



Planning (Listed Buildings and Conservation Areas) Act 1990

CHAPTER 9

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

PART I

LISTED BUILDINGS

CHAPTER 1

LISTING OF SPECIAL BUILDINGS

- 1 Listing of buildings of special architectural or historic interest.
- 2 Publication of lists.
- 2A Duty to consult on certain changes to lists
- 2B Interim protection pending certain listing decisions
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- 3 Temporary listing in England: building preservation notices.
- 3A Temporary listing in Wales: building preservation notices
- 4 Temporary listing in urgent cases.
- 5 Provisions applicable on lapse of building preservation notice.
- 6 Issue of certificate that building not intended to be listed: England.
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CHAPTER II

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Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990 is up to date with all changes known to be in force on or before 02 December 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Control of works in respect of listed buildings

- 7 Restriction on works affecting listed buildings.
- 8 Authorisation of works: listed building consent.
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Applications for listed building consent

- 10 Making of applications for listed building consent.
- 11 Certificates as to applicant's status etc.
- 12 Reference of certain applications to Secretary of State.
- 13 Duty to notify Secretary of State of applications.
- 14 Duty of London borough councils to notify Commission.
- 15 Directions concerning notification of applications etc.
- 16 Decision on application.

Grant of consent subject to conditions

- 17 Power to impose conditions on grant of listed building consent.
- 18 Limit of duration of listed building consent.
- 19 Application for variation or discharge of conditions.

Appeals

- 20 Right to appeal against decision or failure to take decision.
- 20A Appeal made: functions of local planning authorities
- 21 Appeals: supplementary provisions.
- 22 Determination of appeals.

Revocation and modification of consent

- 23 Revocation and modification of listed building consent by local planning authority.
- 24 Procedure for s. 23 orders: opposed cases.
- 25 Procedure for s. 23 orders: unopposed cases.
- 26 Revocation and modification of listed building consent by the Secretary of State.

Buildings in England: heritage partnership agreements

- 26A Heritage partnership agreements
- 26B Heritage partnership agreements: supplemental

Buildings in England: orders granting listed building consent

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- 26E Powers of Secretary of State in relation to local orders
- 26F Considerations in making orders
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- 26H Certificate of lawfulness of proposed works
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Buildings in Wales: heritage partnership agreements

- 26L Heritage partnership agreements
- 26M Heritage partnership agreements: supplemental

CHAPTER III

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- 27 Compensation for refusal of consent to alteration, etc. of listed building.
- 28 Compensation where listed building consent revoked or modified.
- 28A Compensation where consent formerly granted by order is granted conditionally or refused
- 28B Compensation for loss or damage caused by interim protection
- 29 Compensation for loss or damage caused by service of building preservation notice.
- 30 Local planning authorities for compensation purposes.
- 31 General provisions as to compensation for depreciation under this Part.

Listed building purchase notices

- 32 Purchase notice on refusal or conditional grant of listed building consent.
- 32A Purchase notices: Crown land
- 33 Action by council on whom listed building purchase notice served.
- 34 Procedure on reference of listed building purchase notice to Secretary of State.
- 35 Action by Secretary of State in relation to listed building purchase notice.
- 36 Effect of Secretary of State's action in relation to listed building purchase notice.
- 37 Reduction of compensation on acquisition where s. 28 compensation payable.

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- 38 Power to issue listed building enforcement notice.
- 39 Appeal against listed building enforcement notice.
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- 41 Determination of appeals under s. 39.
- 42 Execution of works required by listed building enforcement notice.
- 43 Offence where listed building enforcement notice not complied with.
- 44 Effect of listed building consent on listed building enforcement notice.
- 44A Injunctions.
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- 44D Temporary stop notices: compensation
- 45 Commission to have concurrent enforcement functions in London.
- 46 Enforcement by the Secretary of State.

