

1990 No. 1519**TOWN AND COUNTRY PLANNING, ENGLAND AND WALES****The Planning (Listed Buildings and Conservation Areas) Regulations 1990**

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<i>Made</i>	<i>20th July 1990</i>
<i>Laid before Parliament</i>	<i>30th July 1990</i>
<i>Coming into force</i>	<i>24th August 1990</i>

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, 91¹, and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and of all other powers enabling them in that behalf, hereby make the following Regulations:

Notes

¹ See the definition of "prescribed".

Extent

Preamble: England, Wales

Law In Force

1. Citation and Commencement

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

Commencement

reg. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 1: England, Wales

Law In Force

[2. Interpretation

(1) In these Regulations

“the Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990; and
“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000.

(2) In these Regulations, in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

(a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;

(b) references to forms, plans, notices and other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the form, plan, notice or other document transmitted by means of the electronic communication is—

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), “legible in all material respects” means that the information contained in the statement, notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient outside the recipient's business hours, it shall be taken to have been received on the next working day; and for this purpose and the purposes of paragraph (3) of regulation 8A, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (4), and “written” and cognate expressions are to be construed accordingly.

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Notes

¹ Existing reg.2 renumbered as reg.2(1), definition inserted and reg.2(2)-(7) inserted by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.4 para.1 (January 1, 2005)

Commencement

reg. 2: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 2(1)-(7): England, Wales

☑ Law In Force

3.— Applications for listed building consent or for conservation area consent

(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. [²]¹

Notes

¹ Substituted subject to the transitional provisions specified in SI 2003/2048 reg.6(b) by Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003/2048 reg.2 (December 5, 2003: substitution has effect subject to the transitional provisions specified in SI 2003/2048 reg.6(b))

² **In relation to England:**

[3.— Applications for listed building consent or for conservation area consent

(1) An application for listed building consent or conservation area consent shall—

- (a) subject to regulation 7, be made in writing to a local planning authority on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) include the particulars specified or referred to in the form; and
- (c) be accompanied, whether electronically or otherwise, by—
 - (i) such plans, drawings and information as are necessary to describe the works which are the subject of the application;
 - (ii) except where the application is made by electronic communication or the local planning authority indicate that a lesser number is required [or where paragraph (1A) applies]³, 3 copies of the form; and
 - (iii) except where they are submitted by electronic communication or the local planning authority indicate that a lesser number is required, 3 copies of any plans, drawings or information accompanying the application pursuant to paragraph (i).

[(1A) This paragraph applies in relation to an application for consent for works that have not yet begun where—

(a) consent for those works has been granted on or before 1st October 2009 subject to a time limit imposed under section 18 of the Act (limit of duration of listed building consent) which has not expired; and

(b) the consent for which the application is made is necessary to carry out development that is the subject of an application to which [article 18(1)(b) or (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010]⁴ refers.

] ³

(2) Any plans or drawings required to be provided by paragraph (1)(c)(i) shall be drawn to an identified scale and, in the case of plans, shall show the direction of North.

(3) When the local planning authority with whom the application has to be lodged receive—

(a) an application which complies with the requirements of paragraph (1);

(b) the certificate required by regulation 6;

(c) in a case to which regulation 3A applies, the design and access statement; and

(d) subject to paragraph (4), the particulars required by the authority under section 10(2)(c) of the Act (making applications for listed building consent),

the authority shall, as soon as is reasonably practicable, send to the applicant an acknowledgement in the terms (or substantially in the terms) set out in Part 1 of Schedule 1.

(4) Paragraph (3)(d) only applies if—

(a) before the application is made the local planning authority publish, for the purposes of paragraph (8), a list of requirements on their website; and

(b) the particulars that the authority require to be included in the application fall within that list.

(5) Where, after sending an acknowledgement as required by paragraph (3), the local planning authority form the opinion that the application is invalid they shall, as soon as is reasonably practicable, notify the applicant that the application is invalid.

(6) Where a valid application has been received, the local planning authority shall give the applicant written notice of their decision within the period of eight weeks beginning with the day immediately following that on which the application is received or, except where the applicant has already given notice of appeal to the Secretary of State, within such other period as may at any time be agreed in writing between the applicant and the authority.

(7) 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 2 of Schedule 1.

