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SCHEDULE 4

Regulation 14

NOTICE THAT A BUILDING HAS BECOME LISTED IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY TOWN AND COUNTRY PLANNING ACT 1971 BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

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To:

NOTICE IS HEREBY GIVEN that the building known as _____ situated in _____ has been included in a list of buildings of special architectural or historic interest compiled by the [Secretary of State for the Environment] [Secretary of State for Wales] under section 54 of the Town and Country Planning Act 1971 on _____ 19_____.

Date _____ 19_____ [Town Clerk]
[Clerk of the Council]
[Chief Executive]

Note

Listing of Buildings of Special Architectural or Historic Interest

The above notice is addressed to you as owner or occupier of the building named, which has been included in one of the lists of buildings of special architectural or historic interest under section 54 of the Town and Country Planning Act 1971 by the [Secretary of State for the Environment] [Secretary of State for Wales]. The lists are compiled by the Secretary of State as a statutory duty after consultation with [the Historic Buildings and Monuments Commission for England and with such other]* persons or bodies as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or the interior) which would affect its character. In that event you will need to seek "listed building consent", that is to say, the consent of the local planning authority (the _____ Council) to the work you wish to do.

You should however note that it is an offence to carry out any of these works without obtaining listed building consent. A conviction for this offence could result in a fine or even imprisonment. Nevertheless where works which were urgently necessary in the interests of safety or of health or for the preservation of the building were carried out without consent it is a defence to prove that—

- (a) it was not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter;
- (b) the works carried out were limited to the minimum measures immediately necessary; and
- (c) notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

Certain buildings are exempt from the requirement to obtain listed building consent, notably ecclesiastical buildings which are for the time being used for ecclesiastical purposes (but it should also be noted that this exemption does not apply to a building used or available for use as a residence by a minister of religion and that the exemption may be restricted or excluded by an order of the Secretary of State under section 58AA of the 1971 Act).

Although there is no statutory right of appeal as such against the listing of a building, you are not precluded at any time from writing to the Secretary of State claiming that the building should cease to be listed, on the ground that it is not in fact of special architectural or historic interest; and any such claim, with the evidence supporting it, will be carefully considered by the Secretary of State in consultation with his statutory advisers. A guidance note on the procedure is available from the Secretary of State. In addition, where listed building consent is refused by a local planning authority or is granted subject to conditions, there is a right of appeal to the [Secretary of State for the Environment] [Secretary of State for Wales]; and one of the grounds for an appeal may be that the building is not of special architectural or historic interest.

If at any time you propose to take any action which may affect the character of your building, you would be well advised to refer to the provisions of the Town and Country Planning Act 1971, Part IV and Schedule 11, and of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 (S.I. 1987/349). Further details can be obtained from your local planning authority.

* Inapplicable where building is situated in Wales.

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NOTICE THAT A BUILDING HAS CEASED TO BE LISTED IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY TOWN AND COUNTRY PLANNING ACT 1971 BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as _____ situated in _____ has, by an amendment made by the [Secretary of State for the Environment] [Secretary of State for Wales] under section 54(1) of the Town and Country Planning Act 1971 on 19____, been excluded from the list of buildings of special architectural or historic interest compiled by the Secretary of State.

Date: _____ 19____

{Town Clerk}
{Clerk of the Council}
{Chief Executive}

Note

The building referred to in the above notice has been excluded from the list because*

*Insert reason for exclusion.
