

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Planning Act 2008, Cross Heading: Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 10

FURTHER PROVISIONS AS TO THE PROCEDURE FOR CERTAIN PROCEEDINGS

PROSPECTIVE

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 15 The Listed Buildings Act is amended as follows.
- 16 In section 12 (reference of applications to Secretary of State) after subsection (4) insert—
- “(4A) Subsection (4) does not apply to an application referred to the Secretary of State under this section instead of being dealt with by a local planning authority in England.”
- 17 In section 20(4) (right of appeal in case of failure to give notice of decision) for “22(1) and 63(7)(b)” substitute “ 22(1) and (2A), 63(7)(b) and 88D(7)(b) ”.
- 18 (1) Amend section 22 (determination of appeals under section 20) as follows.
- (2) After subsection (2) insert—
- “(2A) Subsection (2) does not apply to an appeal against a decision of a local planning authority in England.”
- (3) In subsection (3) for “the appeal” substitute “ an appeal under section 20 ”.
- 19 In section 40 (supplementary provisions about appeals against listed building enforcement notices) after subsection (2) insert—
- “(2A) Subsection (2) does not apply to an appeal against a listed building enforcement notice issued by a local planning authority in England.”
- 20 In section 41(4) (determination of appeals: disapplication of section 40(2))—
- (a) after “If” insert “ section 40(2) would otherwise apply and ”, and
- (b) after “subsection (3)” insert “ of this section ”.
- 21 In section 74(3) (application of certain provisions in relation to buildings in conservation areas) after “82D” insert “ , 88D ”.
- 22 In section 89 (application of certain general provisions of TCPA 1990) after subsection (1) insert—
- “(1ZA) In the application of sections 322, 322A and 323 of that Act by virtue of this section, references to section 319A of that Act shall have effect as references to section 88D of this Act.”
- 23 (1) Amend section 93 (regulations and orders) as follows.

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- (2) In subsection (4) after “75(7)” insert “, 88D(8)”.
- (3) After subsection (5) insert—
- “(5A) No order may be made under section 88D(8) unless a draft of the instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.”
- 24 (1) Amend Schedule 3 (determination of certain appeals by person appointed by Secretary of State) as follows.
- (2) In paragraph 2 after sub-paragraph (4) insert—
- “(4A) Sub-paragraph (2) does not apply in the case of an appeal to which section 88D applies.”
- (3) After sub-paragraph (8) of that paragraph insert—
- “(9) Sub-paragraph (8) does not apply to references to the Secretary of State in section 88D (powers and duties of the Secretary of State in relation to the determination of procedure for certain proceedings).”
- (4) In paragraph 3 after sub-paragraph (4) insert—
- “(4A) Sub-paragraph (4) does not apply in the case of an appeal to which section 88D applies.
- (4B) In the case of an appeal to which section 88D applies, the Secretary of State must give the appellant, the local planning authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.”
- (5) In sub-paragraph (5) of that paragraph after “(4)” insert “ or (4B) ”.
- (6) In paragraph 6 after sub-paragraph (1) insert—
- “(1A) Sub-paragraph (1) does not apply in the case of an appeal to which section 88D applies; but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.”
- (7) In sub-paragraph (2)(a) of that paragraph after “2(4)” insert “ or this paragraph ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)