
STATUTORY INSTRUMENTS

2015 No. 807

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning General
(Amendment) (England) Regulations 2015**

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| <i>Made</i> | - - - - | <i>18th March 2015</i> |
| <i>Laid before Parliament</i> | | <i>24th March 2015</i> |
| <i>Coming into force</i> | - - | <i>15th April 2015</i> |

The Secretary of State, in exercise of the powers conferred by sections 316(1) and (3) and 333(1) and (2A) of the Town and Country Planning Act 1990(1), makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Town and Country Planning General (Amendment) (England) Regulations 2015 and come into force on 15th April 2015.

(2) In these Regulations, “the 1992 Regulations” means the Town and Country Planning General Regulations 1992(2).

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

Amendments to the Town and Country Planning General Regulations 1992

2.—(1) Regulation 4A of the 1992 Regulations is amended as follows.

(2) For paragraphs (1) and (2) substitute—

“(1) In relation to any application made by an interested planning authority which relates solely to development which is relevant demolition (within the meaning of section 196D of the 1990 Act(3)), the authority shall—

- (a) publicise the application as an application made to the interested planning authority; and
- (b) send to Historic England(4) a notice of the application which shall contain the address or location of the proposed works, the nature of the proposed works; and

(1) 1990 c. 8. Section 316 was substituted by section 20 of the Planning and Compensation Act 1991 (c. 34).

(2) S.I. 1992/1492. Regulation 4A was inserted by S.I. 2013/2145. There are other amendments to S.I. 1992/1492 but none are relevant to these Regulations.

(3) 1990 c. 8. Section 196D was inserted by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

(4) Historic England is the name used by the Historic Buildings and Monuments Commission for England, a body established under section 32 of the National Heritage Act 1983 (c. 47).

the date by which any representations about the application must be made (which shall not be less than 21 days from the date of the notice).

- (2) Regulation 3 does not apply to any such application where the authority—
- (a) have received an objection to the application from Historic England on or before the date specified in the notice as the date by which any representations about the application are to be made; and
 - (b) do not propose to refuse the application.

(2A) For the purpose of paragraph (2)(a), “objection” means a written notice to the authority setting out Historic England’s reasons for objecting to the application and stating that the application should be sent to the Secretary of State for determination.

(2B) Where the conditions in paragraph (2)(a) and (b) are met, the application (“an objected application”) shall be sent to the Secretary of State for determination.”

- (3) Omit paragraph (3).
- (4) In paragraph (4), for “such an application” substitute “an objected application”.
- (5) Omit paragraph (5).
- (6) In paragraph (6)—
- (a) for “An application” substitute “An objected application”; and
 - (b) omit “under paragraph (2) above”.
- (7) For paragraph (7), substitute—
- “(7) An application by the county planning authority under paragraph (1) above, together with any accompanying representations required by this regulation, shall be made to the district planning authority who shall, where the conditions in paragraph (2)(a) and (b) are met, forthwith send it on the Secretary of State.”

Transitional provision

3. The amendments made to the 1992 Regulations by these Regulations do not apply in relation to any application made by an interested planning authority before 15th April 2015 and accordingly the 1992 Regulations, in the form in which they existed immediately before the coming into force of these Regulations, continue to apply in relation to those applications.

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

Brandon Lewis
Minister of State
Department for Communities and Local
Government

18th March 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, in relation to England, regulation 4A of the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). They narrow the requirement for an interested planning authority to refer to the Secretary of State for determination any applications for planning permission which they make which relate solely to the demolition of an unlisted building in a conservation area. Under regulation 2, reference to the Secretary of State for determination is required only where Historic England is notified of the application and objects to it, and the authority do not propose to refuse the application.

The Regulations also make a number of supporting procedural amendments. Regulation 2 provides for the authority to publicise the application as it would an application made to the authority. It also:

- provides for the local planning authority to send notice of the application to Historic England, and the date by which any representations must be made; and
- prescribes the content of an ‘objection’ which will trigger the referral of the application to the Secretary of State.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.