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CHAPTER V

PREVENTION OF DETERIORATION AND DAMAGE

Compulsory acquisition of listed building in need of repair

- 47 Compulsory acquisition of listed building in need of repair.
- 48 Repairs notice as preliminary to acquisition under s. 47.
- 49 Compensation on compulsory acquisition of listed building.
- 50 Minimum compensation in case of listed building deliberately left derelict.
- 51 Ending of rights over land compulsorily acquired.

Acquisition by agreement

- 52 Acquisition of land by agreement.

Management of acquired buildings

- 53 Management of listed buildings acquired under this Act.

Urgent preservation

- 54 Urgent works to preserve ... listed buildings.
- 55 Recovery of expenses of works under s. 54.
- 56 Dangerous structure orders in respect of listed buildings.

Grants for repair and maintenance

- 57 Power of local authority to contribute to preservation of listed buildings etc.
- 58 Recovery of grants under s. 57.

Damage to listed buildings

- 59 Acts causing or likely to result in damage to listed buildings.

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Exceptions for church buildings and ancient monuments

- 60 Exceptions for ecclesiastical buildings and redundant churches.
- 61 Exceptions for ancient monuments etc.

Validity of instruments, decisions and proceedings

- 62 Validity of certain orders and decisions.
- 63 Proceedings for questioning validity of other orders, decisions and directions.
- 64 Validity of listed building enforcement notices.
- 65 Appeals to High Court relating to listed building enforcement notices.

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Special considerations affecting planning functions

- 66 General duty as respects listed buildings in exercise of planning functions.
- 67 Publicity for applications affecting setting of listed buildings.
- 68 Reference to Commission of planning applications involving listed buildings in Greater London.

PART II

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- 69 Designation of conservation areas.
- 70 Designation of conservation areas: supplementary provisions.

General duties of planning authorities

- 71 Formulation and publication of proposals for preservation and enhancement of conservation areas.
- 72 General duty as respects conservation areas in exercise of planning functions.
- 73 Publicity for applications affecting conservation areas.

Control of demolition

- 74 Control of demolition in conservation areas.
- 75 Cases in which s. 74 does not apply.
- 76 Urgent works to preserve unoccupied buildings in conservation areas.

Grants

- 77 Grants and loans for preservation or enhancement of conservation areas.
- 78 Recovery of grants under s. 77.

Town schemes

- 79 Town scheme agreements.
- 80 Grants for repairing of buildings in town schemes.

PART III

GENERAL

Authorities exercising functions under Act

- 81 Authorities exercising functions under Act.

Power to decline to determine application

- 81A Power to decline to determine subsequent application
- 81B Power to decline to determine overlapping application

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- 82 Application of Act to land and works of local planning authorities.
- 82A Application to the Crown
- 82B Urgent works relating to Crown land: application

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- 82C Expressions relating to the Crown
- 82D Enforcement in relation to the Crown
- 82E References to an interest in land
- 82F Applications for listed building or conservation area consent by Crown
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- 84 Application for listed building or conservation area consent in anticipation of disposal of Crown land.
- 85 General
- 86 Ecclesiastical property.
- 87 Settled land.

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- 88 Rights of entry.
- 88A Warrants to enter land.
- 88B Rights of entry: supplementary provisions.
- 88C Rights of entry: Crown land
- 88D Determination of procedure for certain proceedings: England
- 88E Determination of procedure for certain proceedings: Wales
- 89 Application of certain general provisions of principal Act.
- 90 Financial provisions.

PART IV

SUPPLEMENTAL

- 91 Interpretation.
- 92 Application of Act to Isles of Scilly.
- 93 Regulations and orders.
- 94 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Buildings Formerly Subject to Building Preservation Orders

- 1 Subject to paragraph 2, every building which immediately before 1st...
- 2 (1) The Secretary of State may at any time direct,...
- 3 In the case of a building to which paragraph 1...