(8) In this regulation “valid application” means an application which complies with the requirements of paragraph (1) and—

(a) subject to paragraph (8A), contains the particulars required by the authority under section 10(2)(c) of the Act (making of applications for listed building consent);

(b) is accompanied by the certificate required by regulation 6; and

(c) in a case to which regulation 3A applies, is accompanied by the design and access statement, and a valid application shall be taken to have been received when the application, and all of the documents or particulars referred to above, have been lodged with the local planning authority.

(8A) Paragraph 8(a) only applies if—

(a) before the application is made the local planning authority publish, for the purposes of paragraph (8), a list of requirements on their website; and

(b) the particulars that the authority require to be included in the application fall within that list.

] ⁵

³ Modified by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009/2262 reg.2(2) (October 1, 2009)

⁴ Words substituted by Planning (Listed Buildings and Conservation Areas) (Amendment No. 2) (England) Regulations 2010/2185 reg.2(2) (October 1, 2010)

- ⁵ Substituted subject to transitional provisions specified in SI 2008/551 art.3 by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008/551 reg.2(2) (April 6, 2008: substitution has effect subject to transitional provisions specified in SI 2008/551 art.3)

Commencement

reg. 3(1)-(5): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 3(1)-(5): England, Wales

Law In Force

[3A.— Design and access statements

(1) ² Any application to a local planning authority for listed building consent [, except where regulation 3(1A) applies] ³ shall be accompanied by a statement (“a design and access statement”) about—

- (a) the design principles and concepts that have been applied to the works; and
- (b) subject to paragraph (4), how issues relating to access to the building have been dealt with.

(2) A design and access statement shall—

- (a) explain the design principles and concepts that have been applied to the following aspects of the works—
 - (i) scale;
 - (ii) layout;
 - (iii) appearance; and
- (b) explain how the principles and concepts referred to in sub-paragraph (a) take account of—
 - (i) the special architectural or historic importance of the building;
 - (ii) the particular physical features of the building that justify its designation as a listed building; and
 - (iii) the building's setting.

(3) Subject to paragraph (4), a design and access statement shall also—

- (a) explain the policy adopted as to access, including what alternative means of access have been considered, and how policies relating to access in relevant local development documents have been taken into account;
- (b) explain how the policy as to access takes account of—
 - (i) the special architectural or historic importance of the building;
 - (ii) the particular physical features of the building that justify its designation as a listed building; and
 - (iii) the building's setting;
- (c) state what, if any, consultation has been undertaken and what account has been taken of the outcome of any such consultation;
- (d) explain how any specific issues which might affect access to the building have been addressed; and
- (e) explain how features which ensure access to the building will be maintained.

(4) Paragraphs (1)(b) and (3) do not apply in relation to an application for listed building consent to carry out works affecting only the interior of a building.

(5) In this regulation—

“appearance” means the aspects of a building which determine the visual impression it makes, including the external built form of the building, its architecture, materials, decoration, lighting, colour and texture;

“layout” means the way in which a building is situated and orientated in relation to other buildings, routes and spaces; and

“scale”, in relation to a building, means the height, width and length of the building in relation to its surroundings.

] ¹

Notes

¹ Added by Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006/1063 reg.3 (August 10, 2006)

² In relation to England: reg.3A is inserted.

³ Words substituted by Planning (Listed Buildings and Conservation Areas) (Amendment No. 2) (England) Regulations 2010/2185 reg.2(3) (October 1, 2010)

Extent

reg. 3A(1)-(5) definition of "scale": England, Wales

Law In Force

[3B.— Design and access statements: Wales

(1) Any application to a local planning authority for listed building consent must be accompanied by a statement (“a design and access statement”) explaining—

- (a) the design principles and concepts that have been applied to the works; and
- (b) subject to paragraph (4), how issues relating to access to the building have been dealt with.

(2) A design and access statement must, in relation to design—

- (a) explain the design principles and concepts that have been applied to the following aspects of the works—
 - (i) appearance;
 - (ii) environmental sustainability;
 - (iii) layout; and
 - (iv) scale; and
- (b) explain how the principles and concepts referred to in sub-paragraph (a) take account of—
 - (i) the special architectural or historic importance of the building;
 - (ii) the particular physical features of the building that justify its designation as a listed building; and
 - (iii) the building's setting.

