



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER II

AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

Applications for listed building consent

10 Making of applications for listed building consent.

- (1) Except as provided in sections 12 to 15, an application for listed building consent shall be made to and dealt with by the local planning authority.
- (2) Such an application shall be made in such form as the authority may require and shall contain—
 - (a) sufficient particulars to identify the building to which it relates, including a plan;
 - (b) such other plans and drawings as are necessary to describe the works which are the subject of the application; and
 - (c) such other particulars as may be required by the authority.
- (3) Provision may be made by regulations under this Act with respect to—
 - (a) the manner in which such applications are to be made;
 - (b) the manner in which they are to be advertised; and
 - (c) the time within which they are to be dealt with by local planning authorities or, as the case may be, by the Secretary of State.

Status: Point in time view as at 28/11/1991.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Applications for listed building consent is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Ss. 9–12 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519](#), [reg. 12](#), [Sch. 3](#)
- C2** S. 10 modified (1.1.1993) by [S.I. 1992/3138](#), [reg. 3\(2\)](#), [Sch. 1](#) para. 1

11 Certificates as to applicant’s status etc.

- (1) Regulations under this Act may provide that an application for listed building consent shall not be entertained unless it is accompanied by one of the following certificates in the prescribed form and signed by or on behalf of the applicant—
- (a) a certificate stating that, at the beginning of the period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of any of the building to which the application relates;
 - (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than himself) who at the beginning of that period were owners of any of the building to which the application relates;
 - (c) a certificate stating—
 - (i) that the applicant is unable to issue a certificate in accordance with paragraph (a) or (b);
 - (ii) that he has given the requisite notice of the application to such one or more of the persons mentioned in paragraph (b) as are specified in the certificate; and
 - (iii) that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons but has been unable to do so;
 - (d) a certificate stating—
 - (i) that the applicant is unable to issue a certificate in accordance with paragraph (a); and
 - (ii) that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in paragraph (b) but has been unable to do so.
- (2) Where such provision is made any such certificate as is mentioned in subsection (1) (b) or (c) must set out—
- (a) the names of the persons to whom the applicant has given the requisite notice of the application;
 - (b) the addresses at which notice was given to them; and
 - (c) the date of service of each such notice.
- (3) Such regulations may require that any such certificate as is mentioned in subsection (1) (c) or (d) shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (which must not be earlier than the beginning of the period mentioned in subsection (1)(a)) been published in a local newspaper circulating in the locality in which the building is situated.
- (4) Such regulations may also require that where an application is accompanied by such a certificate as is mentioned in subsection (1)(b),(c) or (d), the local planning authority—
- (a) shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the

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- dates of service of notices as mentioned in the certificate, or, if later, the date of publication of a notice as so mentioned;
- (b) shall in determining the application take into account any representations relating to it which are made to them before the end of that period by any person who satisfies them that he is an owner of any of the building to which the application relates; and
- (c) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (b).
- (5) Such regulations may also make provision as to who, in the case of any building, is to be treated as the owner for the purposes of any provision made by virtue of this section.
- (6) If any person—
- (a) issues a certificate which purports to comply with the requirements of regulations made by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or
- (b) recklessly issues a certificate which purports to comply with those requirements and contains a statement which is false or misleading in a material particular,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Subject to subsection (5), in this section “owner” means a person who is for the time being the estate owner in respect of the fee simple or is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

Modifications etc. (not altering text)

C3 Ss. 9–12 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)

12 Reference of certain applications to Secretary of State.

- (1) The Secretary of State may give directions requiring applications for listed building consent to be referred to him instead of being dealt with by the local planning authority.
- (2) A direction under this section may relate either to a particular application, or to applications in respect of such buildings as may be specified in the direction.
- (3) An application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.
- (4) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the authority so wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State.
- (5) The decision of the Secretary of State on any application referred to him under this section shall be final.

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Modifications etc. (not altering text)

- C4** Ss. 9–12 modified by S.I. 1990/1519, **reg. 13(1)**; applied (with modifications) by S.I. 1990/1519, **reg. 12, Sch. 3**

13 Duty to notify Secretary of State of applications.

- (1) If a local planning authority (other than a London borough council) to whom application is made for listed building consent, or a London borough council to whom such an application is made by the Commission, intend to grant listed building consent they shall first notify the Secretary of State of the application, giving particulars of the works for which the consent is required.
- (2) The Secretary of State may within the period of 28 days beginning with the date of such a notification—
 - (a) direct the reference of the application to him under section 12; or
 - (b) give notice to the authority that he requires further time in which to consider whether to require such a reference.
- (3) The local planning authority shall not grant listed building consent until—
 - (a) the period mentioned in subsection (2) has expired without the Secretary of State directing the reference of the application to him or giving them notice under paragraph (b) of that subsection; or
 - (b) the Secretary of State has notified them that he does not intend to require the reference of the application.

