

SCHEDULES

SCHEDULE 1

Article 45(6).

LISTED BUILDING CONSENT-APPLICATIONS AND APPEALS

Form and content of applications

- 1.—(1) Any application to the Department for listed building consent—
- (a) shall be made in such manner as may be prescribed; and
 - (b) shall include such particulars, and be verified by such evidence, as may be required by the regulations or by any directions given by the Department thereunder.
- (2) Provision shall be made by regulations for regulating the manner in which applications for listed building consent are to be dealt with by the Department and in particular—
- (a) for requiring the Department before granting or refusing listed building consent to consult with the district council for the area in which the building is situated and with such authorities or persons as may be prescribed;
 - (b) for requiring the Department to give to any applicant for listed building consent within such time as may be prescribed such notice as may be prescribed as to the manner in which his application has been dealt with.
- (3) Sub-paragraphs (1) and (2)(b) shall apply to applications to the Department for any approval of the Department required by a condition imposed on a grant of listed building consent as they apply to applications for listed building consent.

Publication of notices of applications

2. Where an application for listed building consent is made to the Department, it—
- (a) shall publish notice of the application in at least one newspaper circulating in the locality in which the building to which the application relates is situated; and
 - (b) shall not determine the application before the expiration of 14 days from the date on which notice of the application is first published in a newspaper in pursuance of sub-paragraph (a).

Notification of applications to certain persons

- 3.—(1) Article 22 shall, with appropriate modifications, apply to applications for listed building consent in relation to any building as it applies to applications for planning permission in relation to any land.
- (2) In the application of Article 22(7) by virtue of sub-paragraph (1) for the words “specified in a development order” and “form so specified” there shall be substituted the words “prescribed” and “prescribed form”.
- (3) References in the following provisions of this Schedule to Article 22 are to that Article as it applies by virtue of this paragraph.

Determination of application

4.—(1) In determining any application for listed building consent, the Department shall take into account any representations relating to that application which are received by it before the expiration of the period of 14 days from the date on which notice of the application is first published in a newspaper.

(2) Where an application for listed building consent is accompanied by such a certificate as is mentioned in Article 22(1)(c) or (d), the Department—

- (a) in determining the application, shall take into account any representations relating thereto which are made to it by any person who satisfies it that, in relation to the building to which the application relates, he is such a person as is described in Article 22(1)(c); and
- (b) shall give notice of its decision on the application to every person who made representations which it was required to take into account under head (a).

Consent to execute works without compliance with conditions previously attached

5.—(1) This paragraph applies to applications for listed building consent for the execution of works to a building without complying with conditions subject to which a previous listed building consent was granted.

(2) Regulations may make special provision with respect to—

- (a) the form and content of such applications; and
- (b) the procedure to be followed in connection with such applications.

(3) On such an application the Department shall consider only the question of the conditions subject to which listed building consent should be granted, and—

- (a) if it decides that listed building consent should be granted subject to conditions differing from those subject to which the previous consent was granted, or that it should be granted unconditionally, the Department shall grant listed building consent accordingly; and
- (b) if it decides that listed building consent should be granted subject to the same conditions as those subject to which the previous consent was granted, the Department shall refuse the application.

(4) This paragraph does not apply where the application is made after the previous listed building consent has become time-expired, that is to say, the previous consent having been granted subject to a condition as to the time within which the works to which it related were to be begun, that time has expired without the works having been begun.

Effect of listed building consent

6. Without prejudice to Articles 46 and 47, any grant of listed building consent shall (except in so far as the consent otherwise provides) enure for the benefit of the building and of all persons for the time being having an estate therein.

Appeals

7.—(1) Where an application is made to the Department—

- (a) for listed building consent; or
- (b) for any approval of the Department required by a condition imposed on a grant of listed building consent,

then if that consent or approval is refused or is granted subject to conditions, the applicant may by notice in writing under this paragraph appeal to the planning appeals commission.

(2) Any notice under this paragraph shall be served on the planning appeals commission within six months from the date of notification of the decision to which it relates or such longer period as the commission may allow.

(3) Where an appeal is brought under this paragraph from a decision of the Department, the planning appeals commission, subject to sub-paragraphs (4) and (5), may allow or dismiss the appeal or may reverse or vary any part of the decision whether the appeal relates to that part thereof or not and may deal with the application as if it had been made to it in the first instance.

(4) Before determining an appeal under this Article, the planning appeals commission shall if either the applicant or the Department so desires, afford to each of them an opportunity of appearing before and being heard by the commission.

(5) Subject to sub-paragraph (4), paragraphs 2 to 5 shall apply, with any necessary modifications, in relation to an appeal to the planning appeals commission under this paragraph as they apply to an application for listed building consent.

Appeal in default of planning decision

8. Where any such application as is mentioned in paragraph 7(1) is made to the Department, then unless within such period as may be prescribed, or within such extended period as may be agreed upon in writing between the applicant and the Department, the Department gives notice to the applicant of its decision on the application, paragraph 7 shall apply in relation to the application—

- (a) as if the consent or approval to which it relates had been refused by the Department; and
- (b) as if notification of the Department's decision had been received by the applicant at the end of the said prescribed period, or at the end of the said extended period, as the case may be.