

Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER 1

LISTING OF SPECIAL BUILDINGS

[F13A Temporary listing in Wales: building preservation notices

- (1) If it appears to a local planning authority in Wales that a building in their area which is not a listed building (and which is not treated as such by virtue of section 2B(2))—
 - (a) is of special architectural or historic interest; and
 - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,

they may serve a notice on the owner and occupier of the building (in this Act referred to as a "building preservation notice").

- (2) A building preservation notice under this section must—
 - (a) state that the building appears to them to be of special architectural or historic interest and that they have requested the Welsh Ministers to consider including it in a list compiled or approved under section 1; and
 - (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice under this section—
 - (a) comes into force as soon as it has been served on both the owner and occupier of the building to which it relates; and
 - (b) subject to subsection (4), remains in force for six months from the date when it is served or, as the case may be, last served.

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Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 3A is up to date with all changes known to be in force on or before 19 May 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) A building preservation notice under this section ceases to be in force—
 - (a) if interim protection under section 2B(2) takes effect in relation to the building; or
 - (b) if the Welsh Ministers notify the local planning authority in writing that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or approved under section 1.
- (5) While a building preservation notice under this section is in force with respect to a building, the provisions of this Act (other than sections 47 to 51 and 59) and the principal Act have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice under this section, interim protection under section 2B(2) takes effect in relation to the building, anything done by virtue of subsection (5) is to be treated as having been done by virtue of section 2B(2).
- (7) If, following the service of a building preservation notice under this section, the Welsh Ministers notify the local planning authority that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or maintained under section 1, the authority must immediately give notice of that decision to the owner and occupier of the building.
- (8) Where such a notification is given by the Welsh Ministers, no further building preservation notice in respect of the building may be served by the local planning authority within the period of 12 months beginning with the date of the notification.]

Textual Amendments

F1 S. 3A inserted (31.5.2017) by Historic Environment (Wales) Act 2016 (anaw 4), ss. 25(3), 41(3); S.I. 2017/633, art. 4(b) (with art. 6(3))

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 3A is up to date with all changes known to be in force on or before 19 May 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.

View outstanding changes

Changes and effects yet to be applied to:

s. 3A omitted by 2023 asc 3 Sch. 13 para. 98

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

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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. 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. 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)(ha) inserted by 2016 anaw 4 s. 31(2)
     s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
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- 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)