(3) Subject to paragraph (4), a design and access statement must, in relation to access, explain—

- (a) the policy or approach adopted as to access, including—

- (i) what alternative means of access have been considered; and
 - (ii) how policies relating to access in the development plan² have been taken into account;
 - (b) how the policy or approach adopted as to access takes account of—
 - (i) the special architectural or historic importance of the building;
 - (ii) the particular physical features of the building that justify its designation as a listed building; and
 - (iii) the building's setting;
 - (c) how any specific issues which might affect access to the building have been addressed; and
 - (d) how features which ensure access to the building will be maintained.
- (4) Paragraphs (1)(b) and (3) do not apply in relation to an application for listed building consent to carry out works affecting only the interior of a building.
- (5) In this regulation—
- “appearance”, in relation to the works and the building to which the works relate, means the aspects of the works and the building which determine the visual impression they make, including the external built form of the works and the building, their architecture, features, materials, decoration, lighting, colour and texture;
 - “layout” means the way in which the works are situated and orientated in relation to the building to which the works relate and to other buildings, routes and spaces; and
 - “scale” means the extent and dimensions of the works in relation to the building and its surroundings.

] ¹

Notes

- ¹ Substituted by Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009/1026 reg.2(2) (June 1, 2009)
- ² See section 38(4) of the Planning and Compulsory Purchase Act 2004 (c. 5) for the meaning of “development plan” and the transitional provisions and savings in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847) (C.118).

Extent

reg. 3B(1)-(5) definition of "scale": Wales

Law In Force

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

- (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. [²] ¹

Notes

¹ Words substituted by Planning (Listed Buildings and Conservation Areas) (England) (Amendment) Regulations 2003/2048 reg.3 (December 5, 2003)

² **In relation to England:**

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

(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 [in accordance with regulation 3(1)] ³ .

(2) [Paragraphs (3) to (8A) of regulation 3] ³ 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(7)] ³ 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.

³ Modified subject to transitional provisions specified in SI 2008/551 art.3 by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008/551 reg.2(3) (April 6, 2008: modification has effect subject to transitional provisions specified in SI 2008/551 art.3)

Commencement

reg. 4(1)-(2): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 4(1)-(2): England, Wales

Law In Force

5.— Advertisement of applications

(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. [²]¹

Notes

¹ Modified by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2004/2210 reg.2 (September 28, 2004)

² **In relation to England:**

5.— Advertisement of applications

(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 [21]³ 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) [; and]⁴

[(c) for not less than 21 days publish on a website maintained by the local planning authority the following information—

(i) the address or location of the proposed works;

(ii) the nature of the proposed works;

(iii) the date by which any representations about the application must be made, which shall not be before the last day of the period of 21 days beginning with the date on which the information is published;

(iv) where and when the application may be inspected; and

(v) how representations may be made about the application.

] ⁴

(1A) [[...]]⁴

(1B) [[...]]⁴ [...]

(2) Subject to paragraph (3), an application under regulation 3 or 4 shall not be determined by the local planning authority before [each]⁴ 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]⁴

[(c) the period of 21 days beginning with the date on which the information required by sub-paragraph (c) of the said paragraph (1) was first published;]⁴

and in determining the application the authority shall take into account any representations relating to the application which are received by them before [each]⁴ 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.

³ Modified by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010/568 reg.3(1) (April 6, 2010)

⁴ Modified by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010/568 reg.4 (April 6, 2010: modification subject to the transitional provision specified in SI 2010/568 reg.5)

Commencement

reg. 5(1)-(3)(b): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 5(1)-(3)(b): England, Wales

Law In Force

[5A.— Publicity for applications affecting setting of listed buildings

(1) This regulation applies where an application for planning permission for any development of land is made to a local planning authority and the authority think that the development would affect the setting of a listed building or the character or appearance of a conservation area.

[(2) The local planning authority shall—

(a) publish in a local newspaper circulating in the locality in which the land is situated a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted to 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;

(b) for not less than 21 days display on or near the said building a notice containing the same particulars as are required to be published in accordance with sub-paragraph (a); and
(c) for not less than 21 days publish on a website maintained by the local planning authority the following information—

(i) the address or location of the development in question;

(ii) the nature of the development;

(iii) the date by which any representations about the application must be made, which shall not be before the last day of the period of 21 days beginning with the date on which the information is published;

(iv) where and when the application may be inspected; and

(v) how representations may be made about the application.

