

2004 No. 2210

TOWN AND COUNTRY PLANNING, ENGLAND

**The Planning (Listed Buildings and Conservation Areas)
(Amendment) (England) Regulations 2004**

Made - - - - - *26th August 2004*
Laid before Parliament - *7th September 2004*
Coming into force - - *28th September 2004*

The First Secretary of State, in exercise of the powers conferred upon him by sections 10, 67, 73 and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2004 and shall come into force on 28th September 2004.

(2) These Regulations apply in relation to England only.

Amendment of Regulations

2.—(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990(b) are amended in accordance with paragraphs (2) and (3).

(2) After regulation 5(1) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 insert—

“(1A) Paragraph (1) does not apply to the Council of the London Borough of Camden.

(1B) Where an application under regulation 3 or 4 is made to the Council of the London Borough of Camden in respect of any building, they shall—

- (a) for not less than seven days display on or near the building, a notice indicating the nature of the works in question and—
 - (i) naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and

(a) 1990 c. 9. Sections 10, 67, 73 and 93 were amended by paragraphs 20, 23, 24 and 26 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5). Sections 67 and 73 were also amended by paragraphs 59 and 60 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) See also the definition of “prescribed” in section 91. The functions of the Secretary of State under these provisions were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; see the entry in Schedule 1 for the Planning (Listed Buildings and Conservation Areas) Act 1990.

(b) S.I. 1990/1519.

- (ii) where the authority maintain a website for the purpose of advertisement of applications, publish the notice on the website.”.
- (3) In regulation 5(3), after “Paragraphs (1)”, insert “(1A), (1B)”.
- (4) After regulation 5 insert—

“Publicity for applications affecting setting of listed buildings

5A.—(1) This regulation applies where an application for planning permission for any development of land is made to a local planning authority and the authority think that the development would affect the setting of a listed building or the character or appearance of a conservation area.

- (2) Subject to paragraphs (5) and (6), the local planning authority shall—
 - (a) publish in a local newspaper circulating in the locality in which the land is situated; and
 - (b) for not less than seven days display on or near the land,

a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice under sub-paragraph (a).

(3) Subject to paragraph (7), the local planning authority shall send to the Commission a copy of each notice, under paragraph (2).

(4) Subject to paragraph (7), the application shall not be determined by the local planning authority before both of the following periods have elapsed, namely—

- (a) the period of 21 days referred to in paragraph (2); and
- (b) the period of 21 days beginning with the date on which the notice required by that paragraph to be displayed was first displayed,

and in determining any application for planning permission to which this regulation applies, the local planning authority shall take into account any representations relating to the application which are received by them before both of those periods have elapsed.

(5) Paragraph (2) does not apply to the Council of the London Borough of Camden.

(6) Where an application to which this regulation applies is made to the Council of the London Borough of Camden, they shall—

- (a) for not less than seven days display on or near the land, a notice indicating the nature of the development in question and—
 - (i) naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
 - (ii) where the authority maintain a website for the purpose of advertisement of applications, publish the notice on the website.

(7) Paragraphs (4) and (5) apply to the Council of the London Borough of Camden as if references in those paragraphs to paragraph (2) were references to paragraph (6).”.

(5) In regulation 8A(a)—

- (a) in paragraph (4)—
 - (i) for “regulation 5 applies” substitute “regulations 5 and 5A apply”; and
 - (ii) for “paragraph (5)” substitute “paragraphs (5) and (5A), respectively”; and

(a) Regulation 8A was inserted by S.I. 2003/956, Schedule 8, paragraph 2.

(b) after paragraph (5) insert—

“(5A) In regulation 5A—

“(a) for paragraph (2) substitute—

(2) Subject to paragraphs (5) and (6), the local planning authority shall—

- (a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and—
 - (i) naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
 - (ii) stating the address of a website where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice, and the place on the website where such documents may be accessed, and how they may be accessed; and
- (b) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (a).”;
- (b) in paragraph (4), omit “both of” in both places in which it occurs, and in sub-paragraph (a) after “paragraph (2)” insert “(a)(i) or (ii).”.

Signed by authority of the First Secretary of State

26th August 2004

Nick Raynsford
Minister of State,
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990. Most of the amendments are consequential on amendments and repeals in the Planning and Compulsory Purchase Act 2004. They insert publicity requirements for applications for planning permission for development which the local planning authority think will affect the setting of a listed building, or the character or appearance of a conservation area.

Different publicity requirements in relation to such applications and applications for listed building consent and conservation area consent apply in relation to applications made to the Council of the London Borough of Camden. In the case of that authority, there is no requirement to advertise those applications in a newspaper. Instead, the authority is required to advertise the applications by site notice and to place a notice of the application on a website maintained for the purpose of advertisement of applications. This brings the publicity requirement provisions for these applications made to the London Borough of Camden into line with the provisions contained in the Town and Country Planning (London Borough of Camden) Special Development Order 2004 (S.I. 2004/1704), which exempts Camden from the requirement to publicise applications for planning permission in a local newspaper, with the exception of applications that require environmental impact assessment.

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