



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER 1

LISTING OF SPECIAL 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.

1 Listing of buildings of special architectural or historic interest.

- (1) For the purposes of this Act and with a view to the guidance of local planning authorities in the performance of their functions under this Act and the principal Act in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by the Historic Buildings and Monuments Commission for England (in this Act referred to as “the Commission”) or by other persons or bodies of persons, and may amend any list so compiled or approved.
- (2) The Secretary of State shall not approve any list compiled by the Commission if the list contains any building situated outside England.
- (3) In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also—

Status: Point in time view as at 25/09/1991.

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- (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
 - (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.
- (4) Before compiling, approving (with or without modifications) or amending any list under this section the Secretary of State shall consult—
- (a) in relation to buildings which are situated in England, with the Commission; and
 - (b) with such other persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.
- (5) In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—
- (a) any object or structure fixed to the building;
 - (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,
- shall be treated as part of the building.
- (6) Schedule 1 shall have effect for the purpose of making provision as to the treatment as listed buildings of certain buildings formerly subject to building preservation orders.

Modifications etc. (not altering text)

C2 Ss. 1(3)(5)(6), 3–5 modified by [S.I. 1990/1519, reg. 13\(1\)](#)

C3 S. 1: definition applied (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\), s. 19\(1\)\(c\)](#); [S.I. 1991/2508, art. 2](#)

S. 1(5) definition of “listed building” applied by [London Underground \(Safety Measures\) Act 1991 \(c. xviii\), s. 28\(1\)](#)

S. 1(5) applied (18.12.1996) by [1996 c. 61, s. 12, Sch. 7 paras. 1\(5\), 2\(3\)](#)

2 Publication of lists.

- (1) As soon as possible after any list has been compiled or approved under section 1 or any amendments of such a list have been made, a copy of so much of the list as relates to any district or London borough or, as the case may be, of so much of the amendments as so relates, certified by or on behalf of the Secretary of State to be a true copy, shall be deposited—
- (a) in the case of a London borough, with the council of the borough and with the chief officer of the Commission; and
 - (b) in the case of a district—
 - (i) with the district council;
 - (ii) with the county planning authority whose area or any part of whose area includes the district, or any part of it; and
 - (iii) where the district council are not the district planning authority, with that authority.

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- (2) Any copy deposited under subsection (1) shall be a local land charge, and the council with whom a copy is deposited shall be treated for the purposes of the ^{M1}Local Land Charges Act 1975 as the originating authority as respects the charge constituted by the deposit.
- (3) As soon as possible after the inclusion of any building in a list under section 1 (whether it is included when the list is compiled, approved or amended) or as soon as possible after any such list has been amended by the exclusion of any building from it—
 - (a) the Secretary of State shall inform the council of the district or London borough in whose area the building is situated of the inclusion or exclusion; and
 - (b) the council shall serve a notice in the prescribed form on every owner and occupier of the building, stating that the building has been included in or excluded from the list.
- (4) The Secretary of State shall keep available for public inspection free of charge at reasonable hours and at a convenient place, copies of all lists and amendments of lists, compiled, approved or made by him under section 1.
- (5) Every authority with whom copies of any list or amendments are deposited under this section shall similarly keep available copies of so much of any such list or amendment as relates to buildings within their area.
- (6) For the purposes of subsection (5) the Commission shall be taken to be an authority whose area is Greater London.

Marginal Citations

M1 1975 c.76.

3 Temporary listing: building preservation notices.

- (1) If it appears to a local planning authority, other than a county planning authority, that a building in their area which is not a listed building—
 - (a) is of special architectural or historic interest; and
 - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,they may serve on the owner and occupier of the building a notice (in this Act referred to as a “building preservation notice”).
- (2) A building preservation notice served by a local planning authority shall—
 - (a) state that the building appears to them to be of special architectural or historic interest and that they have requested the Secretary of State to consider including it in a list compiled or approved under section 1; and
 - (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice—
 - (a) 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
 - (b) subject to subsection (4), shall remain in force for six months from the date when it is served or, as the case may be, last served.

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- (4) A building preservation notice shall cease to be in force if the Secretary of State—
 - (a) includes the building in a list compiled or approved under section 1, or
 - (b) notifies the local planning authority in writing that he does not intend to do so.
- (5) While a building preservation notice is in force with respect to a building, the provisions of this Act (other than section 59) and the principal Act shall have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice, the Secretary of State notifies the local planning authority that he does not propose to include the building in a list compiled or approved under section 1, the authority shall immediately give notice of that decision to the owner and occupier of the building.
- (7) Following such a notification by the Secretary of State no further building preservation notice in respect of the building shall be served by the local planning authority within the period of 12 months beginning with the date of the notification.
- (8) The Commission shall, as respects any London borough, have concurrently with the council of that borough the functions of a local planning authority under this section; and references to the local planning authority shall be construed accordingly.

Modifications etc. (not altering text)

C4 Ss. 1(3)(5)(6), 3–5 modified by S.I. 1990/1519, reg. 13(1)

4 Temporary listing in urgent cases.

- (1) If it appears to the local planning authority to be urgent that a building preservation notice should come into force, they may, instead of serving the notice on the owner and occupier of the building, affix the notice conspicuously to some object on the building.
- (2) The affixing of a notice under subsection (1) shall be treated for all the purposes of section 3, this section, sections 5 and 10 to 26 and Schedule 2 as service of the notice.
- (3) A notice which is so affixed must explain that by virtue of being so affixed it is treated as being served for those purposes.
- (4) The Commission shall, as respects any London borough, have concurrently with the council of that borough the functions of a local planning authority under this section; and references to the local planning authority shall be construed accordingly.

Modifications etc. (not altering text)

C5 Ss. 1(3)(5)(6), 3–5 modified by S.I. 1990/1519, reg. 13(1)

C6 S. 4(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 A23

5 Provisions applicable on lapse of building preservation notice.

Schedule 2 to this Act shall have effect as respects the lapse of building preservation notices.

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Modifications etc. (not altering text)

C7 Ss. 1(3)(5)(6), 3–5 modified by S.I. 1990/1519, reg. 13(1)

6 Issue of certificate that building not intended to be listed.

(1) Where—

- (a) application has been made for planning permission for any development involving the alteration, extension or demolition of a building; or
- (b) any such planning permission has been granted;

the Secretary of State may, on the application of any person, issue a certificate stating that he does not intend to list the building.

(2) The issue of such a certificate in respect of a building shall—

- (a) preclude the Secretary of State for a period of 5 years from the date of issue from exercising in relation to that building any of the powers conferred on him by section 1; and
- (b) preclude the local planning authority for that period from serving a building preservation notice in relation to it.

(3) Notice of an application under subsection (1) shall be given to the local planning authority within whose area the building is situated at the same time as the application is submitted to the Secretary of State.

(4) In this section “local planning authority”, in relation to a building in Greater London, includes the Commission.

Status:

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