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## SCHEDULES

### SCHEDULE 5

#### CONTROL OF WORKS FOR DEMOLITION, ALTERATION OR EXTENSION OF LISTED BUILDINGS.

##### PART I

###### APPLICATIONS FOR LISTED BUILDING CONSENT

- 1 (1) Provision may be made by regulations under this Act with respect to the form and manner in which applications for listed building consent are to be made, the manner in which such applications are to be advertised and the time within which they are to be dealt with by local planning authorities or, as the case may be, by the Minister.
- (2) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested therein.
- 2 (1) Regulations under this Act may provide that an application for listed building consent, or an appeal against the refusal of such an application, shall not be entertained unless it is accompanied by a certificate in the prescribed form and corresponding to one or other of those described in paragraphs (a) to (d) of section 16(1) of the principal Act (requirement of certificate that the applicant is the owner of the land or has given notice to the owners of his intended application or has tried to do so) and any such regulations may—
  - (a) include requirements corresponding to section 16(2) (contents of certificate), section 16(4) (planning authority not to determine application for a certain period) and section 17(3) (duty of planning authority and Minister on appeal to take into account representations by owners, tenants, etc.) of the principal Act; and
  - (b) make provision as to who, in the case of any building, is to be treated as the owner for the purposes of any provision of the regulations made by virtue of this sub-paragraph.
- (2) If any person issues a certificate which purports to comply with the requirements of regulations made by virtue of this paragraph and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- 3 (1) The Minister may give directions requiring applications for listed building consent to be referred to him instead of being dealt with by the local planning authority.
- (2) A direction under this paragraph may relate either to a particular application, or to applications in respect of such buildings as may be specified in the direction.
- (3) An application in respect of which a direction under this paragraph has effect shall be referred to the Minister accordingly.

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- (4) Before determining an application referred to him under this paragraph, the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister.
- (5) The decision of the Minister on any application referred to him under this paragraph shall be final.
- 4 (1) Subject to the following provisions, a local planning authority (other than a London borough council) to whom application is made for listed building consent shall not grant such consent, unless they have notified the Minister of the application (giving particulars of the works for which the consent is required) and either—
- (a) a period of twenty-eight days has expired, beginning with the date of the notification, without the Minister having directed the reference of the application to him ; or
  - (b) the Minister has notified the authority that he does not intend to require the reference of the application.
- (2) The Minister may at any time before the said period expires give notice to the authority that he requires further time in which to consider whether to require the reference of the application to him and the foregoing sub-paragraph shall then have effect with the substitution for a period of twenty-eight days or such longer period as may be specified in the Minister's notice.
- 5 (1) Subject to the following provisions, where application for listed building consent is made to a local planning authority, being a London borough council, and the authority do not determine to refuse it, they shall notify the Greater London Council of the application (giving particulars of the works for which the consent is required) and shall not grant such consent unless authorised or directed to do so under the following sub-paragraph.
- (2) On receipt of notification under sub-paragraph (1) above the Greater London Council may either—
- (a) authorise the local planning authority to grant or refuse the application, as they think fit; or
  - (b) give them directions as to how they are to determine it.
- (3) The Greater London Council shall not authorise the local planning authority as mentioned in sub-paragraph (2)(a) above, nor under sub-paragraph (2)(b) above direct them to grant listed building consent, unless the Council have notified the Minister of the application made to the local planning authority (giving particulars of the works for which the consent is required) and either—
- (a) a period of twenty-eight days has expired, beginning with the date of the notification, without the Minister having directed the reference of the application to him ; or
  - (b) the Minister has notified the Council that he does not intend to require the reference of the application.
- (4) The Minister may at any time before the said period of twenty-eight days expires give notice to the Council that he requires further time in which to consider whether to require the reference of the application to him and the foregoing sub-paragraph shall then have effect with the substitution for the period of twenty-eight days of such longer period as may be specified in the Minister's notice.

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- 6 (1) The Minister may give directions that, in the case of such descriptions of applications for listed building consent as he may specify, other than such consent for the demolition of a building, paragraphs 4 and 5 above shall not apply; and accordingly, so long as the directions are in force local planning authorities may determine applications of such descriptions in any manner they think fit, without notifying the Minister or, as the case may be, the Greater London Council.
- (2) Without prejudice to the foregoing provisions of this Schedule, the Minister may give directions to local planning authorities requiring them, in such cases or classes of case as may be specified in the directions, to notify to him and to such other persons as may be so specified any applications made to them for listed building consent, and the decisions taken by the authorities thereon.
- 7 (1) Where an application is made to the local planning authority for listed building consent and the consent is refused by the authority or is granted by them subject to conditions, the applicant, if he is aggrieved by the decision, may by notice served in the prescribed manner within such period as may be prescribed, not less than twenty-eight days from the receipt by him of notification of the decision, appeal to the Minister.
- (2) A person appealing under this paragraph may include in his notice thereunder, as the ground or one of the grounds of his appeal, a claim that the building is not of special architectural or historic interest and ought to be removed from any list compiled or approved by the Minister under section 32 of the principal Act, or—
- (a) in the case of a building to which section 40(10) of this Act applies, that the Minister should give a direction under that subsection with respect to the building ; or
- (b) in the case of a building subject to a building preservation notice under section 48 of this Act, that the building should not be included in a list compiled or approved under the said section 32.
- (3) Subject to the following provisions of this paragraph, the Minister may allow or dismiss an appeal thereunder, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, and—
- (a) may deal with the application as if it had been made to him in the first instance ; and
- (b) may, if he thinks fit, exercise his power under section 32 of the principal Act to amend any list compiled or approved thereunder by removing from it the building to which the appeal relates or his power under section 40(10) of this Act to direct that that subsection shall no longer apply to the building.
- (4) Before determining an appeal under this paragraph, the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (5) The decision of the Minister on any appeal under this paragraph shall be final.
- 8 Where an application is made to the local planning authority for listed building consent, then unless within the prescribed period from the date of the receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—
- (a) give notice to the applicant of their decision on the application ; or

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(b) give notice to him that the application has been referred to the Minister in accordance with directions given under paragraph 3 of this Schedule, the provisions of paragraph 7 of this Schedule shall apply in relation to the application as if listed building consent had been refused by the authority and as if notification of their decision had been received by the applicant at the end of the prescribed period or at the end of the said extended period, as the case may be.