
STATUTORY INSTRUMENTS

1990 No. 1510

**The Planning and Building Regulations
(Amendment) (Northern Ireland) Order 1990**

PART II

PLANNING

Amendments to the Planning (Northern Ireland) Order 1972

Listed building consent

12.—(1) In Article 31(7) of the Planning Order (definition of “listed building”) for the words from “any object or structure” to the end there shall be substituted the words

“the following shall be treated as part of the building—

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

(2) In Article 32 of the Planning Order (control of works for demolition, alteration or extension of listed buildings), for paragraph (5) (exception for certain urgent works) there shall be substituted the following paragraph—

“(5) In proceedings for an offence under this Article it shall be a defence to prove the following matters—

- (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;
- (b) that 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) that the works carried out were limited to the minimum measures immediately necessary; and
- (d) that notice in writing justifying in detail the carrying out of the works was given to the Department as soon as reasonably practicable.”.

(3) In Article 33 of the Planning Order (supplementary provisions with respect to listed building consent), after paragraph (4A) there shall be inserted the following paragraph—

“(4B) Listed building consent may be granted subject to a condition reserving specified details of the works (whether or not set out in the application) for subsequent approval by the Department.”.

(4) After Article 35 of the Planning Order there shall be inserted the following Article—

“Applications to determine whether listed building consent required

35A.—(1) If any person who proposes to execute or cause to be executed any works to a listed building wishes to have it determined whether those works would involve the alteration or extension of the building in any manner which would affect its character as a building of special architectural or historic interest, he may apply to the Department to determine that question.

(2) The provisions of paragraphs 1(1), 7 and 8 of Schedule 1A shall, subject to any necessary modifications, apply in relation to any application under this Article, and to the determination thereof, as they apply in relation to applications for listed building consent and to the determination of such applications.

(3) Where an application for listed building consent is made to the Department and it appears to the Department that the execution of the works specified in the application does not involve the alteration or extension of a listed building in any manner which would affect its character as a building of special architectural or historic interest, the Department may treat the application for listed building consent as an application under this Article and may make an appropriate determination.”.