SCHEDULE 1A — Lapse of Interim Protection

- 1 This Schedule applies where interim protection ceases to have effect...
- 2 The fact that the interim protection has ceased to have...
- 3 Any proceedings on or arising out of an application for...
- 4 (1) Any listed building enforcement notice served by the local...
- 5 Any temporary stop notice served by the local planning authority...

SCHEDULE 1B — Decisions on Reviews by Person Appointed by Welsh Ministers

Decisions on reviews by appointed persons

- 1 (1) The Welsh Ministers may by regulations prescribe the classes...

Powers and duties of appointed person

- 2 (1) An appointed person has the same powers and duties...

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Appointment of another person to make a decision on a review

- 3 (1) At any time before an appointed person has made...

Local inquiries, hearings and written representations

- 4 (1) An appointed person may appoint an assessor to provide...

Directions

- 5 (1) The Welsh Ministers may direct that anything that would...

Delegation

- 6 (1) An appointed person may delegate to another person anything...

Supplementary provision

- 7 Where an appointed person is a member of the staff...

SCHEDULE 2 — Lapse of Building Preservation Notices

- 1 This Schedule applies where a building preservation notice ceases to...
2 The fact that the notice has ceased to be in...
3 Any proceedings on or arising out of an application for...
4 (1) Any listed building enforcement notice served by the local...
5 Any temporary stop notice served by the local planning authority...

SCHEDULE 2A — Local listed building consent orders: procedure

Preparation

- 1 (1) A local listed building consent order must be prepared...

Revision

- 2 (1) The local planning authority may at any time prepare...

Order to be adopted

- 3 A local listed building consent order is of no effect...

Annual report

- 4 (1) While a local listed building consent order is in...

SCHEDULE 3 — Determination of Certain Appeals by Person Appointed by Secretary of State

Determination of appeals by appointed person

- 1 (1) The Secretary of State may by regulations prescribe the...

Powers and duties of appointed person

- 2 (1) An appointed person shall have the same powers and...

Determination of appeals by Secretary of State

- 3 (1) The Secretary of State may, if he thinks fit,...

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- 4 (1) The Secretary of State may by a further direction...

Appointment of another person to determine appeal

- 5 (1) At any time before the appointed person has determined...

Local inquiries and hearings

- 6 (1) Whether or not the parties to an appeal have...
 6A (1) If the Secretary of State is considering giving a...

Supplementary provisions

- 7 (1) The Tribunals and Inquiries Act 1992 shall apply to...

Local inquiries: Wales

- 8 (1) This paragraph applies in relation to a local inquiry...

SCHEDULE 4 — Further Provisions as to exercise of functions by different authorities

- 1 (1) Subsection (3) of section 1 of the principal Act...
 2 Subject to sections . . . 4A, 6, 7, 8...
 3 Where an application for listed building consent under section 10...
 4 (1) Subject to sections . . ., 6, 7, 8...
 5 For the purposes of sections 3 and 4, 7 to...
 6 The validity of any consent or determination granted or made...
 7 (1) The Secretary of State may from time to time...

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 20(4) words substituted by 2008 c. 29 Sch. 10 para. 17
- s. 22(3) words substituted by 2008 c. 29 Sch. 10 para. 18(3)
- s. 41(4) words inserted by 2008 c. 29 Sch. 10 para. 20(a)
- s. 41(4) words inserted by 2008 c. 29 Sch. 10 para. 20(b)
- s. 74(3) words inserted by 2008 c. 29 Sch. 10 para. 21
- s. 75(1)(b) excluded by S.I. 2018/1087 art. 5
- s. 88(2)(a) word inserted by 2016 anaw 4 s. 31(3)(a)
- s. 88(2)(c) words inserted by 2016 anaw 4 s. 31(3)(b)
- s. 93(4) word inserted by 2008 c. 29 Sch. 10 para. 23(2)
- Sch. 3 para. 3(5) words inserted by 2008 c. 29 Sch. 10 para. 24(5)
- Sch. 3 para. 6(2)(a) words inserted by 2008 c. 29 Sch. 10 para. 24(7)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A) (4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)