



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER II

AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

Modifications etc. (not altering text)

C1 Chs. I, II (ss. 1-26) and IV (ss. 38-44) of Pt. I, ss. 54-56, 59-61, 66, 68-72, 74-76 and 88: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(b\)](#); [S.I. 1993/2762, art.3](#).

Control of works in respect of listed buildings

7 Restriction on works affecting listed buildings.

[^{F1}(1)] Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised [^{F2}under section 8].

[^{F3}(2) Subsection (1) is subject to section 33(1) of the Planning Act 2008 (exclusion of requirement for other consents for development for which development consent required).]

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

Textual Amendments

- F1** S. 7 renumbered as s. 7(1) (1.3.2010) by virtue of [Planning Act 2008 \(c. 29\)](#), ss. 36, 241(8), [Sch. 2 para. 39\(2\)](#) (with s. 226); [S.I. 2010/101](#), [art. 2](#) (with art. 6)
- F2** Words in S. 7(1) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241(8), [Sch. 2 para. 39\(3\)](#) (with s. 226); [S.I. 2010/101](#), [art. 2](#) (with art. 6)
- F3** S. 7(2) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241(8), [Sch. 2 para. 39\(4\)](#) (with s. 226); [S.I. 2010/101](#), [art. 2](#) (with art. 6)

Modifications etc. (not altering text)

- C2** Ss. 7, 8 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)
- C3** S. 7 excluded (18.12.1996) by [1996 c. 61](#), s. 12, [Sch. 7 paras. 1\(1\)\(3\)](#), [2\(1\)\(a\)](#)
S. 7 applied (18.12.1996) by [1996 c. 61](#), s. 12, [Sch. 8 paras. 1\(5\)](#), [2\(5\)](#)
S. 7 restricted (1.10.1994) by [S.I. 1994/1771](#), [art. 5\(5\)](#)
- C4** S. 7 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 9 paras. 1\(1\)\(a\)\(3\)](#), [2\(1\)\(a\)\(2\)](#)
- C5** S. 7 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

8 Authorisation of works: listed building consent.

- (1) Works for the alteration or extension of a listed building are authorised if—
- (a) written consent for their execution has been granted by the local planning authority or the Secretary of State; and
 - (b) they are executed in accordance with the terms of the consent and of any conditions attached to it.
- (2) Works for the demolition of a listed building are authorised if—
- (a) such consent has been granted for their execution;
 - (b) notice of the proposal to execute the works has been given to the Royal Commission;
 - (c) after such notice has been given either—
 - (i) for a period of at least one month following the grant of such consent, and before the commencement of the works, reasonable access to the building has been made available to members or officers of the Royal Commission for the purpose of recording it; or
 - (ii) the Secretary of the Royal Commission, or another officer of theirs with authority to act on their behalf for the purposes of this section, has stated in writing that they have completed their recording of the building or that they do not wish to record it; and
 - (d) the works are executed in accordance with the terms of the consent and of any conditions attached to it.
- (3) Where—
- (a) works for the demolition of a listed building or for its alteration or extension are executed without such consent; and
 - (b) written consent is granted by the local planning authority or the Secretary of State for the retention of the works,
- the works are authorised from the grant of that consent.

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- (4) In this section “the Royal Commission” means—
- (a) in relation to England, the Royal Commission on the Historical Monuments of England; and
 - (b) in relation to Wales, the Royal Commission on Ancient and Historical Monuments in Wales.
- (5) The Secretary of State may by order provide that subsection (2) shall have effect with the substitution for the references to the Royal Commission of references to such other body as may be so specified.
- (6) Such an order—
- (a) shall apply in the case of works executed or to be executed on or after such date as may be specified in the order; and
 - (b) may apply in relation to either England or Wales, or both.
- (7) Consent under subsection (1), (2) or (3) is referred to in this Act as “listed building consent”.

Modifications etc. (not altering text)

- C6** Ss. 7, 8 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)
- C7** S. 8 restricted (1.10.1994) by [S.I. 1994/1771, art. 5\(5\)](#)
- C8** S. 8 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\), regs. 1, 16, Sch. 3](#)
- C9** S. 8(2) amended (E.) (19.2.2001) by [S.I. 2001/24, art. 2](#)

9 Offences.

- (1) If a person contravenes section 7 he shall be guilty of an offence.
- (2) Without prejudice to subsection (1), if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent, he shall be guilty of an offence.
- (3) In proceedings for an offence under this section it shall be a defence to prove the following matters—
- (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;
 - (b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;
 - (c) that the works carried out were limited to the minimum measures immediately necessary; and
 - (d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.
- ^{F4}(4) A person who is guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000, or both; or

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- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.]
- (5) In determining the amount of any fine to be imposed on a person convicted^{F5} . . . of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

Textual Amendments

- F4** S. 9(4) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. I para. 1\(a\)](#); [S.I. 1991/2067, art.3](#)
- F5** Words in s. 9(5) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 84(6), [Schs. 3 Pt. I para. 1\(b\)](#), [19 Pt.I; S.I. 1991/2067, art. 3](#) and [Sch.1](#)

Modifications etc. (not altering text)

- C10** Ss. 9–12 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)
- C11** S. 9 restricted (1.10.1994) by [S.I. 1994/1771, art. 5\(5\)](#)
- C12** Ss. 9-12 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

Applications for listed building consent

10 Making of applications for listed building consent.

- (1) Except as provided in sections 12 to 15, an application for listed building consent shall be made to and dealt with by the local planning authority.
- (2) Such an application^{F6} . . . shall contain—
- (a) sufficient particulars to identify the building to which it relates, including a plan;
 - (b) such other plans and drawings as are necessary to describe the works which are the subject of the application; and
 - (c) such other particulars as may be required by the authority.
- (3) Provision may be made by regulations under this Act with respect to—
- [^{F7}(a) the form and manner in which such applications are to be made;
 - (aa) particulars of such matters as are to be included in such applications;
 - (ab) the documents or other materials as are to accompany such applications;]
 - [^{F8}(b) requirements as to publicity in relation to such applications;]
 - (c) the time within which they are to be dealt with by local planning authorities or, as the case may be, by the Secretary of State.
 - [^{F9}(d) requirements as to consultation in relation to such applications;
 - (e) prohibiting the determination of such applications during such period as is prescribed;
 - (f) requirements on the local planning authority to take account of responses from persons consulted.]