] ²

(3) [The] ² local planning authority shall send to the Commission a copy of each notice, under paragraph (2).

(4) [The] ² application shall not be determined by the local planning authority before [each] ² of the following periods have elapsed, namely—

(a) the period of 21 days referred to in paragraph (2); and

(b) the period of 21 days beginning with the date on which the notice required by that paragraph to be displayed was first displayed, [and] ²

[(c) the period of 21 days beginning with the date on which the information required by sub-paragraph (c) of the said paragraph (2) was first published,]²
 and in determining any application for planning permission to which this regulation applies, the local planning authority shall take into account any representations relating to the application which are received by them before [each]² of those periods have elapsed. [³]²

(5)-(7) [...] ²
]¹

Notes

- ¹ Added by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2004/2210 reg.2(4) (September 28, 2004)
- ² Modified by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010/568 reg.4(2) (April 6, 2010: modification subject to the transitional provision specified in SI 2010/568 reg.5)
- ³ In relation to England: reg.5A is inserted.

Extent

reg. 5A(1)-(7): England, Wales

Law In Force

[5B.— Advertisement of applications for urgent works relating to Crown development

(1) Subject to paragraph (2), where an application under section 82B(2)² (urgent works relating to Crown development) of the Act is made to the Secretary of State in respect of any building the Secretary of State 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—

(i) 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

(ii) stating the address of the website where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public during the period of 21 days beginning with the date of publication of the notice, and the place on the website where such documents may be accessed, and how they may be accessed; 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) Paragraph (1) shall not apply to any application for 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.[...] ³

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Notes

- ¹ Added by Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendment) (England) Regulations 2006/1283 reg.2(2) (June 7, 2006)
- ² Section 82B was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 83(1).
- ³ Added by Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendments relating to Crown Land) (Wales) Regulations 2006/1388 reg.2(2) (June 7, 2006)

Extent

reg. 5B(1)-(2): England, Wales

Law In Force

6.— Certificate to accompany applications and appeals

(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.

[(5A) The provisions of this regulation, except paragraph (3), shall apply where an application for listed building consent is made to the Secretary of State under section 82B(2) of the Act, as they apply in relation to an application which falls to be determined by the local planning authority with the following modifications—

(a) in paragraph (1) for “A local planning authority shall not entertain any application under regulation 3 or 4” substitute “The Secretary of State shall not entertain any application under section 82B(2) of the Act”;

(b) omit paragraph (3).

] ¹

(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. [³] ²

Notes

¹ Added by Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006/1282 art.9(2) (June 7, 2006)

² Words substituted subject to transitional provisions specified in SI 2008/551 art.3 by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008/551 reg.2(4) (April 6, 2008: substitution has effect subject to transitional provisions specified in SI 2008/551 art.3)

³ **In relation to England:**

6.— Certificate to accompany applications and appeals

(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.

(5A) The provisions of this regulation, except paragraph (3), shall apply where an application for listed building consent is made to the Secretary of State under section 82B(2) of the Act, as they apply in relation to an application which falls to be determined by the local planning authority with the following modifications—

- (a) in paragraph (1) for “A local planning authority shall not entertain any application under regulation 3 or 4” substitute “The Secretary of State shall not entertain any application under section 82B(2) of the Act”;
- (b) omit paragraph (3).

(6) Certificates issued for the purposes of this regulation shall be in the forms published by the Secretary of State.

(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.

Commencement

reg. 6(1)-(8): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 6(1)-(8): England, Wales

Law In Force

7.— Applications in National Parks

(1) An application under regulation 3 or 4 as respects a building situated in an area of a National Park [in England]¹ 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.

Notes

¹ Words added by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.13(1) (April 1, 1996)

Commencement

reg. 7(1)-(2): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 7(1)-(2): England, Wales

Law In Force

8.— Appeals

(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.[...]¹

Notes

- ¹ Word substituted by Planning (Listed Buildings and Conservation Areas) (Amendment) (No. 2) (England) Regulations 2004/3341 reg.2(a) (January 14, 2005)

Commencement

reg. 8(1)-(2)(iv): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 8(1)-(2)(iv): England, Wales

Law In Force

[8A.— Use of electronic communications

(1) Paragraphs (2) and (3) of this regulation apply where an electronic communication is used for the purpose of making an application—

- (a) under regulation 3, for listed building consent or conservation area consent, or
- (b) under regulation 4, for the variation or discharge of conditions attached to a listed building consent or conservation area consent.

