



# Town and Country Planning Act 1968

## 1968 CHAPTER 72

### PART V

#### BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST

##### *Other measures open to local planning authority and the Minister*

#### **48 Building preservation notice in respect of building not listed.**

- (1) If it appears to the local planning authority, in the case of a building in their area which is not a listed building, that it is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as such, they may (subject to subsection (2) below) serve on the owner and occupier of the building a notice (referred to in this section as a "building preservation notice")—
  - (a) stating that the building appears to them to be of special architectural or historic interest and that they have requested the Minister to consider including it in a list compiled or approved under section 32 of the principal Act; and
  - (b) explaining the effect of subsections (3) and (4) of this section.
- (2) A building preservation notice shall not be served in respect of—
  - (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes ; or
  - (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments ; or
  - (c) a building for the time being included in a list of monuments published by the Minister of Public Building and Works under any such enactment.

For the purposes of this subsection, a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

- (3) A building preservation notice shall come into force as soon as it has been served on both the owner and occupier of the building to which it relates and shall remain in force

---

*Status: This is the original version (as it was originally enacted).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

---

for six months from the date when it is served or, as the case may be, last served; but it shall cease to be in force if, before the expiration of that period, the Minister either includes the building in a list compiled or approved under section 32 of the principal Act or notifies the local planning authority in writing that he does not intend to do so.

- (4) While a building preservation notice is in force with respect to a building, the provisions of this Part of this Act shall have effect in relation to it as if the building were a listed building; and if the notice ceases to be in force (otherwise than by reason of the building being included in a list compiled or approved under the said section 32), the provisions of Part V of Schedule 5 to this Act shall have effect with respect to things done or occurring under the notice or with reference to the building being treated as listed.
- (5) If, following the service of a building preservation notice, the Minister notifies the local planning authority that he does not propose to include the building in a list compiled or approved under section 32 of the principal Act, the authority—
- (a) shall forthwith give notice of the Minister's decision to the owner and occupier of the building ; and
  - (b) shall not, within the period of twelve months beginning with the date of the Minister's notification, serve another such notice in respect of the said building.