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- [^{F10}(4) The regulations must require that an application for listed building consent of such description as is prescribed must be accompanied by such of the following as is prescribed—
- (a) a statement about the design principles and concepts that have been applied to the works;
 - (b) a statement about how issues relating to access to the building have been dealt with.
- (5) The form and content of a statement mentioned in subsection (4) is such as is prescribed.]

Textual Amendments

- F6** Words in s. 10(2) repealed (6.8.2004 for specified purposes, otherwise prosp.) and omitted (6.8.2004 for specified purposes, otherwise 10.8.2006 for E. and 30.6.2007 for W.) by virtue of [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 42(6), 120, 121(1), [Sch. 9](#); S.I. 2004/2097, [art. 2](#); S.I. 2006/1061, [art. 3\(a\)](#) (with [art. 4](#) (which [art. 4](#) is revoked (11.2.2010) by S.I. 2010/321, [art. 3](#))); S.I. 2007/1369, [art. 2\(a\)](#) (with [art. 3](#) (as amended (11.2.2010) by S.I. 2010/321, [art. 4](#)))
- F7** S. 10(3)(a)-(ab) substituted for s. 10(3)(a) (6.8.2004 for specified purposes, otherwise 10.8.2006 for E. and 30.6.2007 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 42(7), 121(1) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1061, [art. 3\(a\)](#) (with [art. 4](#) (which [art. 4](#) is revoked (11.2.2010) by S.I. 2010/321, [art. 3](#))); S.I. 2007/1369, [art. 2\(a\)](#) (with [art. 3](#) (as amended (11.2.2010) by S.I. 2010/321, [art. 4](#)))
- F8** S. 10(3)(b) substituted (6.8.2004 for specified purposes, otherwise 28.9.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118(1), 121(1), [Sch. 6 para. 20\(a\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2004/2202, [art. 3\(e\)](#) (with [art. 4](#), [Sch. 2](#))
- F9** S. 10(3)(d)-(f) inserted (6.8.2004 for specified purposes, otherwise 28.9.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118(1), 121(1), [Sch. 6 para. 20\(b\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2004/2202, [art. 3\(e\)](#)
- F10** S. 10(4)(5) inserted (6.8.2004 for specified purposes, otherwise 10.8.2006 for E. and 30.6.2007 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 42(8), 121(1) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1061, [art. 3\(a\)](#) (with [art. 4](#) (which [art. 4](#) is revoked (11.2.2010) by S.I. 2010/321, [art. 3](#))); S.I. 2007/1369, [art. 2\(a\)](#) (with [art. 3](#) (as amended (11.2.2010) by S.I. 2010/321, [art. 4](#)))

Modifications etc. (not altering text)

- C12** Ss. 9-12 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)
- C13** Ss. 9-12 modified by S.I. 1990/1519, [reg. 13\(1\)](#); applied (with modifications) by S.I. 1990/1519, [reg. 12](#), [Sch. 3](#)
- C14** S. 10 modified (1.1.1993) by S.I. 1992/3138, [reg. 3\(2\)](#), [Sch. 1](#) para. 1

11 Certificates as to applicant's status etc.

- (1) Regulations under this Act may provide that an application for listed building consent shall not be entertained unless it is accompanied by one of the following certificates in the prescribed form and signed by or on behalf of the applicant—
- (a) a certificate stating that, at the beginning of the period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of any of the building to which the application relates;

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- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than himself) who at the beginning of that period were owners of any of the building to which the application relates;
 - (c) a certificate stating—
 - (i) that the applicant is unable to issue a certificate in accordance with paragraph (a) or (b);
 - (ii) that he has given the requisite notice of the application to such one or more of the persons mentioned in paragraph (b) as are specified in the certificate; and
 - (iii) that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons but has been unable to do so;
 - (d) a certificate stating—
 - (i) that the applicant is unable to issue a certificate in accordance with paragraph (a); and
 - (ii) that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in paragraph (b) but has been unable to do so.
- (2) Where such provision is made any such certificate as is mentioned in subsection (1) (b) or (c) must set out—
- (a) the names of the persons to whom the applicant has given the requisite notice of the application;
 - (b) the addresses at which notice was given to them; and
 - (c) the date of service of each such notice.
- (3) Such regulations may require that any such certificate as is mentioned in subsection (1) (c) or (d) shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (which must not be earlier than the beginning of the period mentioned in subsection (1)(a)) been published in a local newspaper circulating in the locality in which the building is situated.
- (4) Such regulations may also require that where an application is accompanied by such a certificate as is mentioned in subsection (1)(b),(c) or (d), the local planning authority—
- (a) shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or, if later, the date of publication of a notice as so mentioned;
 - (b) shall in determining the application take into account any representations relating to it which are made to them before the end of that period by any person who satisfies them that he is an owner of any of the building to which the application relates; and
 - (c) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (b).
- (5) Such regulations may also make provision as to who, in the case of any building, is to be treated as the owner for the purposes of any provision made by virtue of this section.
- (6) If any person—

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- (a) issues a certificate which purports to comply with the requirements of regulations made by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or
- (b) recklessly issues a certificate which purports to comply with those requirements and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (7) Subject to subsection (5), in this section “owner” means a person who is for the time being the estate owner in respect of the fee simple or is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

Modifications etc. (not altering text)

C12 Ss. 9-12 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, **Sch. 3**

C15 Ss. 9–12 modified by [S.I. 1990/1519](#), **reg. 13(1)**; applied (with modifications) by [S.I. 1990/1519](#), **reg. 12, Sch. 3**

12 Reference of certain applications to Secretary of State.

- (1) The Secretary of State may give directions requiring applications for listed building consent to be referred to him instead of being dealt with by the local planning authority.
- (2) A direction under this section may relate either to a particular application, or to applications in respect of such buildings as may be specified in the direction.
- (3) An application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

[^{F11}(3A) An application for listed building consent shall, without any direction by the Secretary of State, be referred to the Secretary of State instead of being dealt with by the local planning authority in any case where the consent is required in consequence of proposals included in an application for an order under section 1 or 3 of the Transport and Works Act 1992.]

- (4) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the authority so wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State.
- (5) The decision of the Secretary of State on any application referred to him under this section shall be final.

