "the character of the building as one of special architectural or historic interest", substitute the words "the character or appearance of the conservation area in which the building is situated".

Section 39 In subsection (1)-

(i) substitute the following paragraph for paragraph (a)-

"(a) that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated;" .

(ii) omit paragraph (i).

Section 40 None.

Section 41 Omit subsection (6)(c).

Sections 42 to 46 None.

Section 56 For the words "sections 47 and 48 or section 54", substitute the words "section 54 where a direction has been made in respect of that building under section 76(1)".

Sections 62 to 65 None.

Section 66(1) Omit.

Section 82(2) to (4) 1. In subsection (2) omit the words "alteration or extension".

2. In subsections (2)-(4) the exceptions and modifications mentioned in regulation 13 and also as mentioned in this column, shall have effect in relation to the appropriate provision mentioned in section 82(3).

Section 83(1)(b), (3) and (4) None.

Section 90(2) to (4) None.

SCHEDULE 4

Regulation 14

NOTICE THAT A BUILDING HAS BECOME LISTED

IMPORTANT -

THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as situated in has on 19 been included in a list of buildings of special architectural or historic interest compiled by the [Secretary of State for Environment] [Secretary of State for Wales] under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Date 19 [Town Clerk] [Clerk of the Council] [Chief Executive]

Note

Listing of Buildings of Special Architectural or Historic Interest

The above notice is addressed to you as owner or occupier of the building named, which has been included in one of the lists of buildings of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the [Secretary of State for the Environment] [Secretary of State for Wales]. The lists are compiled by the Secretary of State as a statutory duty after consultation with [the Historic Buildings and Monuments Commission for England and with such other]^[5] persons or bodies as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or the interior) which would affect its character. In that event you will need to seek "listed building consent", that is to say, the consent of the local planning authority (the Council) to the work you wish to do. You should however note that it is an offence to carry out any of these works without obtaining listed building consent. A conviction for this offence could result in a fine or even imprisonment. Nevertheless where works which were urgently necessary in the interests of safety or of health or for the preservation of the building were carried out without consent it is a defence to prove that-

- (a) it was not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter;
- (b) the works carried out were limited to the minimum measures immediately necessary; and
- (c) notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

Certain buildings are exempt from the requirement to obtain listed building consent, notably ecclesiastical buildings which are for the time being used for ecclesiastical purposes (but it should also be noted that this exemption does not apply to a building used or available for use as a residence by a minister of religion and that the exemption may be restricted or excluded by an order of the Secretary of State under section 60 of the 1990 Act).

Although there is no statutory right of appeal as such against the listing of a building, you are not precluded at any time from writing to the Secretary of State claiming that the building should cease to be listed on the ground that it is not in fact of special architectural or historic interest; and any such claim, with the evidence supporting it, will be carefully considered by the Secretary of State in consultation with his statutory advisers. A guidance note on the procedure is available from the Secretary of State. In addition, where listed building consent is refused by a local planning authority or is granted subject to conditions, there is a right of appeal to the [Secretary of State for the Environment] [Secretary of State for Wales]; and one

of the grounds for an appeal may be that the building is not of special architectural or historic interest.

If at any time you propose to take any action which may affect the character of your building, you would be well advised to refer to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, and of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519). Further details can be obtained from your local planning authority.

NOTICE THAT A BUILDING HAS CEASED TO BE LISTED

IMPORTANT -

THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as situated in has, by an amendment made by the [Secretary of State for the Environment] [Secretary of State for Wales] under section 1(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on 19 , been excluded from the list of buildings of special architectural or historic interest compiled by the Secretary of State.

Date: 19 [Town Clerk] [Clerk of the Council] [Chief Executive]

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make procedural provision for applications for listed building consent, for conservation area consent, for the variation or discharge of conditions attached to listed building consents or conservation area consents, and for appeals in respect of these matters.

The Regulations also provide for notices and for other procedural provisions in relation to listed buildings and buildings in conservation areas, and for the application and modification of legislation in relation to enforcement notices and conservation areas.

The Regulations revoke and re-enact, with minor drafting amendments, the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 to take account of the Planning (Listed Buildings and Conservation Areas) Act 1990 which consolidated certain enactments relating to listed buildings and conservation areas.

Notes:

[1] See the definition of "prescribed". [back](#)

[2] 1990 c. 9. [back](#)

[3] 1936 c. 49. [back](#)

[4] S.I. 1987/349. [back](#)

[5] Inapplicable where building is situated in Wales. [back](#)