

SCHEDULE 1

Regulation 3

Land which is not of community value (and therefore may not be listed)

1.—(1) Subject to sub-paragraph (5) and paragraph 2, a residence together with land connected with that residence.

(2) In this paragraph, subject to sub-paragraphs (3) and (4), land is connected with a residence if—

- (a) the land, and the residence, are owned by a single owner; and
- (b) every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.

(3) Sub-paragraph (2)(b) is satisfied where a part of the land cannot be reached from the residence by reason only of intervening land in other ownership on which there is a road, railway, river or canal, provided that the additional requirement in sub-paragraph (4) is met.

(4) The additional requirement referred to in sub-paragraph (3) is that it is reasonable to think that sub-paragraph (2)(b) would be satisfied if the intervening land were to be removed leaving no gap.

(5) Land which falls within sub-paragraph (1) may be listed if—

- (a) the residence is a building that is only partly used as a residence; and
- (b) but for that residential use of the building, the land would be eligible for listing.

2. For the purposes of paragraph 1 and this paragraph—

(a) “residence” means a building used or partly used as a residence;

(b) a building is a residence if—

- (i) it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
- (ii) it is let or partly let for use as a holiday dwelling;
- (iii) it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
- (iv) it is a house in multiple occupation as defined in section 77 of the Housing Act 2004⁽¹⁾; and

(c) a building or other land is not a residence if—

- (i) it is land on which currently there are no residences but for which planning permission or development consent has been granted for the construction of residences;
- (ii) it is a building undergoing construction where there is planning permission or development consent for the completed building to be used as a residence, but construction is not yet complete; or
- (iii) it was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.

3. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960⁽²⁾, or would be so required if paragraphs 1, 4, 5 and 10 to 11A of Schedule 1 to that Act were omitted.

(1) 2004 c. 34.

(2) 1960 c.62. Paragraph 11A of Schedule 1 was inserted by section 176 of the Local Government, Planning and Land Act 1980 (c.65).

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

4. Operational land as defined in section 263 of the Town and Country Planning Act 1990⁽³⁾.

(3) 1990 c.8. Section 263 has been amended by paragraph 7 of Schedule 5 to the Transport Act 2000 (c.38); by paragraph 23 of Schedule 6, and Part 2 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34), and by S.I. 2001/1149.