Textual Amendments

F11 S. 12(3A) inserted (1.1.1993) by [Transport and Works Act 1992 \(c. 42, SIF 102\)](#), **s.17**; [S.I. 1992/2784](#), **art. 2, Sch.1**

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Modifications etc. (not altering text)

- C12** Ss. 9-12 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, **Sch. 3**
- C16** Ss. 9–12 modified by [S.I. 1990/1519](#), **reg. 13(1)**; applied (with modifications) by [S.I. 1990/1519](#), **reg. 12, Sch. 3**

13 Duty to notify Secretary of State of applications.

- (1) If a local planning authority (other than a London borough council) to whom application is made for listed building consent, or a London borough council to whom such an application is made by the Commission, intend to grant listed building consent they shall first notify the Secretary of State of the application, giving particulars of the works for which the consent is required.
- (2) The Secretary of State may within the period of 28 days beginning with the date of such a notification—
 - (a) direct the reference of the application to him under section 12; or
 - (b) give notice to the authority that he requires further time in which to consider whether to require such a reference.
- (3) The local planning authority shall not grant listed building consent until—
 - (a) the period mentioned in subsection (2) has expired without the Secretary of State directing the reference of the application to him or giving them notice under paragraph (b) of that subsection; or
 - (b) the Secretary of State has notified them that he does not intend to require the reference of the application.

Modifications etc. (not altering text)

- C17** S. 13 modified by [S.I. 1990/1519](#), **reg. 13(1)**; excluded by [S.I. 1990/1519](#), **reg. 12, Sch. 3**
- C18** S. 13 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, **Sch. 3**
- C19** S. 13(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), **reg. 2(1), Sch. 1** Table A22

14 Duty of London borough councils to notify Commission.

- (1) Where an application for listed building consent is made to a local planning authority which is a London borough council—
 - (a) unless the authority have determined to refuse it, they shall notify the Commission of the application, giving particulars of the works for which the consent is required; and
 - (b) the authority shall not grant the consent unless they are authorised or directed to do so under subsection (2)(a).
- (2) On receipt of such a notification the Commission may—
 - (a) subject to subsection (6), give the local planning authority directions as to the granting of the application or authorise them to determine the application as they think fit; or
 - (b) direct them to refuse the application.

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- (3) If the Commission intend to exercise either of their powers under subsection (2)(a), they shall notify the Secretary of State of the application giving particulars of the works for which the consent is required.
- (4) Where the Commission direct the local planning authority under subsection (2)(b) to refuse listed building consent, the authority may, within 28 days from the date of the direction, notify the Secretary of State of the application giving particulars of the works for which the consent is required.
- (5) The Secretary of State may within the period of 28 days beginning with the date of a notification under subsection (3) or (4)—
 - (a) direct the reference of the application to him; or
 - (b) give notice to the authority who notified him or, as the case may be, the Commission that he requires further time in which to consider whether to require such a reference.
- (6) The Commission shall not direct the local planning authority under subsection (2)(a) to grant the application or authorise them to determine it as they think fit unless—
 - (a) the period mentioned in subsection (5) has expired without the Secretary of State directing the reference of the application to him or giving them notice under paragraph (b) of that subsection; or
 - (b) he has notified them that he does not intend to require the reference of the application.
- (7) Where the local planning authority notify the Secretary of State as mentioned in subsection (4), they shall not refuse the application unless—
 - (a) a period of 28 days beginning with the date of the notification has expired without the Secretary of State directing the reference of the application to him or giving them notice under subsection (5)(b); or
 - (b) he has notified the authority that he does not intend to require the reference of the application.
- (8) Where, after receiving notification under subsection (4), the Secretary of State directs the reference of the application to him, before determining the application he shall, if either the applicant or the authority or, as the case may be, the Commission so desire, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State.
- (9) Subsection (1) shall not apply where the application for listed building consent is made by the Commission.

Modifications etc. (not altering text)

- C20** Ss. 14, 15, 16 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)
- C21** S. 14 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\), regs. 1, 16, Sch. 3](#)
- C22** S. 14(1)(4): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#) Table A22

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15 Directions concerning notification of applications etc.

- (1) The Secretary of State may direct that, in the case of such descriptions of applications for listed building consent as he may specify, sections 13 and 14 shall not apply.
- (2) Where a direction is in force under subsection (1) in respect of any description of application, local planning authorities may determine applications of that description in any manner they think fit, without notifying the Secretary of State or, as the case may be, the Commission.
- (3) Before giving a direction under subsection (1) in respect of any description of application for consent to the demolition of a building in England, the Secretary of State shall consult the Commission.
- (4) Where a direction is in force under subsection (1), the Secretary of State may direct a local planning authority that section 13 or, as the case may be, section 14 shall nevertheless apply—
 - (a) to a particular application for listed building consent; or
 - (b) to such descriptions of application for listed building consent as are specified in the direction;
 and such a direction has effect in relation to any such application which has not been disposed of by the authority by their granting or refusing consent.
- (5) Without prejudice to sections 10 to 14, the Secretary of State may give directions to local planning authorities requiring them, in such cases or classes of case as may be specified in the directions, to notify him and such other persons as may be so specified—
 - (a) of any applications made to the authorities for listed building consent; and
 - (b) of the decisions taken by the authorities on those applications.
- (6) Directions under subsection (1) or (5) may be given to authorities generally or to particular authorities or descriptions of authority.

Modifications etc. (not altering text)

C23 Ss. 14, 15, 16 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)

C24 S. 15 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\), regs. 1, 16, Sch. 3](#)

16 Decision on application.

- (1) Subject to the previous provisions of this Part, the local planning authority or, as the case may be, the Secretary of State may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions.
- (2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (3) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested in it.

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

Modifications etc. (not altering text)

- C25** Ss. 14, 15, 16 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)
- C26** S. 16 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), [regs. 1, 16](#), [Sch. 3](#)
- C27** S. 16(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) Table A21
- C28** S. 16(1)(2): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) Table A20

Grant of consent subject to conditions

17 Power to impose conditions on grant of listed building consent.

- (1) Without prejudice to the generality of section 16(1), the conditions subject to which listed building consent may be granted may include conditions with respect to—
- the preservation of particular features of the building, either as part of it or after severance from it;
 - the making good, after the works are completed, of any damage caused to the building by the works;
 - the reconstruction of the building or any part of it following the execution of any works, with the use of original materials so far as practicable and with such alterations of the interior of the building as may be specified in the conditions.
- (2) A condition may also be imposed requiring specified details of the works (whether or not set out in the application) to be approved subsequently by the local planning authority or, in the case of consent granted by the Secretary of State, specifying whether such details are to be approved by the local planning authority or by him.
- (3) Listed building consent for the demolition of a listed building may be granted subject to a condition that the building shall not be demolished before—
- a contract for the carrying out of works of redevelopment of the site has been made; and
 - planning permission has been granted for the redevelopment for which the contract provides.

