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## SCHEDULES

### SCHEDULE 11

#### CONTROL OF WORKS FOR DEMOLITION, ALTERATION OR EXTENSION OF LISTED BUILDINGS

##### PART I

###### APPLICATIONS FOR LISTED BUILDING CONSENT

###### *Appeal against decision*

- 8 (1) Where an application is made to the local planning authority for listed building consent and the consent is refused by the authority or is granted by them subject to conditions, the applicant, if he is aggrieved by the decision, may by notice served in the prescribed manner within such period, as may be prescribed, not being less than twenty-eight days from the receipt by him of notification of the decision, appeal to the Secretary of State.
- (2) A person appealing under this paragraph may include in his notice thereunder, as the ground or one of the grounds of his 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 54 of this Act, or—
- (a) in the case of a building to which subsection (10) of that section applies, that the Secretary of State should give a direction under that subsection with respect to the building; or
  - (b) in the case of a building subject to a building preservation notice under section 58 of this Act, that the building should not be included in a list compiled or approved under the said section 54.
- (3) Subject to the following provisions of this paragraph, the Secretary of State may allow or dismiss an appeal thereunder, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, and—
- (a) may deal with the application as if it had been made to him in the first instance ; and
  - (b) may, if he thinks fit, exercise his power under section 54 of this Act to amend any list compiled or approved thereunder by removing from it the building to which the appeal relates or his power under subsection (10) of that section to direct that that subsection shall no longer apply to the building.
- (4) Before determining an appeal under this paragraph, the Secretary of State shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (5) The decision of the Secretary of State on any appeal under this paragraph shall be final.

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(6) Schedule 9 to this Act applies to appeals under this paragraph.