

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 — Buildings of special architectural or historic interest**

#### *Chapter 4 — Enforcement of controls relating to listed buildings*

#### *Section 123 — Power of planning authority to issue enforcement notice*

466. **Section 123** gives a planning authority the power to issue an enforcement notice to require steps to be taken where it considers that unauthorised works have been carried out on a listed building. The planning authority must consider it appropriate to issue the notice, having regard to the effect of the works on the character of the building as one of special architectural or historic interest. The planning authority, accordingly, may weigh up factors such as the severity of the damage to the listed building and the likelihood of future harm, the impact of the damage on the listed building's character and significance, the scope for negotiation and cooperative solutions and the availability and suitability of other legal remedies.
467. An enforcement notice must identify the alleged breach and require steps to be taken for any or all of the following purposes:
- a. restore the listed building to its condition before the unauthorised works took place;  
  
The steps specified would be likely to include undertaking appropriate recording and investigation of the damaged area to recover and record historical evidence before further specified operations proceed.
  - b. alleviate the effect of the works, if restoration is not reasonably practicable or desirable; or  
  
In the event of serious or extensive damage to a listed building, restoration might be unviable and could, in fact, cause further harm to the special interest of the listed building. In such a case, the planning authority would specify steps to stabilise the building in its altered state to protect it and the special interest it contains for the future.
  - c. put the building in the condition in which it would have been if the terms and conditions of a granted listed building consent had been complied with.