Modifications etc. (not altering text)

- C29** Ss. 17–20 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)
- C30** S. 17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) Table A20
- C31** Ss. 17–20 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), [regs. 1, 16](#), [Sch. 3](#)

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

18 Limit of duration of listed building consent.

- (1) Subject to the provisions of this section, every listed building consent shall be granted subject to the condition that the works to which it relates must be begun not later than the expiration of—
 - (a) [^{F12}three years] beginning with the date on which the consent is granted; or
 - (b) such other period (whether longer or shorter) beginning with that date as the authority granting the consent may direct, being a period which the authority considers appropriate having regard to any material considerations.
- (2) If listed building consent is granted without the condition required by subsection (1), it shall be deemed to have been granted subject to the condition that the works to which it relates must be begun not later than the expiration of [^{F12}three years] beginning with the date of the grant.
- [^{F13}(2A) Subsection (2B) applies if any proceedings are begun to challenge the validity of a grant of listed building consent or of a deemed grant of listed building consent.
- (2B) The period before the end of which the works to which the consent relates are required to be begun in pursuance of subsection (1) or (2) must be taken to be extended by one year.
- (2C) Nothing in this section prevents the works being begun from the time the consent is granted.]
- (3) Nothing in this section applies to any consent to the retention of works granted under section 8(3).

Textual Amendments

- F12** Words in s. 18(1)(a)(2) substituted (24.8.2005 for E., otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 51(4)(a)**, 121(1) (with ss. 51(6), 111); S.I. 2005/2081, **art 2(c)** (with art. 4)
- F13** S. 18(2A)-(2C) inserted (24.8.2005 for E., otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 51(4)(b)**, 121(1) (with ss. 51(6), 111); S.I. 2005/2081, **art 2(c)** (with art. 4)

Modifications etc. (not altering text)

- C31** Ss. 17-20 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, **Sch. 3**
- C32** Ss. 17-20 modified by S.I. 1990/1519, **reg. 13(1)**; applied (with modifications) by S.I. 1990/1519, **reg. 12, Sch. 3**

19 Application for variation or discharge of conditions.

- (1) Any person interested in a listed building with respect to which listed building consent has been granted subject to conditions may apply to the local planning authority for the variation or discharge of the conditions.
- (2) The application shall indicate what variation or discharge of conditions is applied for.
- (3) Sections 10 to 15 apply to such an application as they apply to an application for listed building consent.

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

(4) On such an application the local planning authority or, as the case may be, the Secretary of State may vary or discharge the conditions attached to the consent, and may add new conditions consequential upon the variation or discharge, as they or he thinks fit.

[^{F14}(5) But a variation or discharge of conditions under this section must not—

- (a) vary a condition subject to which a consent was granted by extending the time within which the works must be started;
- (b) discharge such a condition.]

Textual Amendments

F14 S. 19(5) inserted (24.8.2005 for E., otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 51\(5\)](#), [121\(1\)](#) (with [ss. 51\(6\)](#), [111](#)); [S.I. 2005/2081](#), [art 2\(c\)](#) (with [art. 4](#))

Modifications etc. (not altering text)

C31 Ss. 17-20 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), [regs. 1](#), [16](#), [Sch. 3](#)

C33 Ss. 17-20 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)

Appeals

20 Right to appeal against decision or failure to take decision.

(1) Where a local planning authority—

- (a) refuse an application for listed building consent or grant it subject to conditions;
- (b) refuse an application for the variation or discharge of conditions subject to which such consent has been granted or grant it and add new conditions; or
- (c) refuse an application for approval required by a condition imposed on the granting of listed building consent with respect to details of works or grant it subject to conditions,

the applicant, if aggrieved by the decision, may appeal to the Secretary of State.

(2) A person who has made such an application may also appeal to the Secretary of State if the local planning authority have [^{F15}done none of the following]—

- (a) given notice to the applicant of their decision on the application;
- [^{F16}(aa) given notice to the applicant that they have exercised their power under section 81A or 81B to decline to determine the application;]
- (b) in the case of such an application as is mentioned in paragraph (a) or (b) of subsection (1), given notice to the applicant that the application has been referred to the Secretary of State in accordance with directions given under section 12,

within the relevant period from the date of the receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(3) In this section “the relevant period” means—

- (a) in the case of such an application as is mentioned in paragraph (a) or (b) of subsection (1), such period as may be prescribed; and

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

- (b) in the case of such an application for approval as is mentioned in paragraph (c) of subsection (1), the period of eight weeks from the date of the receipt of the application.
- (4) For the purposes of the application of sections 22(1) and 63(7)(b) in relation to an appeal under subsection (2) it shall be assumed that the authority decided to refuse the application in question.

Textual Amendments

- F15** Words in s. 20(2) substituted (24.8.2005 for E., otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 43\(4\)\(a\)](#), 121(1) (with [ss. 43\(5\)](#), 111); S.I. 2005/2081, [art. 2\(a\)](#)
- F16** S. 20(2)(aa) substituted for word in s. 20(2) (24.8.2005 for E. for specified purposes, 6.4.2009 for E. for remaining purposes., otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 43\(4\)\(b\)](#), 121(1) (with [ss. 43\(5\)](#), 111); S.I. 2005/2081, [art 2\(a\)\(iv\)](#); S.I. 2009/384, [art. 2\(c\)](#)

Modifications etc. (not altering text)

- C31** Ss. 17-20 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), [regs. 1, 16](#), [Sch. 3](#)
- C34** Ss. 17–20 modified by S.I. 1990/1519, [reg. 13\(1\)](#); applied (with modifications) by S.I. 1990/1519, [reg. 12](#), [Sch. 3](#)
- C35** S. 20 applied (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 89](#), 121(1), [Sch. 4 para. 11\(3\)](#) (with s. 111); S.I. 2006/1281, [art. 2\(d\)](#)

[^{F17}20A Appeal made: functions of local planning authorities

- (1) This section applies if a person who has made an application mentioned in section 20(1)(a) appeals to the Secretary of State under section 20(2).
- (2) At any time before the end of the additional period the local planning authority may give the notice referred to in section 20(2).
- (3) If the local planning authority give notice as mentioned in subsection (2) that their decision is to refuse the application—
- the appeal must be treated as an appeal under section 20(1) against the refusal;
 - the Secretary of State must give the person making the appeal an opportunity to revise the grounds of the appeal;
 - the Secretary of State must give such a person an opportunity to change any option the person has chosen relating to the procedure for the appeal.
- (4) If the local planning authority give notice as mentioned in subsection (2) that their decision is to grant the application subject to conditions the Secretary of State must give the person making the appeal the opportunity—
- to proceed with the appeal as an appeal under section 20(1) against the grant of the application subject to conditions;
 - to revise the grounds of the appeal;
 - to change any option the person has chosen relating to the procedure for the appeal.
- (5) The Secretary of State must not issue his decision on the appeal before the end of the additional period.