(2) Paragraph (1) of regulation 3 or (as the case may be) of regulation 4 shall apply as if for the words “two further copies of the form,” there were substituted the words “any related”.

(3) The reference in paragraph (4) of regulation 3 to the date when the form and certificate were lodged with the local planning authority shall be construed as a reference to the date when the form and certificate are transmitted to the authority by means of the electronic communication; but where the communication is received outside the authority's business hours, it shall be taken to have been received on the authority's next working day.

(4) Where a local planning authority maintain a website for the purpose of advertisement of applications, [regulation 5 and 5A]² applies with the modifications in [paragraph (5) and (5A), respectively]² of this regulation.

(5) In regulation 5—

- (a) for sub-paragraph (a) of paragraph (1), substitute—

“(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—

- (i) 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
- (ii) stating the address of a website where a copy of the application, and of all plans and other documents submitted with it, will be open

to inspection by the public during the period of 21 days beginning with the date of publication of the notice, and the place on the website where such documents may be accessed, and how they may be accessed; and”;

- (b) in paragraph (2), omit “both of” in both places in which it occurs, and in sub-paragraph (a) after “sub-paragraph (a)” insert “(i) or (ii)”.

[(5A) In regulation 5A—

- (a) for paragraph (2) substitute—

(2) Subject to paragraphs (5) and (6), the local planning 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—

- (i) 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
 (ii) stating the address of a website 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 the place on the website where such documents may be accessed, and how they may be accessed; 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).”

; and

- (b) in paragraph (4), omit “both of” in both places in which it occurs, and in sub-paragraph (a) after “paragraph (2)” insert “(a)(i) or (ii).”.

]²

(6) Paragraph (7) of this regulation applies where a person uses electronic communications for any of the following purposes—

(a) making an application under regulation 3, for listed building consent or conservation area consent;

[(aa) making an application under section 82B(2) of the Act for consent;]³

(b) making an application under regulation 4, for the variation or discharge of conditions attached to a listed building consent or conservation area consent;

(c) giving notice of appeal to the Secretary of State under regulation 8;

(d) making a claim under regulation 9 for compensation, or serving a listed building purchase notice under that regulation.

(7) In a case to which this paragraph applies, and except where a contrary intention appears, the person making the application or claim or giving or serving the notice shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to his application, appeal, claim or notice (as the case may be) which are capable of being effected using such communications;

- (b) that his address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, his application, claim or notice;
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing that he wishes to revoke the agreement (and such revocation shall take effect on a date specified by him but not less than seven days after the date on which the notice is given).[...]⁴

] ¹

Notes

- ¹ Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.8 para.2 (March 31, 2003)
- ² Modified by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2004/2210 reg.2(5) (September 28, 2004)
- ³ Added by Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006/1282 art.9(3) (June 7, 2006)
- ⁴ Added by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.4 para.2 (January 1, 2005)

Extent

reg. 8A(1)-(7)(c): England, Wales

 Law In Force
9.— Claims for compensation and listed building purchase notices

(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 [or National Park authority] ¹ 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. [³] ²

Notes

- ¹ Words inserted by National Park Authorities (England) Order 1996/1243 Sch.5(II) para.12(a) (June 4, 1996)
- ² Words inserted by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.13(2) (April 1, 1996)
- ³ **In relation to Wales:**

9.— Claims for compensation and listed building purchase notices

(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 (or served on the council of a county or county borough in Wales) 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.

Commencement

reg. 9(1)-(2)(b): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 9(1)-(2)(b): England, Wales

Law In Force

10. Advertisement of unopposed revocation or modification order

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.

Commencement

reg. 10: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 10: England, Wales

Law In Force

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

[(1) The provisions of sections 276, 289 and 294 of the Public Health Act 1936 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.

]¹

Notes

- ¹ Reg.11 renumbered as reg.11(1) by Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991/2804 Pt V reg.10(2)(a) (January 2, 1992)

Commencement

reg. 11(a)-(d): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 11(1)-(d): England, Wales

Law In Force

12. Demolition of unlisted buildings in conservation areas

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.