Modifications etc. (not altering text)

- C5** S. 13 modified by S.I. 1990/1519, **reg. 13(1)**; excluded by S.I. 1990/1519, **reg. 12, Sch. 3**
- C6** S. 13(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 A22

14 Duty of London borough councils to notify Commission.

- (1) Where an application for listed building consent is made to a local planning authority which is a London borough council—
 - (a) unless the authority have determined to refuse it, they shall notify the Commission of the application, giving particulars of the works for which the consent is required; and
 - (b) the authority shall not grant the consent unless they are authorised or directed to do so under subsection (2)(a).
- (2) On receipt of such a notification the Commission may—
 - (a) subject to subsection (6), give the local planning authority directions as to the granting of the application or authorise them to determine the application as they think fit; or
 - (b) direct them to refuse the application.

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- (3) If the Commission intend to exercise either of their powers under subsection (2)(a), they shall notify the Secretary of State of the application giving particulars of the works for which the consent is required.
- (4) Where the Commission direct the local planning authority under subsection (2)(b) to refuse listed building consent, the authority may, within 28 days from the date of the direction, notify the Secretary of State of the application giving particulars of the works for which the consent is required.
- (5) The Secretary of State may within the period of 28 days beginning with the date of a notification under subsection (3) or (4)—
 - (a) direct the reference of the application to him; or
 - (b) give notice to the authority who notified him or, as the case may be, the Commission that he requires further time in which to consider whether to require such a reference.
- (6) The Commission shall not direct the local planning authority under subsection (2)(a) to grant the application or authorise them to determine it as they think fit unless—
 - (a) the period mentioned in subsection (5) has expired without the Secretary of State directing the reference of the application to him or giving them notice under paragraph (b) of that subsection; or
 - (b) he has notified them that he does not intend to require the reference of the application.
- (7) Where the local planning authority notify the Secretary of State as mentioned in subsection (4), they shall not refuse the application unless—
 - (a) a period of 28 days beginning with the date of the notification has expired without the Secretary of State directing the reference of the application to him or giving them notice under subsection (5)(b); or
 - (b) he has notified the authority that he does not intend to require the reference of the application.
- (8) Where, after receiving notification under subsection (4), the Secretary of State directs the reference of the application to him, before determining the application he shall, if either the applicant or the authority or, as the case may be, the Commission so desire, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State.
- (9) Subsection (1) shall not apply where the application for listed building consent is made by the Commission.

Modifications etc. (not altering text)

- C7** Ss. 14, 15, 16 modified by S.I. 1990/1519, reg. 13(1); applied (with modifications) by S.I. 1990/1519, reg. 12, Sch. 3
- C8** S. 14(1)(4): 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 A22

15 Directions concerning notification of applications etc.

- (1) The Secretary of State may direct that, in the case of such descriptions of applications for listed building consent as he may specify, sections 13 and 14 shall not apply.

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- (2) Where a direction is in force under subsection (1) in respect of any description of application, local planning authorities may determine applications of that description in any manner they think fit, without notifying the Secretary of State or, as the case may be, the Commission.
- (3) Before giving a direction under subsection (1) in respect of any description of application for consent to the demolition of a building in England, the Secretary of State shall consult the Commission.
- (4) Where a direction is in force under subsection (1), the Secretary of State may direct a local planning authority that section 13 or, as the case may be, section 14 shall nevertheless apply—
- (a) to a particular application for listed building consent; or
 - (b) to such descriptions of application for listed building consent as are specified in the direction;
- and such a direction has effect in relation to any such application which has not been disposed of by the authority by their granting or refusing consent.
- (5) Without prejudice to sections 10 to 14, the Secretary of State may give directions to local planning authorities requiring them, in such cases or classes of case as may be specified in the directions, to notify him and such other persons as may be so specified—
- (a) of any applications made to the authorities for listed building consent; and
 - (b) of the decisions taken by the authorities on those applications.
- (6) Directions under subsection (1) or (5) may be given to authorities generally or to particular authorities or descriptions of authority.

Modifications etc. (not altering text)

C9 Ss. 14, 15, 16 modified by S.I. 1990/1519, **reg. 13(1)**; applied (with modifications) by S.I. 1990/1519, **reg. 12, Sch. 3**

16 Decision on application.

- (1) Subject to the previous provisions of this Part, the local planning authority or, as the case may be, the Secretary of State may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions.
- (2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (3) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested in it.

Modifications etc. (not altering text)

C10 Ss. 14, 15, 16 modified by S.I. 1990/1519, **reg. 13(1)**; applied (with modifications) by S.I. 1990/1519, **reg. 12, Sch. 3**

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- C11** S. 16(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 A21
- C12** S. 16(1)(2): 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 A20

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