

SCHEDULES

SCHEDULE 17

HERITAGE PLANNING REGULATION

Town and Country Planning Act 1990 (c. 8)

6 After section 196C insert—

“Conservation areas

196D Offence of failing to obtain planning permission for demolition of unlisted etc buildings in conservation areas in England

- (1) It is an offence for a person to carry out or cause or permit to be carried out relevant demolition without the required planning permission.
- (2) It is also an offence for a person to fail to comply with any condition or limitation subject to which planning permission for relevant demolition is granted.
- (3) In this section “relevant demolition” means the demolition of a building that—
 - (a) is situated in a conservation area in England; and
 - (b) is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of section 75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section).
- (4) It is a defence for a person accused of an offence under this section to prove the following matters—
 - (a) that the relevant demolition was urgently necessary in the interests of safety or health;
 - (b) that it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter;
 - (c) that the relevant demolition was the minimum measure necessary; and
 - (d) that notice in writing of the relevant demolition was given to the local planning authority as soon as reasonably practicable.
- (5) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

Status: This is the original version (as it was originally enacted).

- (6) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003, subsection (5)(a) has effect as if the reference to 12 months were to 6 months.
- (7) In relation to an offence committed before the coming into force of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, subsection (5)(a) has effect as if the reference to a fine were a reference to a fine not exceeding £20,000.
- (8) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.
- (9) Where, after a person commits an offence under this section, planning permission is granted for any development carried out before the grant of the permission, that grant does not affect the person's liability for the offence."