



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER II

##### AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

##### *Revocation and modification of consent*

### **23 Revocation and modification of listed building consent by local planning authority.**

- (1) If it appears to the local planning authority that it is expedient to revoke or modify any listed building consent granted on an application under this Act, the authority may by order revoke or modify the consent to such extent as they consider expedient.
- (2) In performing their functions under subsection (1) the local planning authority shall have regard to [<sup>F1</sup>any] material considerations.
- (3) The power conferred by this section to revoke or modify listed building consent in respect of any works may be exercised at any time before those works have been completed, but the revocation or modification shall not affect so much of those works as has been previously carried out.

*Status: Point in time view as at 01/01/2022.*

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### Textual Amendments

- F1** Word in s. 23(2) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118(1), 121(1), [Sch. 6 para. 21](#) (with s. 111); S.I. 2004/2202, [art. 2\(h\)](#); S.I. 2005/2847, [art 2\(e\)](#)

### Modifications etc. (not altering text)

- C1** Ss. 23–26 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)
- C2** Ss. 23–26 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)
- C3** Ss. 7–29 applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), 3, [Sch. 1](#) (with art. 1(2))

## 24 Procedure for s. 23 orders: opposed cases.

- (1) Except as provided in section 25, an order made by a local planning authority under section 23 shall not take effect unless it is confirmed by the Secretary of State.
- (2) Where a local planning authority submit such an order to the Secretary of State for confirmation they shall serve notice on—
  - (a) the owner of the building affected;
  - (b) the occupier of that building; and
  - (c) any other person who in their opinion will be affected by the order.
- (3) The notice shall specify the period (which must not be less than 28 days after its service) within which any person on whom it is served may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) If within that period a person on whom the notice is served so requires, the Secretary of State shall give such an opportunity both to that person and to the local planning authority before he confirms the order.
- (5) The Secretary of State may confirm an order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

### Modifications etc. (not altering text)

- C2** Ss. 23–26 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)
- C3** Ss. 7–29 applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), 3, [Sch. 1](#) (with art. 1(2))
- C4** Ss. 23–26 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)

## 25 Procedure for s. 23 orders: unopposed cases.

- (1) This section shall have effect where—
  - (a) the local planning authority have made an order under section 23 revoking or modifying a listed building consent granted by them; and

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- (b) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to the order.
- (2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall—
- (a) advertise in the prescribed manner the fact that the order has been made, specifying in the advertisement—
- (i) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before and being heard by a person appointed by him for the purpose; and
- (ii) the period at the end of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by him;
- (b) serve notice to the same effect on the persons mentioned in subsection (1)(b);
- (c) send a copy of any such advertisement to the Secretary of State not more than three days after its publication.
- (3) If—
- (a) no person claiming to be affected by the order has given notice to the Secretary of State as mentioned in subsection (2)(a)(i) within the period referred to in that subsection; and
- (b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,
- the order shall take effect at the end of the period referred to in subsection (2)(a)(ii) without being confirmed by the Secretary of State as required by section 24(1).
- (4) The period referred to in subsection (2)(a)(i) must not be less than 28 days from the date on which the advertisement first appears.
- (5) The period referred to in subsection (2)(a)(ii) must not be less than 14 days from the end of the period referred to in subsection (2)(a)(i).

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- C3** Ss. 7-29 applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), 3, **Sch. 1** (with art. 1(2))
- C5** Ss. 23-26 modified by [S.I. 1990/1519](#), **reg. 13(1)**; applied (with modifications) by [S.I. 1990/1519](#), **reg. 12**, **Sch. 3**

**26 Revocation and modification of listed building consent by the Secretary of State.**

- (1) If it appears to the Secretary of State that it is expedient that an order should be made under section 23 revoking or modifying any listed building consent granted on an application under this Act, he may himself make such an order revoking or modifying the consent to such extent as he considers expedient.
- (2) In performing his functions under subsection (1) the Secretary of State shall have regard to [F<sup>2</sup>any] material considerations.

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- (3) The Secretary of State shall not make an order under that subsection without consulting the local planning authority.
- (4) Where the Secretary of State proposes to make such an order he shall serve notice on—
  - (a) the owner of the building affected;
  - (b) the occupier of that building; and
  - (c) any other person who in his opinion will be affected by the order.
- (5) The notice shall specify the period (which must not be less than 28 days after its service) within which any person on whom it is served may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (6) If within that period a person on whom it is served so requires, before the Secretary of State makes the order he shall give such an opportunity both to him and to the local planning authority.
- (7) The power conferred by this section to revoke or modify listed building consent in respect of any works may be exercised at any time before those works have been completed, but the revocation or modification shall not affect so much of those works as has been previously carried out.
- (8) An order under this section shall have the same effect as if it had been made by the local planning authority under section 23 and confirmed by the Secretary of State under section 24.

#### Textual Amendments

- F2** Word in s. 26(2) substituted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118(1), 121(1), [Sch. 6 para. 22](#) (with s. 111); S.I. 2004/2202, [art. 2\(h\)](#); S.I. 2005/2847, [art 2\(e\)](#)

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- C2** Ss. 23-26 modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)
- C3** Ss. 7-29 applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), 3, [Sch. 1](#) (with art. 1(2))
- C6** Ss. 23–26 modified by S.I. 1990/1519, [reg. 13\(1\)](#); applied (with modifications) by S.I. 1990/1519, [reg. 12](#), [Sch. 3](#)
- C7** S. 26 applied (with modifications) (E.) (6.4.2014) by [The Planning \(Listed Buildings and Conservation Areas\) \(Heritage Partnership Agreements\) Regulations 2014 \(S.I. 2014/550\)](#), regs. 1(1), 7

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