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

- (6) The additional period is the period prescribed for the purposes of this section and which starts on the day on which the person appeals under section 20(2).]

Textual Amendments

F17 S. 20A inserted (6.8.2004 for specified purposes, 22.6.2015 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 50(2), 121(1) (with ss. 50(3)(4), 111); [S.I. 2004/2097, art. 2](#); [S.I. 2015/340, art. 2\(b\)](#)

21 Appeals: supplementary provisions.

- (1) An appeal under section 20 must be made by notice served in the prescribed manner within such period as may be prescribed.
- (2) The period which may be prescribed under subsection (1) must not be less than—
- in the case of an appeal under subsection (1) of section 20, 28 days from the receipt by the applicant of notification of the decision; or
 - in the case of an appeal under subsection (2) of that section, 28 days from the end of the relevant period (within the meaning of that section) or, as the case may be, the extended period there mentioned.
- (3) The notice of appeal may include as the ground or one of the grounds of the appeal a claim that the building is not of special architectural or historic interest and ought to be removed from any list compiled or approved by the Secretary of State under section 1.
- (4) In the case of a building with respect to which a listed building preservation notice is in force, the notice may include a claim that the building should not be included in such a list.
- (5) Regulations under this Act may provide that an appeal in respect of an application for listed building consent or for the variation or discharge of conditions subject to which such consent has been granted shall not be entertained unless it is accompanied by a certificate in the prescribed form and corresponding to one of those described in subsection (1) of section 11.
- (6) Any such regulations may also include provisions corresponding to those which may be included in the regulations which may be made by virtue of section 11.
- (7) If any person—
- issues a certificate which purports to comply with the requirements of regulations made by virtue of subsection (5) or (6) and contains a statement which he knows to be false or misleading in a material particular; or
 - recklessly issues a certificate which purports to comply with those requirements and contains a statement which is false or misleading in a material particular,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

^{F18}^{F19}(8) Regulations under this Act may provide for an appeal under section 20 to be accompanied by such other information as may be prescribed.

^{F18}(9) The power to make regulations under subsection (8) is exercisable by—

- the Secretary of State, in relation to England;

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

(b) the Welsh Ministers, in relation to Wales.

^{F18}(10) Section 93(3) does not apply in relation to regulations under subsection (8) made by the Welsh Ministers.

^{F18}(11) Regulations under subsection (8) made by the Welsh Ministers are subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

F18 S. 21(8)-(11) inserted (6.4.2009 for E., 30.4.2012 for W.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 11 para. 5](#) (with s. 226); [S.I. 2009/400](#), art. 5(d); [S.I. 2012/802](#), art. 2(b)

F19 S. 21(8)-(11) inserted (26.11.2008 for specified purposes, 6.4.2009 for E. in so far as not already in force, 30.4.2012 for W.) by [Planning Act 2008 \(c. 29\)](#), ss. 197, 241(1)(a)(3)(4), [Sch. 11 para. 5](#) (with s. 226); [S.I. 2009/400](#), [art. 5\(d\)](#); [S.I. 2012/802](#), art. 2(b)

Modifications etc. (not altering text)

C36 Ss. 21, 22 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)

C37 S. 21 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

22 Determination of appeals.

- (1) The Secretary of State may allow or dismiss an appeal under section 20 or may reverse or vary any part of the authority's decision (whether or not the appeal relates to that part), and—
 - (a) may deal with the application as if it had been made to him in the first instance; and
 - (b) may exercise his power under section 1 to amend any list compiled or approved under that section by removing from it the building to which the appeal relates.
- (2) Before determining the appeal, the Secretary of State shall, if either the applicant or the local planning authority so wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (3) The decision of the Secretary of State on the appeal shall be final.
- (4) Schedule 3 applies to appeals under section 20.

Modifications etc. (not altering text)

C38 Ss. 21, 22 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)

C39 S. 22 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

Revocation and modification of consent

23 Revocation and modification of listed building consent by local planning authority.

- (1) If it appears to the local planning authority that it is expedient to revoke or modify any listed building consent granted on an application under this Act, the authority may by order revoke or modify the consent to such extent as they consider expedient.
- (2) In performing their functions under subsection (1) the local planning authority shall have regard to [^{F20}any] material considerations.
- (3) The power conferred by this section to revoke or modify listed building consent in respect of any works may be exercised at any time before those works have been completed, but the revocation or modification shall not affect so much of those works as has been previously carried out.

Textual Amendments

F20 Word in s. 23(2) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118(1), 121(1), [Sch. 6 para. 21](#) (with s. 111); S.I. 2004/2202, [art. 2\(h\)](#); S.I. 2005/2847, [art 2\(e\)](#)

Modifications etc. (not altering text)

- C40** Ss. 23–26 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)
- C41** Ss. 23–26 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

24 Procedure for s. 23 orders: opposed cases.

- (1) Except as provided in section 25, an order made by a local planning authority under section 23 shall not take effect unless it is confirmed by the Secretary of State.
- (2) Where a local planning authority submit such an order to the Secretary of State for confirmation they shall serve notice on—
 - (a) the owner of the building affected;
 - (b) the occupier of that building; and
 - (c) any other person who in their opinion will be affected by the order.
- (3) The notice shall specify the period (which must not be less than 28 days after its service) within which any person on whom it is served may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) If within that period a person on whom the notice is served so requires, the Secretary of State shall give such an opportunity both to that person and to the local planning authority before he confirms the order.
- (5) The Secretary of State may confirm an order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

Modifications etc. (not altering text)

