



2011 CHAPTER 25

PART 4

ADDITIONAL PLANNING CONTROL

CHAPTER 1

LISTED BUILDINGS AND CONSERVATION AREAS

Power to decline to determine application for listed building consent

Power to decline to determine subsequent application for listed building consent

92.—(1) A council may decline to determine an application for listed building consent if—

- (a) one or more of the conditions in subsections (2) to (4) is satisfied; and
- (b) the council thinks there has been no significant change in any material considerations since the relevant event.

(2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Department has refused a similar application made under section 88.

(3) The condition is that in that period the planning appeals commission has dismissed an appeal—

- (a) against the refusal of a similar application; or
- (b) under section 97 in respect of a similar application.

(4) The condition is that—

- (a) in that period the council has refused more than one similar application;
and
 - (b) there has been no appeal to the planning appeals commission against any such refusal or, if there has been such an appeal, it has been withdrawn.
- (5) The relevant event is—
- (a) for the purposes of subsections (2) and (4) the refusal of the similar application;
 - (b) for the purposes of subsection (3) the dismissal of the appeal.
- (6) An application for listed building consent is similar to another application if (and only if) the council thinks that the building and works to which the applications relate are the same or substantially the same.