



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART II

CONSERVATION AREAS

Control of demolition

75 Cases in which s. 74 does not apply

- (1) Section 74 does not apply to—
 - (a) listed buildings;
 - (b) ecclesiastical buildings which are for the time being used for ecclesiastical purposes;
 - (c) buildings for the time being included in the schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979; or
 - (d) buildings in relation to which a direction under subsection (2) is for the time being in force.
- (2) The Secretary of State may direct that section 74 shall not apply to any description of buildings specified in the direction.
- (3) A direction under subsection (2) may be given either to an individual local planning authority exercising functions under that section or to local planning authorities generally.
- (4) The Secretary of State may vary or revoke a direction under subsection (2) by a further direction under that subsection.
- (5) For the purposes of subsection (1)(b), a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

Status: This is the original version (as it was originally enacted).

- (6) For the purposes of sections 7 to 9 as they apply by virtue of section 74(3) a building shall be taken to be used for the time being for ecclesiastical purposes if it would be so used but for the works in question.
- (7) The Secretary of State may by order provide for restricting or excluding the operation of subsection (1)(b) in such cases as may be specified in the order.
- (8) An order under subsection (7) may—
- (a) make provision for buildings generally, for descriptions of building or for particular buildings;
 - (b) make different provision for buildings in different areas, for buildings of different religious faiths or denominations or according to the use made of the building;
 - (c) make such provision in relation to a part of a building (including, in particular, an object or structure falling to be treated as part of the building by virtue of section 1(5)) as may be made in relation to a building and make different provision for different parts of the same building;
 - (d) make different provision with respect to works of different descriptions or according to the extent of the works;
 - (e) make such consequential adaptations or modifications of the operation of any other provision of this Act or the principal Act, or of any instrument made under either of those Acts, as appear to the Secretary of State to be appropriate.
- (9) Regulations under this Act may provide that subsections (5) to (8) shall have effect subject to such exceptions and modifications as may be prescribed, and any such regulations may make different provision—
- (a) in relation to applications made by local planning authorities, and
 - (b) in relation to other applications.
- (10) Any proceedings on or arising out of an application for conservation area consent made while section 74 applies to a building shall lapse if it ceases to apply to it, and any such consent granted with respect to the building shall also lapse.
- (11) The fact that that section has ceased to apply to a building shall not affect the liability of any person to be prosecuted and punished for an offence under section 9 or 43 committed with respect to the building while that section did apply to it.