- C41** Ss. 23-26 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, **Sch. 3**
- C42** Ss. 23-26 modified by [S.I. 1990/1519](#), **reg. 13(1)**; applied (with modifications) by [S.I. 1990/1519](#), **reg. 12, Sch. 3**

25 Procedure for s. 23 orders: unopposed cases.

- (1) This section shall have effect where—
- (a) the local planning authority have made an order under section 23 revoking or modifying a listed building consent granted by them; and
 - (b) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to the order.
- (2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall—
- (a) advertise in the prescribed manner the fact that the order has been made, specifying in the advertisement—
 - (i) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before and being heard by a person appointed by him for the purpose; and
 - (ii) the period at the end of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by him;
 - (b) serve notice to the same effect on the persons mentioned in subsection (1)(b);
 - (c) send a copy of any such advertisement to the Secretary of State not more than three days after its publication.
- (3) If—
- (a) no person claiming to be affected by the order has given notice to the Secretary of State as mentioned in subsection (2)(a)(i) within the period referred to in that subsection; and
 - (b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,
- the order shall take effect at the end of the period referred to in subsection (2)(a)(ii) without being confirmed by the Secretary of State as required by section 24(1).
- (4) The period referred to in subsection (2)(a)(i) must not be less than 28 days from the date on which the advertisement first appears.
- (5) The period referred to in subsection (2)(a)(ii) must not be less than 14 days from the end of the period referred to in subsection (2)(a)(i).

Modifications etc. (not altering text)

- C41** Ss. 23-26 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, **Sch. 3**

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

C43 Ss. 23–26 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)

26 Revocation and modification of listed building consent by the Secretary of State.

- (1) If it appears to the Secretary of State that it is expedient that an order should be made under section 23 revoking or modifying any listed building consent granted on an application under this Act, he may himself make such an order revoking or modifying the consent to such extent as he considers expedient.
- (2) In performing his functions under subsection (1) the Secretary of State shall have regard to [^{F21}any] material considerations.
- (3) The Secretary of State shall not make an order under that subsection without consulting the local planning authority.
- (4) Where the Secretary of State proposes to make such an order he shall serve notice on—
 - (a) the owner of the building affected;
 - (b) the occupier of that building; and
 - (c) any other person who in his opinion will be affected by the order.
- (5) The notice shall specify the period (which must not be less than 28 days after its service) within which any person on whom it is served may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (6) If within that period a person on whom it is served so requires, before the Secretary of State makes the order he shall give such an opportunity both to him and to the local planning authority.
- (7) The power conferred by this section to revoke or modify listed building consent in respect of any works may be exercised at any time before those works have been completed, but the revocation or modification shall not affect so much of those works as has been previously carried out.
- (8) An order under this section shall have the same effect as if it had been made by the local planning authority under section 23 and confirmed by the Secretary of State under section 24.

Textual Amendments

F21 Word in s. 26(2) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118(1), 121(1), [Sch. 6 para. 22](#) (with s. 111); [S.I. 2004/2202, art. 2\(h\)](#); [S.I. 2005/2847, art 2\(e\)](#)

Modifications etc. (not altering text)

C41 Ss. 23–26 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

C44 Ss. 23–26 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

[^{F22}Buildings in England: heritage partnership agreements

Textual Amendments

F22 Ss. 26A, 26B and cross-heading inserted (25.4.2013 for specified purposes, 6.4.2014 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 60(2), 103(1)(i)(3)**; S.I. 2014/416, art. 3(a)

26A Heritage partnership agreements

- (1) A relevant local planning authority may make an agreement under this section (a “heritage partnership agreement”) with any owner of a listed building, or a part of such a building, situated in England.
- (2) Any of the following may also be a party to a heritage partnership agreement in addition to an owner and the relevant local planning authority—
 - (a) any other relevant local planning authority;
 - (b) the Secretary of State;
 - (c) the Commission;
 - (d) any person who has an interest in the listed building;
 - (e) any occupier of the listed building;
 - (f) any person involved in the management of the listed building;
 - (g) any other person who appears to the relevant local planning authority appropriate as having special knowledge of, or interest in, the listed building, or in buildings of architectural or historic interest more generally.
- (3) A heritage partnership agreement may contain provision—
 - (a) granting listed building consent under section 8(1) in respect of specified works for the alteration or extension of the listed building to which the agreement relates, and
 - (b) specifying any conditions to which the consent is subject.
- (4) The conditions to which listed building consent may be subject under subsection (3) (b) in respect of specified works are those that could be attached to listed building consent in respect of the works if consent were to be granted under section 16.
- (5) If a heritage partnership agreement contains provision under subsection (3), nothing in sections 10 to 26 and 28 applies in relation to listed building consent for the specified works, subject to any regulations under section 26B(2)(f).
- (6) A heritage partnership agreement may also—
 - (a) specify or describe works that would or would not, in the view of the parties to the agreement, affect the character of the listed building as a building of special architectural or historic interest;
 - (b) make provision about the maintenance and preservation of the listed building;
 - (c) make provision about the carrying out of specified work, or the doing of any specified thing, in relation to the listed building;
 - (d) provide for public access to the listed building and the provision to the public of associated facilities, information or services;
 - (e) restrict access to, or use of, the listed building;
 - (f) prohibit the doing of any specified thing in relation to the listed building;

Status: Point in time view as at 25/04/2013.

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- (g) provide for a relevant public authority to make payments of specified amounts and on specified terms—
 - (i) for, or towards, the costs of any works provided for under the agreement; or
 - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (7) For the purposes of subsection (6)(g), each of the following, if a party to the agreement, is a relevant public authority—
 - (a) the Secretary of State;
 - (b) the Commission;
 - (c) a relevant local planning authority.
- (8) In this section “specified” means specified or described in the heritage partnership agreement.
- (9) In this section and section 26B—
 - “owner”, in relation to a listed building or a part of such a building, means a person who is for the time being —
 - (a) the estate owner in respect of the fee simple in the building or part; or
 - (b) entitled to a tenancy of the building or part granted or extended for a term of years certain of which not less than seven years remain unexpired;
 - “relevant local planning authority”, in relation to a listed building, means a local planning authority in whose area the building or any part of the building is situated.

