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SCHEDULES

SCHEDULE 5

CONTROL OF WORKS FOR DEMOLITION, ALTERATION OR EXTENSION OF LISTED BUILDINGS.

PART II

REVOCATION OF LISTED BUILDING CONSENT

- 9 (1) If it appears to the local planning authority, having regard to the development plan and to any other material considerations, that it is expedient to revoke or modify listed building consent in respect of any works to a building, being consent granted on an application made under Part I of this Schedule, the authority, subject to the following provisions of this paragraph, may by order revoke or modify the consent to such extent as (having regard to these matters) they consider expedient.
- (2) An order under this paragraph shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where a local planning authority submit an order to the Minister for confirmation under this paragraph, the authority shall serve notice on the owner and on the occupier of the building affected and on any other person who in their opinion will be affected by the order ; and if within such period as may be specified in that notice (not being less than twenty-eight days after the service thereof) any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (4) The power conferred by this paragraph to revoke or modify listed building consent in respect of any works may be exercised at any time before those works have been completed, but the revocation or modification shall not affect so much of those works as has been previously carried out.
- 10 (1) If it appears to the Minister, after consultation with the local planning authority, to be expedient that an order under paragraph 9 above should be made, he may give directions to the authority requiring them to submit to him such an order for his confirmation, or may himself make such an order ; and any order so made by the Minister shall have the like effect as if it had been made by the authority and confirmed by the Minister under that paragraph.
- (2) The provisions of paragraph 9 above shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make such an order by virtue of this paragraph, in relation to the making thereof by the Minister, and in relation to the service of copies thereof as so made.
- 11 (1) Where listed building consent is revoked or modified by an order under this Part of this Schedule, then if on a claim made to the local planning authority in the time

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and in the manner prescribed by regulations under this Act, it is shown that a person interested in the building—

- (a) has incurred expenditure in carrying out works which are rendered abortive by the revocation or modification, or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,

the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

- (2) For the purposes of this paragraph, any expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out those works.
 - (3) Subject to sub-paragraph (2) above, no compensation shall be paid under this paragraph in respect of any works carried out before the grant of the listed building consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that consent.
- 12 (1) The following provisions shall have effect where the local planning authority have made an order under paragraph 9 of this Schedule but have not submitted the order to the Minister for confirmation by him, and—
- (a) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to the order ; and
 - (b) it appears to the authority that no claim for compensation is likely to arise under paragraph 11 above.
- (2) The authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement shall specify—
- (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by the order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose; and
 - (b) the period (not less than fourteen days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Minister, the order may take effect by virtue of this paragraph and without being confirmed by the Minister.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in sub-paragraph (1)(a) above, and the notice shall include a statement of the effect of sub-paragraph (7) below.
- (4) The authority shall send a copy of any advertisement published under sub-paragraph (2) above to the Minister, not more than three days after the publication.
- (5) If within the period referred to in sub-paragraph (2)(a) above no person claiming to be affected by the order has given notice to the Minister as aforesaid and the Minister has not directed that the order be submitted to him for confirmation, the order shall at the expiration of the period referred to in sub-paragraph (2)(b) above take effect by virtue of this paragraph and without being confirmed by the Minister as required by paragraph 9 of this Schedule.

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- (6) This paragraph does not apply to an order revoking or modifying a listed building consent granted by the Minister under Part V of this Act or under this Schedule.
- (7) No compensation shall be payable under paragraph 11 of this Schedule in respect of an order under paragraph 9 thereof which takes effect by virtue of this paragraph and without being confirmed by the Minister.