
STATUTORY INSTRUMENTS

2008 No. 551

TOWN AND COUNTRY PLANNING, ENGLAND

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008

<i>Made</i>	- - - -	<i>26th February 2008</i>
<i>Laid before Parliament</i>		<i>10th March 2008</i>
<i>Coming into force</i>	- -	<i>6th April 2008</i>

The Secretary of State, in exercise of the powers conferred by sections 10(3) and (4) and 11(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(1) makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008.

(2) These Regulations shall come into force on 6th April 2008.

(3) In these Regulations, “the 1990 Regulations” means the Planning (Listed Buildings and Conservation Areas) Regulations 1990(2).

(4) These Regulations apply in relation to England only.

Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

2.—(1) The 1990 Regulations are amended as follows.

(2) For regulation 3 substitute—

“Applications for listed building consent or for conservation area consent

3.—(1) An application for listed building consent or conservation area consent shall—

(a) subject to regulation 7, be made in writing to a local planning authority on a form published by the Secretary of State (or a form to substantially the same effect);

(1) [1990 c.9](#). Section 10 was amended by section 42(8) of the Planning and Compulsory Purchase Act [2004 \(c. 5\)](#). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)); see the entry in Schedule 1 for the 1990 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act [2006 \(c.32\)](#), they were transferred to the Welsh Ministers.

(2) [S.I. 1990/1519](#). Relevant amendments were made by [S.I. 2003/956](#) and [2006/1063](#).

- (b) include the particulars specified or referred to in the form; and
- (c) be accompanied, whether electronically or otherwise, by—
 - (i) such plans, drawings and information as are necessary to describe the works which are the subject of the application;
 - (ii) except where the application is made by electronic communication or the local planning authority indicate that a lesser number is required, 3 copies of the form; and
 - (iii) except where they are submitted by electronic communication or the local planning authority indicate that a lesser number is required, 3 copies of any plans, drawings or information accompanying the application pursuant to paragraph (i).

(2) Any plans or drawings required to be provided by paragraph (1)(c)(i) shall be drawn to an identified scale and, in the case of plans, shall show the direction of North.

- (3) When the local planning authority with whom the application has to be lodged receive—
- (a) an application which complies with the requirements of paragraph (1);
 - (b) the certificate required by regulation 6;
 - (c) in a case to which regulation 3A applies, the design and access statement; and
 - (d) subject to paragraph (4), the particulars required by the authority under section 10(2)(c) of the Act (making applications for listed building consent),

the authority shall, as soon as is reasonably practicable, send to the applicant an acknowledgement in the terms (or substantially in the terms) set out in Part 1 of Schedule 1.

- (4) Paragraph (3)(d) only applies if—
- (a) before the application is made the local planning authority publish, for the purposes of paragraph (8), a list of requirements on their website; and
 - (b) the particulars that the authority require to be included in the application fall within that list.

(5) Where, after sending an acknowledgement as required by paragraph (3), the local planning authority form the opinion that the application is invalid they shall, as soon as is reasonably practicable, notify the applicant that the application is invalid.

(6) Where a valid application has been received, the local planning authority shall give the applicant written notice of their decision within the period of eight weeks beginning with the day immediately following that on which the application is received or, except where the applicant has already given notice of appeal to the Secretary of State, within such other period as may at any time be agreed in writing between the applicant and the authority.

(7) Every such notice of decision or reference to the Secretary of State shall be in writing; and where the local planning authority decide to grant listed building consent or conservation area consent subject to conditions or to refuse it, the notice shall state the reasons for the decision and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part 2 of Schedule 1.

(8) In this regulation “valid application” means an application which complies with the requirements of paragraph (1) and—

- (a) subject to paragraph (8A), contains the particulars required by the authority under section 10(2)(c) of the Act (making of applications for listed building consent);
- (b) is accompanied by the certificate required by regulation 6; and
- (c) in a case to which regulation 3A applies, is accompanied by the design and access statement,

and a valid application shall be taken to have been received when the application, and all of the documents or particulars referred to above, have been lodged with the local planning authority.

(8A) Paragraph 8(a) only applies if—

- (a) before the application is made the local planning authority publish, for the purposes of paragraph (8), a list of requirements on their website; and
- (b) the particulars that the authority require to be included in the application fall within that list.”

(3) In regulation 4 (applications to vary or discharge conditions attached to a listed building consent or conservation area consent)—

- (a) in paragraph (1) for the words from “on a form” to the end substitute “in accordance with regulation 3(1).”; and
- (b) in paragraph (2)—
 - (i) for the words “Regulations 3(2) to 3(5)” substitute “Paragraphs (3) to (8A) of regulation 3”; and
 - (ii) for the words “regulation 3(5)(a)” substitute “regulation 3(7)”.

(4) In regulation 6 (certificate to accompany applications and appeals), in paragraph (6), for the words “set out in Part 1 of Schedule 2 hereto” substitute “published by the Secretary of State.”.

(5) Subject to regulation 3(b) of these Regulations, Part 1 of Schedule 2 is revoked.

Transitional provisions

3. An application made after 5th April 2008 and before 6th May 2008, otherwise than by a local planning authority or an interested planning authority, may—

- (a) be made in writing on a form issued by the local planning authority and obtainable from that authority instead of on a form published by the Secretary of State;
- (b) be accompanied by a certificate for the purposes of regulation 6 in the forms set out in Part 1 of Schedule 2 to the 1990 Regulations instead of in a form published by the Secretary of State.

Signed by authority of the Secretary of State for Communities and Local Government

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local
Government

26th February 2008

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (“the 1990 Regulations”) makes provision for applications made to local planning authorities for listed building consent or conservation area consent. Regulation 2(2) of these Regulations amends regulation 3 of the 1990 Regulations to provide for applications to be made on a form published by the Secretary of State and to specify what constitutes a valid application. A minor change is also made to the period within which the local planning authority must give their decision, so that it now starts the day after a valid application is received rather than the day it is received.

Regulation 2(3) makes a consequential amendment to regulation 4(1) of the 1990 Regulations (which provides for applications to vary or discharge conditions attached to listed building or conservation area consents).

Regulation 2(4) amends regulation 6 of the 1990 Regulations to provide for certificates issued under that regulation to be in the form published by the Secretary of State.

Regulation 2(5) makes a consequential revocation.

Regulation 3 contains a transitional provision.

An impact assessment has been prepared in relation to these Regulations. This assessment has been placed in the Library of each House of Parliament and copies may be obtained from PSID, Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 3934).