



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER 1

LISTING OF SPECIAL BUILDINGS

1 Listing of buildings of special architectural or historic interest.

- (1) For the purposes of this Act and with a view to the guidance of local planning authorities in the performance of their functions under this Act and the principal Act in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by the Historic Buildings and Monuments Commission for England (in this Act referred to as “the Commission”) or by other persons or bodies of persons, and may amend any list so compiled or approved.
- (2) The Secretary of State shall not approve any list compiled by the Commission if the list contains any building situated outside England.
- (3) In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also—
 - (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
 - (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 1 is up to date with all changes known to be in force on or before 16 April 2024. 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) View outstanding changes

- (4) Before compiling, approving (with or without modifications) or amending any list under this section [^{F1}in relation to buildings which are situated in England] the Secretary of State shall consult—
- (a) ^{F2}... with the Commission; and
 - (b) with such other persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.
- [^{F3}(4A) Section 2A makes provision about consultation on amendments of any list under this section to include or exclude a building which is situated in Wales.]
- (5) In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—
- (a) any object or structure 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 July 1948,
- shall [^{F4}, subject to subsection (5A)(a),] be treated as part of the building.
- [^{F5}(5A) In a list compiled or approved under this section, an entry for a building situated in England may provide—
- (a) that an object or structure mentioned in subsection (5)(a) or (b) is not to be treated as part of the building for the purposes of this Act;
 - (b) that any part or feature of the building is not of special architectural or historic interest.]
- (6) Schedule 1 shall have effect for the purpose of making provision as to the treatment as listed buildings of certain buildings formerly subject to building preservation orders.

Textual Amendments

- F1** Words in s. 1(4) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 26\(1\)\(a\)\(i\), 41\(3\); S.I. 2017/633, art. 4\(c\) \(with art. 6\(2\)\)](#)
- F2** Words in s. 1(4)(a) omitted (31.5.2017) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 26\(1\)\(a\)\(ii\), 41\(3\); S.I. 2017/633, art. 4\(c\) \(with art. 6\(2\)\)](#)
- F3** S. 1(4A) inserted (31.5.2017) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\), ss. 26\(1\)\(b\), 41\(3\); S.I. 2017/633, art. 4\(c\) \(with art. 6\(2\)\)](#)
- F4** Words in s. 1(5) inserted (with application in accordance with Sch. 17 para. 20 of the amending Act) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(2\), Sch. 17 para. 8\(2\)](#)
- F5** S. 1(5A) inserted (with application in accordance with Sch. 17 para. 20 of the amending Act) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(2\), Sch. 17 para. 8\(3\)](#)

Modifications etc. (not altering text)

- C1** S. 1(1)-(5)(6) applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\), arts. 1\(1\), 3, Sch. 1 \(with art. 1\(2\)\)](#)
- C2** Ss. 1(3)(5)(6), 3–5 modified by [S.I. 1990/1519, reg. 13\(1\)](#)
- C3** S. 1: definition applied (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\), s. 19\(1\)\(c\); S.I. 1991/2508, art. 2](#)
- S. 1(5) definition of “listed building” applied by [London Underground \(Safety Measures\) Act 1991 \(c. xviii\), s. 28\(1\)](#)

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S. 1(5) applied (18.12.1996) by [1996 c. 61, s. 12, Sch. 7 paras. 1\(5\), 2\(3\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 1(1) words inserted by 2023 asc 3 Sch. 13 para. 94(a)
- s. 1(2) omitted by 2023 asc 3 Sch. 13 para. 94(b)
- s. 1(4) words omitted by 2023 asc 3 Sch. 13 para. 94(c)
- s. 1(4A) omitted by 2023 asc 3 Sch. 13 para. 94(d)
- s. 1(5A) words omitted by 2023 asc 3 Sch. 13 para. 94(e)

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. 3(1A)(1B) inserted by 2023 c. 55 s. 105(2)
- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 16(2A) inserted by 2023 c. 55 s. 102(3)
- s. 17(4) inserted by 2023 c. 55 s. 124(4)
- 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. 44AA-44AC inserted by 2023 c. 55 s. 103(2)
- s. 46(1A) inserted by 2023 c. 55 s. 103(8)(a)
- s. 46(3A) inserted by 2023 c. 55 s. 103(8)(c)
- s. 49(1) s. 49 renumbered as s. 49(1) by 2023 asc 3 Sch. 13 para. 127(b)
- s. 49(2) inserted by 2023 asc 3 Sch. 13 para. 127(c)
- s. 54(8) inserted by 2023 c. 55 s. 104(2)(c)
- s. 55(2A) inserted by 2023 c. 55 s. 104(3)(a)
- s. 55(5H)(5I) inserted by 2023 c. 55 s. 104(3)(f)
- s. 55(5BA) inserted by 2023 c. 55 s. 104(3)(d)
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 66(1A) inserted by 2023 c. 55 s. 102(4)(a)
- s. 66(2A) inserted by 2023 c. 55 s. 102(4)(b)
- s. 66(5) inserted by 2023 asc 3 Sch. 13 para. 136
- s. 82A(2)(fza) inserted by 2023 c. 55 s. 103(9)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 88(3ZA) inserted by 2023 c. 55 s. 103(10)(a)
- s. 88B(1ZA) inserted by 2023 c. 55 s. 103(11)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 89(1ZC) inserted by 2023 c. 55 s. 124(5)(b)
- 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. 2 para. 4A inserted by 2023 c. 55 s. 103(12)(b)
- 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)