



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER VI

MISCELLANEOUS AND SUPPLEMENTAL

Special considerations affecting planning functions

66 General duty as respects listed buildings in exercise of planning functions

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
- (3) The reference in subsection (2) to a local authority includes a reference to a joint planning board and a board reconstituted in pursuance of Schedule 17 to the Local Government Act 1972.

67 Publicity for applications affecting setting of listed buildings

- (1) This section applies where an application for planning permission for any development of land is made to a local planning authority and the development would, in the opinion of the authority, affect the setting of a listed building.
- (2) 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 paragraph (a).
- (3) In a case where the land is situated in England, the local planning authority shall send a copy of the notice to the Commission.
- (4) Where the Secretary of State, after consulting with the Commission, notifies a local planning authority in writing that subsection (3) shall not affect the authority as regards any notice relating to any kind of application specified in the notification, then that subsection shall not affect the authority as regards any such notice.
- (5) The Secretary of State shall send the Commission a copy of any notification made under subsection (4).
- (6) The application shall not be determined by the local planning authority before—
 - (a) the expiry of the period of 21 days referred to in subsection (2); or
 - (b) if later, the expiry of the period of 21 days beginning with the date on which the notice required by that subsection to be displayed was first displayed.
- (7) In determining any application for planning permission to which this section applies, the local planning authority shall take into account any representations relating to the application which are received by them before the periods mentioned in subsection (6) have elapsed.
- (8) Subsection (3) of section 63 of the principal Act (references to applications for planning permission to include applications for permission to retain existing works and uses) does not apply to the construction of this section.

68 Reference to Commission of planning applications involving listed buildings in Greater London

- (1) Without prejudice to his powers by virtue of section 74(1) of the principal Act, the Secretary of State may by regulations provide for any application for planning permission to which this section applies to be referred to the Commission before it is dealt with by the local planning authority.
- (2) This section applies to an application for planning permission for any development in Greater London which would, in the opinion of the local planning authority to which the application is made, involve the demolition, in whole or in part, or a material alteration, of a listed building.
- (3) Regulations under this section may—

- (a) provide for the Commission to give the referring authority directions as to the manner in which an application is to be dealt with; and
- (b) provide that an application which satisfies such conditions as may be specified in the regulations need not be referred to the Commission.