Commencement

reg. 12(a)-(b): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 12(a)-(b): England, Wales

Law In Force

13.— Applications by local planning authorities

(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 [in England]¹ 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. [³]²

Notes

¹ Words added by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.13(3) (April 1, 1996)

² Word substituted by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010/568 reg.3(3) (April 6, 2010)

³ **In relation to England:**

13.— Applications by local planning authorities

(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 21 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 [; and]⁴

[(c) for not less than 21 days publish on a website maintained by the local planning authority the following information—

(i) the address or location of the proposed works;

(ii) the nature of the proposed works;

(iii) the date by which any representations about the application must be made, which shall not be before the last day of the period of 21 days beginning with the date on which the information is published;

(iv) where and when the application may be inspected; and

(v) how representations may be made about the application.

] ⁴

(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 in England 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.

⁴ Modified by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010/568 reg.4(3) (April 6, 2010: modification subject to the transitional provision specified in SI 2010/568 reg.5)

Commencement

reg. 13(1)-(8): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 13(1)-(8): England, Wales

Law In Force

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

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.

Commencement

reg. 14: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 14: England, Wales

Law In Force

[15. Application for listed building or conservation area consent in respect of Crown land

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 in respect of Crown land, have effect subject to the following modifications—

- (a) in regulation 3(2), for “a certificate under regulation 6” substitute “the certificate or other document required by regulation 6 below”;
- (b) in regulation 6—
 - (i) in paragraph (1) after “accompanied by” insert “the documents described in paragraph (1A) below or,” and
 - (ii) after paragraph (1) insert—

“(1A) An application for listed building or conservation area consent in respect of Crown land shall be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.”

] ¹

Notes

- ¹ Substituted by Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006/1282 art.9(4) (June 7, 2006)

Commencement

reg. 15(1)-(2): August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 15(1)-(b)(ii): England, Wales

Law In Force

16. Revocations

The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 are hereby revoked.

Commencement

reg. 16: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

reg. 16: England, Wales

Law In Force

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**

Law In Force

[Form not available in online format. Please see original printed copy.]

Commencement

Sch. 1(I) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 1(I) para. 1: England, Wales

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)**

Law In Force

[Form not available in online format. Please see original printed copy.]

Commencement

Sch. 1(II) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 1(II) para. 1: England, Wales

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**

Law In Force

[Form not available in online format. Please see original printed copy.]

Commencement

Sch. 1(III) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 1(III) para. 1: England, Wales

SCHEDULE 2**Regulation 6****PART I****PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

Law In Force

[Form not available in online format. Please see original printed copy.]

[²]¹

Notes

¹ Revoked subject to transitional provisions specified in SI 2008/551 art.3 by Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008/551 reg.2(5) (April 6, 2008: repeal has effect subject to transitional provisions specified in SI 2008/551 art.3)

² In relation to England and Wales: Sch.2 Part I is repealed.

Commencement

Sch. 2(I) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 2(I) para. 1: England, Wales

PART II**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 NOTICE
FOR SERVICE ON INDIVIDUALS** Law In Force

[Form not available in online format. Please see original printed copy.]

Commencement

Sch. 2(II) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 2(II) para. 1: England, Wales

PART III**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990** Law In Force

[Form not available in online format. Please see original printed copy.]

Commencement

Sch. 2(III) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 2(III) para. 1: England, Wales

SCHEDULE 3**Regulation 12** Law In Force

(1) <i>Provisions of the Act relating to listed building control</i>	(2) <i>Exceptions and additional modifications (if any)</i>
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).

(1) <i>Provisions of the Act relating to listed building control</i>	(2) <i>Exceptions and additional modifications (if any)</i>
Sections 9 to 12 Section 13 Section 14	3. In subsection (3)(a), omit the words “or for its alteration or extension”. 4. Omit subsections (4) to (7). None. Omit. Substitute the following–
Section 15	“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 16	1. Omit subsections (1) to (4). 2. In subsection (6) omit “(1) or”.
Section 17 to 20	Omit subsection (2).
Section 21	None.
Section 22	Omit subsections (3) and (4).
Section 23 to 26	Omit subsection (1)(b).
Section 28	None.
Sections 32 to 37	None.
Section 38	None.
Section 39	None.
Section 40	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 41	In subsection (1)–
Section 42 to 46	(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;”.
Section 56	(ii) omit paragraph (i).
Section 57	None.
Section 58	Omit subsection (6)(c).
Sections 59 to 63	None.
Section 64	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)”.