26B Heritage partnership agreements: supplemental

- (1) A heritage partnership agreement—
 - (a) must be in writing;
 - (b) must make provision for the parties to review its terms at intervals specified in the agreement;
 - (c) must make provision for its termination and variation;
 - (d) may relate to more than one listed building or part, provided that in each case a relevant local planning authority and an owner are parties to the agreement; and
 - (e) may contain incidental and consequential provisions.
- (2) The Secretary of State may by regulations make provision—
 - (a) about any consultation that must take place before heritage partnership agreements are made or varied;
 - (b) about the publicity that must be given to heritage partnership agreements before or after they are made or varied;
 - (c) specifying terms that must be included in heritage partnership agreements;
 - (d) enabling the Secretary of State or any other person specified in the regulations to terminate by order a heritage partnership agreement or any provision of such an agreement;
 - (e) about the provision that may be included in an order made under regulations under paragraph (d), including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision;

Status: Point in time view as at 25/04/2013.

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- (f) applying or reproducing, with or without modifications, any provision of sections 10 to 26 and 28 for the purposes of heritage partnership agreements;
 - (g) providing for any of the following, as they apply for the purposes of provisions mentioned in paragraph (f), to apply with any modifications consequential on provision made under that paragraph—
 - (i) sections 30 to 37;
 - (ii) sections 62 and 63;
 - (iii) Parts 3 and 4;
 - (iv) Schedule 3.
- (3) Regulations made under subsection (2)(a) may, in particular, include provision as to—
- (a) the circumstances in which consultation must take place;
 - (b) the types of listed building in respect of which consultation must take place;
 - (c) who must carry out the consultation;
 - (d) who must be consulted (including provision enabling the Commission to direct who is to be consulted in particular cases); and
 - (e) how the consultation must be carried out.
- (4) Listed building consent granted by a heritage partnership agreement (except so far as the agreement or regulations under subsection (2) otherwise provide) enures for the benefit of the building and of all persons for the time being interested in it.
- (5) Subject to subsection (4), a heritage partnership agreement cannot impose any obligation or liability, or confer any right, on a person who is not party to the agreement.
- (6) Section 84 of the Law of Property Act 1925 (power to discharge or modify restrictive covenant) does not apply to a heritage partnership agreement.]

[^{F23}Buildings in England: orders granting listed building consent

Textual Amendments

F23 Ss. 26C-26G and cross-heading inserted (25.4.2013 for specified purposes, 6.4.2014 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 60(3), 103(1)(i)(3)**; S.I. 2014/416, art. 3(a)

26C Listed building consent orders

- (1) The Secretary of State may by order (a “listed building consent order”) grant listed building consent under section 8(1) in respect of works of any description for the alteration or extension of listed buildings of any description in England.
- (2) The consent may be granted subject to conditions specified in the order.
- (3) Without prejudice to the generality of subsection (2), the conditions that may be specified include any conditions subject to which listed building consent may be granted under section 16.
- (4) A listed building consent order may (without prejudice to section 17(2)) give the local planning authority power to require details of works to be approved by them, and may grant consent subject to conditions with respect to—

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

- (a) the making of an application to the authority for a determination as to whether such approval is required, and
 - (b) the outcome of such an application or the way it is dealt with.
- (5) A listed building consent order may enable the Secretary of State or the local planning authority to direct that consent granted by the order does not apply—
- (a) to a listed building specified in the direction;
 - (b) to listed buildings of a description specified in the direction;
 - (c) to listed buildings in an area specified in the direction.
- (6) An order may in particular make provision about the making, coming into force, variation and revocation of such a direction, including provision conferring powers on the Secretary of State in relation to directions by a local planning authority.
- (7) Nothing in sections 10 to 26 applies in relation to listed building consent granted by a listed building consent order; but that does not affect the application of sections 20, 21 and 22 in relation to an application for approval required by a condition to which consent is subject.

26D Local listed building consent orders

- (1) A local planning authority for any area in England may by order (a “local listed building consent order”) grant listed building consent under section 8(1) in respect of works of any description for the alteration or extension of listed buildings.
- (2) Regulations under this Act may provide that subsection (1) does not apply to listed buildings of any description or in any area.
- (3) The consent granted by a local listed building consent order may relate—
- (a) to all listed buildings in the area of the authority or any part of that area;
 - (b) to listed buildings of any description in that area or any part of that area.
- (4) The consent may be granted subject to conditions specified in the order.
- (5) Without prejudice to the generality of subsection (4), the conditions that may be specified include any subject to which listed building consent may be granted under section 16.
- (6) A local listed building consent order may enable the local planning authority to direct that the consent granted by the order in respect of works of any description does not apply—
- (a) to a listed building specified in the direction;
 - (b) to listed buildings of a description specified in the direction;
 - (c) to listed buildings in an area specified in the direction.
- (7) An order may in particular make provision about the making, coming into force, variation and revocation of such a direction, including provision conferring powers on the Secretary of State.
- (8) Nothing in sections 10 to 26 applies in relation to listed building consent granted by a local listed building consent order; but that does not affect the application of sections 20, 21 and 22 in relation to an application for approval required by a condition to which consent is subject.
- (9) Schedule 2A makes provision in connection with local listed building consent orders.

Status: Point in time view as at 25/04/2013.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter II is up to date with all changes known to be in force on or before 15 June 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)

26E Powers of Secretary of State in relation to local orders

- (1) At any time before a local listed building consent order is adopted by a local planning authority the Secretary of State may direct that the order (or any part of it) is not to be adopted without the Secretary of State's approval.
- (2) If the Secretary of State gives a direction under subsection (1)—
 - (a) the authority must not take any step in connection with the adoption of the order until they have submitted the order or the part to the Secretary of State and the Secretary of State has decided whether to approve it;
 - (b) the order has no effect unless it (or the part) has been approved by the Secretary of State.
- (3) In considering an order or part submitted under subsection (2)(a) the Secretary of State may take account of any matter the Secretary of State thinks relevant.
- (4) It is immaterial whether any such matter was taken account of by the local planning authority.
- (5) The Secretary of State—
 - (a) may approve or reject an order or part of an order submitted under subsection (2)(a);
 - (b) must give reasons for that decision.
- (6) The Secretary of State—
 - (a) may at any time before a local listed building consent order is adopted by the local planning authority, direct them to modify it in accordance with the direction;
 - (b) must give reasons for any such direction.
- (7) The local planning authority—
 - (a) must comply with a direction under subsection (6);
 - (b) must not adopt the order unless the Secretary of State gives notice of being satisfied that they have complied with the direction.
- (8) The Secretary of State—
 - (a) may at any time by order revoke a local listed building consent order if of the opinion that it is expedient to do so;
 - (b) must give reasons for doing so.
- (9) The Secretary of State—
 - (a) must not make an order under subsection (8) without consulting the local planning authority;
 - (b) if proposing to make such an order, must serve notice on the local planning authority.
- (10) A notice under subsection (9)(b) must specify the period (which must not be less than 28 days from the date of its service) within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (11) The Secretary of State must give the authority such an opportunity if they require it within the period specified in the notice.

