



Town and Country Planning Act 1971

1971 CHAPTER 78

PART VI

ACQUISITION AND APPROPRIATION OF LAND AND RELATED PROVISIONS

Powers exercisable in relation to land held for planning purposes, and other related powers

125 Special provisions as to features and buildings of architectural and historic interest

- (1) In the exercise of the powers of appropriation, disposal and development conferred by the provisions of sections 122, 123 and 124(1) of this Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings; and the Secretary of State shall not give his consent to the appropriation or disposal thereunder of any land comprising a listed building, or to the erection, construction or carrying out of any building or work on any such land, unless either—
- (a) the consent is given subject to such conditions or limitations as in the opinion of the Secretary of State will secure the preservation of the listed building; or
 - (b) the Secretary of State, after giving the requisite notice of the application for his consent, is satisfied that the purpose which the local authority seek to achieve by the proposed exercise of their powers is one which ought in the public interest to be carried out, and that the carrying out of that purpose, whether by the use of the land in question or otherwise, either—
 - (i) would be prevented by the preservation of the listed building; or
 - (ii) would be so affected by the preservation thereof that, notwithstanding the desirability of preserving the building, it is inexpedient to do so.
- (2) For the purposes of subsection (1)(b) of this section the requisite notice of an application for the consent of the Secretary of State is a notice which—
- (a) contains such particulars of the appropriation, disposal or operation for which his consent is sought as appear to him to be requisite; and

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- (b) not less than twenty-eight days before he gives his decision on the application, is published in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated.
- (3) In this section "preservation", in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and "development" includes redevelopment.
- (4) This section is without prejudice to the provisions of section 277(5) of this Act.