(1) <i>Provisions of the Act relating to listed building control</i>	(2) <i>Exceptions and additional modifications (if any)</i>
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.

Commencement

Sch. 3 para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 3 para. 1: England, Wales

SCHEDULE 4**Regulation 14****NOTICE THAT A BUILDING HAS BECOME LISTED**

Law In Force

[

FORM

[Form not available in online format. Please see original printed copy.]

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 approved by [the Secretary of State for Culture, Olympics, Media and Sport]². The lists are compiled by the Historic Buildings and Monuments Commission for England (English Heritage) and approved by the Secretary of State after consultation with English Heritage and such other persons or bodies as appear to the Secretary of State appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest. Further information on the listing process, including information about how to apply for an amendment to the lists (for example, an application for removal of a building from the lists), is available from English Heritage.

If you wish to undertake any works for the demolition of the building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic

interest, you will need the works to be authorised by the local planning authority, that is to say, you must seek “listed building consent”.

You should note that it is an offence to carry out any such demolition works without obtaining listed building consent. A conviction for this offence could result in a fine or even imprisonment. Nevertheless, it is a defence to prove that—

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

Some buildings are exempt from the requirement to obtain listed building consent, notably certain ecclesiastical buildings which are for the time being used for ecclesiastical purposes (this does not apply to a building used or available for use wholly or mainly by a minister of religion as a residence from which to perform the duties of his or her office). It should be noted that the Secretary of State has exercised powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to restrict and exclude the operation of this exemption.

If at any time you propose to take any action which may affect the character of your building as a building of special architectural or historic interest, 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) as amended). Further details can be obtained from your local planning authority.

This note does not purport to be a definitive statement of the law.

] ¹

Notes

- ¹ Substituted by Planning (Listed Buildings and Conservation Areas) (Amendment No.2) (England) Regulations 2009/2711 reg.2 (November 2, 2009)
- ² Words substituted by Secretary of State for Culture, Olympics, Media and Sport Order 2010/1551 Sch.1(2) para.10 (July 7, 2010)

Commencement

Sch. 4(1) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 4(1) para. 1(a)-(d): England, Wales

NOTICE THAT A BUILDING HAS CEASED TO BE LISTED

Law In Force

[

FORM

[Form not available in online format. Please see original printed copy.]

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 excluded from 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 . The lists are compiled by the Historic Buildings and Monuments Commission for England (English Heritage) and approved by [the Secretary of State for Culture, Olympics, Media and Sport]² after consultation with English Heritage and such other persons or bodies as appear to the Secretary of State appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest. Further information on the listing process, including information about how to apply for an amendment to the lists (for example, an application for removal of a building from the lists) is available from English Heritage.]¹

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- ² Words substituted by Secretary of State for Culture, Olympics, Media and Sport Order 2010/1551 Sch.1(2) para.10 (July 7, 2010)

Commencement

Sch. 4(2) para. 1: August 24, 1990 (SI 1990/1519 reg. 1)

Extent

Sch. 4(2) para. 1: England, Wales

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.

Modifications

Whole Document	South Downs National Park Authority (Establishment) Order 2010/497, Sch. 3(2) para. 9
reg. 3	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A
reg. 3(1)	Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992/3138, Sch. 1 para. 2(2)
reg. 3(2)	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 15 Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 15(1)(a)
reg. 3A	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A
reg. 3B	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A
reg. 4	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A
reg. 5	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992/3138, Sch. 1 para. 2
reg. 5A(2)	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A
reg. 5A(4)	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A
reg. 5A(4)(a)	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 8A
reg. 6	Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992/3138, Sch. 1 para. 2
reg. 6(1)	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 15 Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 15(1)(b)
reg. 6(1A)	Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 15 Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519, reg. 15(1)(c)
reg. 9(1)	New Forest National Park Authority (Establishment) Order 2005/421, Sch. 3(2) para. 10(a)
Sch. 1(II) para. 1	New Forest National Park Authority (Establishment) Order 2005/421, Sch. 3(2) para. 10(b)