Status: Point in time view as at 25/04/2013.

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26F Considerations in making orders

- (1) In considering whether to make a listed building consent order or local listed building consent order the Secretary of State or local planning authority must have special regard to the desirability of preserving—
 - (a) listed buildings of a description to which the order applies,
 - (b) their setting, or
 - (c) any features of special architectural or historic interest which they possess.
- (2) Before making a listed building consent order the Secretary of State must consult the Commission.

26G Effect of revision or revocation of order on incomplete works

- (1) A listed building consent order or local listed building consent order may include provision permitting the completion of works if—
 - (a) listed building consent is granted by the order in respect of the works, and
 - (b) the listed building consent is withdrawn after the works are started but before they are completed.
- (2) Listed building consent granted by an order is withdrawn—
 - (a) if the order is revoked;
 - (b) if the order is varied or (in the case of a local listed building consent order) revised so that it ceases to grant listed building consent in respect of the works or materially changes any condition or limitation to which the grant of listed building consent is subject;
 - (c) if a direction applying to the listed building is issued under powers conferred under section 26C(5) or 26D(6).]

[^{F24}Buildings in England: certificates of lawfulness

Textual Amendments

F24 Ss. 26H-26K and cross-heading inserted (25.4.2013 for specified purposes, 6.4.2014 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 61**, 103(1)(i)(3); S.I. 2014/416, art. 3(b)

26H Certificate of lawfulness of proposed works

- (1) A person who wishes to ascertain whether proposed works for the alteration or extension of a listed building in England would be lawful may make an application to the local planning authority specifying the building and describing the works.
- (2) For the purposes of this section works would be lawful if they would not affect the character of the listed building as a building of special architectural or historic interest.
- (3) If on an application under this section the local planning authority are provided with information satisfying them that the works described in the application would be lawful at the time of the application, they must issue a certificate to that effect; and in any other case they must refuse the application.
- (4) A certificate under this section must—

Status: Point in time view as at 25/04/2013.

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- (a) specify the building to which it relates;
 - (b) describe the works concerned;
 - (c) give the reasons for determining that the works would be lawful; and
 - (d) specify the date of issue of the certificate.
- (5) Works for which a certificate is issued under this section are to be conclusively presumed to be lawful, provided that—
- (a) they are carried out within 10 years beginning with the date of issue of the certificate, and
 - (b) the certificate is not revoked under section 26I.

26I Certificates under section 26H: supplementary

- (1) An application for a certificate under section 26H must be made in such manner as may be prescribed by regulations under this Act.
- (2) An application must include such particulars, and be verified by such evidence, as may be required—
 - (a) by the regulations,
 - (b) by any directions given under the regulations, or
 - (c) by the local planning authority.
- (3) Regulations under this Act may make provision about how applications for a certificate under section 26H are to be dealt with by local planning authorities.
- (4) In particular, regulations may provide for requiring the authority—
 - (a) to give to any applicant within a prescribed period such notice as may be prescribed as to the manner in which the application has been dealt with; and
 - (b) to give to the Secretary of State, and to such other persons as may be prescribed, prescribed information with respect to such applications made to the authority, including information as to the manner in which any application has been dealt with.
- (5) A certificate under section 26H may be issued--
 - (a) for the whole or part of the listed building specified in the application; and
 - (b) for all or part of the works described in the application;
 and must be in such form as may be prescribed.
- (6) A local planning authority may revoke a certificate under section 26H if, on the application for the certificate—
 - (a) a statement was made or document used which was false in a material particular; or
 - (b) any material information was withheld.
- (7) Regulations under this section may make provision for regulating the manner in which certificates may be revoked and the notice to be given of such revocation.

26J Offences

- (1) A person is guilty of an offence if, for the purpose of procuring a particular decision on an application (whether or not by that person) for the issue of a certificate under section 26H, the person—

Status: Point in time view as at 25/04/2013.

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- (a) knowingly or recklessly makes a statement which is false or misleading in a material particular;
 - (b) with intent to deceive, uses any document which is false or misleading in a material particular; or
 - (c) with intent to deceive, withholds any material information.
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.
- (3) Notwithstanding section 127 of the Magistrates' Courts Act 1980, a magistrates' court may try an information in respect of an offence under subsection (1) whenever laid.

26K Appeals against refusal or failure to give decision on application

- (1) Where an application is made to a local planning authority for a certificate under section 26H and—
 - (a) the application is refused or is refused in part, or
 - (b) the authority do not give notice to the applicant of their decision on the application within such period as may be prescribed under section 26I or within such extended period as may at any time be agreed in writing between the applicant and the authority,the applicant may by notice appeal to the Secretary of State.
- (2) A notice of appeal under this section—
 - (a) must be served within such time and in such manner as may be prescribed;
 - (b) must be accompanied by such information as may be prescribed.
- (3) The time prescribed for the service of a notice of appeal under this section must not be less than—
 - (a) 28 days from the date of notification of the decision on the application; or
 - (b) in the case of an appeal under subsection (1)(b), 28 days from—
 - (i) the end of the period prescribed as mentioned in subsection (1)(b), or
 - (ii) as the case may be, the extended period mentioned in subsection (1)(b).
- (4) On an appeal under this section, the Secretary of State must grant the appellant a certificate under section 26H or, in the case of a refusal in part, modify the certificate granted by the authority on the application, if and so far as the Secretary of State is satisfied—
 - (a) in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or
 - (b) in the case of an appeal under subsection (1)(b), that if the authority had refused the application their refusal would not have been well-founded.
- (5) If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, the Secretary of State must dismiss the appeal.

Status: Point in time view as at 25/04/2013.

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- (6) Where the Secretary of State grants a certificate under section 26H on an appeal under this section, the Secretary of State must give notice to the local planning authority of that fact.
- (7) References in this section to a refusal of an application in part include a modification or substitution of the description in the application of the works concerned.
- (8) Schedule 3 applies to an appeal under this section.]

Status:

Point in time view as at 25/04/2013.

Changes to legislation:

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