



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART III

GENERAL

Miscellaneous provisions

89 Application of certain general provisions of principal Act.

(1) [^{F1}Subject to subsections (1A) and (2),] the following provisions of the principal Act shall apply for the purposes of this Act as they apply for the purposes of that Act, namely—

[^{F2}sections 319ZA to 319ZD (Wales: discharge of functions of local planning authority relating to applications),]

section 320 (local inquiries),

[^{F3}section 322 (orders as to costs of parties where no inquiry held [^{F4}: England]),]

section [^{F5}322A (orders as to costs: supplementary)],

[^{F6}section 322C (costs: Wales),]

323 (procedure on certain appeals and applications [^{F7}: England]),

[^{F8}section 323A (procedure for certain proceedings: Wales)]

[^{F9}section 327A (compliance with requirements relating to applications),]

section 329 (service of notices),

[^{F10}section 329A(1) and (2) (service of notices on the Crown)]

section 330 (power to require information as to interests in land),

[^{F11}section 330A(1) to (4) (information as to interests in Crown land)]

section 331 (offences by corporations).

[^{F12}(1ZB) ^{F13}.....]

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 89 is up to date with all changes known to be in force on or before 18 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

[^{F14}(1A) [^{F15}In the case of a building situated in England,] subsection (1)(cc) of section 329 of that Act shall not apply to—

- (a) service of a building preservation notice;
- (b) service of a copy of a listed building enforcement notice by a planning authority;
- (c) giving of notice under section 38 of this Act of the exercise of powers conferred by subsection (5) of that section; or
- (d) service of a listed building enforcement notice issued by the Secretary of State.]

(2) Section 331 of that Act shall not apply to offences under section 59 of this Act.

[^{F16}(3) In the application of section 330 by virtue of this section, references to a local authority include the Commission.]

Textual Amendments

- F1** Words in s. 89(1) substituted for E. (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), arts. 1(1), 8(2); and those same words substituted for W. (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) \(No. 1\) Order 2004 \(S.I. 2004/3156\)](#), **art. 8(2)** (with art. 14)
- F2** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 39(3)**, 58(2)(b)(4)(b); S.I. 2017/546, art. 3(a)
- F3** Words from “section 322” to “held” omitted (*temp.*) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, Sch. 4 paras. 1, **11** (which temp. omission ceases to have effect (2.1.1992 for specified purposes and 6.4.2009 for further specified purposes) by virtue of S.I. 1991/2698, **art. 3** (with art. 4); S.I. 2009/849, **art. 2** (with art. 3))
- F4** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(a)**; S.I. 2016/52, art. 4(f) (with art. 17)
- F5** Words in s. 89(1) inserted (2.1.1992 subject to saving in S.I. 1991/2728, **art. 4**) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 30(2)**; S.I. 1991/2728, **arts. 3, 4**
- F6** Entry in s. 89(1) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(b)**; S.I. 2016/52, art. 4(f) (with art. 17)
- F7** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(c)**; S.I. 2017/546, art. 3(e)
- F8** Words in s. 89(1) inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(2)(d)**; S.I. 2017/546, art. 3(e)
- F9** S. 89(1): entry inserted (6.8.2004 for specified purposes, 10.8.2006 for remaining purposes for E., and 30.6.2007 for remaining purposes for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 42(9)**, 121(1) (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1061, art. 3(a); S.I. 2007/1369, **art. 2(a)**
- F10** S. 89(1): entry inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79(4), 121(1), Sch. 3 para. 19(2) (with s. 111); S.I. 2006/1281, **art. 2(c)**
- F11** S. 89(1): entry inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79(4), 121(1), Sch. 3 para. 19(3) (with s. 111); S.I. 2006/1281, **art. 2(c)**
- F12** S. 89(1ZB) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), art. 1(2), **Sch. 1 para. 21**

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- F13** S. 89(1ZB) omitted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by virtue of Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 5 para. 21(3)**; S.I. 2017/546, art. 3(e)
- F14** S. 89(1A) inserted for E. (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), **art. 8(3)**; and that same sub-section inserted for W. (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156), **art. 8(3)** (with art. 14)
- F15** Words in s. 89(1A) inserted (21.5.2016) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 32, 41(2)**
- F16** S. 89(3) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 29(2)**; S.I. 1991/2067, **art. 3**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 89(1) word omitted by [2023 asc 3 Sch. 13 para. 152\(a\)\(ii\)](#)
- s. 89(1) word omitted by [2023 asc 3 Sch. 13 para. 152\(a\)\(iv\)](#)
- s. 89(1) words inserted by [2023 c. 55 s. 124\(5\)\(a\)](#)
- s. 89(1) words omitted by [2023 asc 3 Sch. 13 para. 152\(a\)\(i\)](#)
- s. 89(1) words omitted by [2023 asc 3 Sch. 13 para. 152\(a\)\(iii\)](#)
- s. 89(1) words omitted by [2023 asc 3 Sch. 13 para. 152\(a\)\(v\)](#)
- s. 89(1A) words omitted by [2023 asc 3 Sch. 13 para. 152\(b\)](#)

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\(6\)](#)