Table of Contents

Planning (Listed Buildings and Conservation Areas) Regulations 1990/1519.....	<u>1</u>
Preamble	<u>1</u>
<input checked="" type="checkbox"/> reg. 1 Citation and Commencement.....	<u>1</u>
<input checked="" type="checkbox"/> reg. 2 Interpretation.....	<u>1</u>
<input checked="" type="checkbox"/> reg. 3 Applications for listed building consent or for conservation area consent.....	<u>3</u>
<input checked="" type="checkbox"/> reg. 3A Design and access statements.....	<u>5</u>
<input checked="" type="checkbox"/> reg. 3B Design and access statements: Wales.....	<u>6</u>
<input checked="" type="checkbox"/> reg. 4 Applications to vary or discharge conditions attached to listed building consent or conservation area consent.....	<u>7</u>
<input checked="" type="checkbox"/> reg. 5 Advertisement of applications.....	<u>8</u>
<input checked="" type="checkbox"/> reg. 5A Publicity for applications affecting setting of listed buildings.....	<u>10</u>
<input checked="" type="checkbox"/> reg. 5B Advertisement of applications for urgent works relating to Crown development.....	<u>11</u>
<input checked="" type="checkbox"/> reg. 6 Certificate to accompany applications and appeals.....	<u>12</u>
<input checked="" type="checkbox"/> reg. 7 Applications in National Parks.....	<u>15</u>
<input checked="" type="checkbox"/> reg. 8 Appeals.....	<u>15</u>
<input checked="" type="checkbox"/> reg. 8A Use of electronic communications.....	<u>16</u>
<input checked="" type="checkbox"/> reg. 9 Claims for compensation and listed building purchase notices.....	<u>18</u>
<input checked="" type="checkbox"/> reg. 10 Advertisement of unopposed revocation or modification order.....	<u>19</u>
<input checked="" type="checkbox"/> reg. 11 Application of the Public Health Act 1936 to listed building enforcement notices.....	<u>19</u>
<input checked="" type="checkbox"/> reg. 12 Demolition of unlisted buildings in conservation areas.....	<u>20</u>
<input checked="" type="checkbox"/> reg. 13 Applications by local planning authorities.....	<u>20</u>
<input checked="" type="checkbox"/> reg. 14 Form of notice that a building has become, or ceased to be, listed.....	<u>22</u>
<input checked="" type="checkbox"/> reg. 15 Application for listed building or conservation area consent in respect of Crown land.....	<u>23</u>
<input checked="" type="checkbox"/> reg. 16 Revocations.....	<u>23</u>
<input checked="" type="checkbox"/> Signatures	<u>24</u>
Schedule 1	<u>24</u>
Part I NOTIFICATION TO BE SENT TO APPLICANT ON RECEIPT OF APPLICATION.....	<u>24</u>
<input checked="" type="checkbox"/> para. 1	<u>24</u>
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).....	<u>24</u>
<input checked="" type="checkbox"/> para. 1	<u>24</u>
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 UPO.....	<u>25</u>

<input checked="" type="checkbox"/> para. 1	<u>25</u>
Schedule 2	<u>25</u>
Part I PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990.....	<u>25</u>
<input checked="" type="checkbox"/> para. 1	<u>25</u>
Part II PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 NOTICE FOR SERVICE ON INDIVIDUALS.....	<u>26</u>
<input checked="" type="checkbox"/> para. 1	<u>26</u>
Part III PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990.....	<u>26</u>
<input checked="" type="checkbox"/> para. 1	<u>26</u>
Schedule 3	<u>26</u>
<input checked="" type="checkbox"/> para. 1	<u>26</u>
Schedule 4	<u>28</u>
Part 1 NOTICE THAT A BUILDING HAS BECOME LISTED.....	<u>28</u>
<input checked="" type="checkbox"/> para. 1	<u>28</u>
Part 2 NOTICE THAT A BUILDING HAS CEASED TO BE LISTED.....	<u>29</u>
<input checked="" type="checkbox"/> para. 1	<u>29</u>
Explanatory Note	<u>30</u>
para. 1	<u>30</u>
Modifications.....	<u>32</u>
Table of Contents.....	<u>33</u>