



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART III

#### GENERAL

##### *Special cases*

#### **82 Application of Act to land and works of local planning authorities.**

- (1) In relation to land of a local planning authority, section 1(1), (2) and (4) and sections 2, [F1and 39(6)][F241(8)], shall have effect subject to such exceptions and modifications as may be prescribed.
- (2) The provisions mentioned in subsection (3) shall have effect for the purpose of applications by local planning authorities relating to the execution of works for the demolition, alteration or extension of listed buildings, subject to such exceptions and modifications as may be prescribed.
- (3) Those provisions are sections 1(3), (5) and (6), 3 to 5, 7 to 29, 32 to 50 (except [F3section 39(6)]), 60(1) to (4) (as it applies as respects the provisions mentioned in this subsection), 62 to 65, 67(2)(b), (6) and (7), 73(1), Schedules 1 and 2, paragraph 2 of Schedule 4 (as it applies to Schedule 1) and paragraph 4(1) of Schedule 4 (as it applies as respects the provisions mentioned in this subsection).
- (4) Regulations under this section may in particular provide—
  - (a) for the making of applications for listed building consent to the Secretary of State; and
  - (b) for the issue or service by him of notices under section 2(3) and the provisions mentioned in subsection (3).

*Status: Point in time view as at 30/04/2012.*

*Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Special cases is up to date with all changes known to be in force on or before 15 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)*

#### Textual Amendments

- F1** Words in s. 82(1) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. II para. 24\(a\)](#); S.I. 1991/2905, [art.3](#)
- F2** “41(8)” inserted (*temp.*) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, [Sch. 4 paras. 1, 10](#) (which temp. insertion ceases to have effect (2.1.1992 for specified purposes and 6.4.2009 for further specified purposes) by virtue of [S.I. 1991/2698, art. 3](#) (with [art. 4](#)); [S.I. 2009/849, art. 2](#) (with [art. 3](#)))
- F3** Words in s. 82(3) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 25, [Sch. 3 Pt. II para. 24\(b\)](#); S. I. 1991/2905, [art.3](#)

#### Modifications etc. (not altering text)

- C1** S. 82(2)–(4) applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)
- C2** S. 82(2)–(4) modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

### [<sup>F4</sup>82A Application to the Crown

- (1) This Act (except the provisions specified in subsection (2)) binds the Crown.
- (2) These are the provisions—
- (a) section 9;
  - (b) section 11(6);
  - (c) section 21(7);
  - (d) section 42(1), (5) and (6);
  - (e) section 43;
  - (f) section 44A;
  - (g) section 54;
  - (h) section 55;
  - (i) section 59;
  - (j) section 88A.
- (3) But subsection (2)(a) does not have effect to prohibit the doing of anything by or on behalf of the Crown which falls within the circumstances described in section 9(3)(a) to (d) and the doing of that thing does not contravene section 7.]

#### Textual Amendments

- F4** S. 82A inserted (6.8.2004 for specified purposes, otherwise 7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 79\(2\), 121\(1\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2\(a\)](#)

#### Modifications etc. (not altering text)

- C3** Ss. 82A–82B modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

*Status: Point in time view as at 30/04/2012.*

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## [<sup>F5</sup>82B Urgent works relating to Crown land: application

- (1) This section applies to any works proposed to be executed in connection with any building which is on Crown land if the appropriate authority certifies—
  - (a) that the works are of national importance, and
  - (b) that it is necessary that the works are carried out as a matter of urgency.
- (2) The appropriate authority may, instead of making an application for consent to the local planning authority in accordance with this Act, make an application for consent to the Secretary of State under this section.
- (3) If the appropriate authority proposes to make the application to the Secretary of State it must publish in one or more newspapers circulating in the locality of the building a notice—
  - (a) describing the proposed works, and
  - (b) stating that the authority proposes to make the application to the Secretary of State.
- (4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State a statement of the authority's grounds for making the application.
- (5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.
- (6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.
- (7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.
- (8) The Secretary of State must in accordance with such requirements as may be prescribed publish notice of the application and of the fact that such documents and other material are available for inspection.
- (9) The Secretary of State must consult—
  - (a) the local planning authority for the area to which the proposed development relates, and
  - (b) such other persons as may be prescribed,about the application.
- (10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under paragraph 6(6) of Schedule 3 (matters related to national security).
- (11) Subsections (4) and (5) of section 12 apply to an application under this section as they apply to an application in respect of which a direction under section 12 has effect.]

### Textual Amendments

- F5** S. 82B inserted (6.8.2004 for specified purposes, otherwise 7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 83(1)**, 121(1) (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2(a)**

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**Modifications etc. (not altering text)**

**C3** Ss. 82A-82B modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

**[<sup>F6</sup>82C Expressions relating to the Crown**

- (1) In this Act, expressions relating to the Crown must be construed in accordance with this section.
- (2) Crown land is land in which there is a Crown interest or a Duchy interest.
- (3) A Crown interest is any of the following—
  - (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;
  - (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (c) such other interest as the Secretary of State specifies by order.
- (4) A Duchy interest is—
  - (a) an interest belonging to Her Majesty in right of the Duchy of Lancaster, or
  - (b) an interest belonging to the Duchy of Cornwall.
- (5) A private interest is an interest which is neither a Crown interest nor a Duchy interest.
- (6) The appropriate authority in relation to any land is—
  - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
  - (b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land;
  - (c) in relation to land belonging to Her Majesty in right of Her private estates, a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;
  - (d) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (e) in relation to land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy, appoints;
  - (f) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the department;
  - (g) in relation to Westminster Hall and the Chapel of St Mary Undercroft, the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
  - (h) in relation to Her Majesty's Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, the Lord Great Chamberlain.
- (7) If any question arises as to what authority is the appropriate authority in relation to any land it must be referred to the Treasury, whose decision is final.
- (8) For the purposes of an application for listed building consent made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.

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- (9) For the purposes of subsection (8) the Crown includes—
- (a) the Duchy of Lancaster;
  - (b) the Duchy of Cornwall;
  - (c) a person who is an appropriate authority by virtue of subsection (6)(g) and (h).
- (10) The reference to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (11) An order made for the purposes of paragraph (c) of subsection (3) must be made by statutory instrument.
- (12) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.]

#### Textual Amendments

**F6** S. 82C inserted (6.8.2004 for specified purposes, otherwise 7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79(4), 121(1), [Sch. 3 para. 7](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2\(c\)](#)

#### Modifications etc. (not altering text)

**C4** S. 82C modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, [Sch. 3](#)

### [<sup>F7</sup>82D Enforcement in relation to the Crown

- (1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.
- (2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.
- (3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.
- (4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.
- (5) A step taken for the purposes of enforcement includes—
- (a) entering land;
  - (b) bringing proceedings;
  - (c) the making of an application.
- (6) A step taken for the purposes of enforcement does not include—
- (a) service of a notice;
  - (b) the making of an order (other than by a court).

#### Textual Amendments

**F7** Ss. 82D, 82E inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 84(3), 121(1) (with s. 111); S.I. 2006/1281, [art. 2\(a\)](#)

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**Modifications etc. (not altering text)**

**C5** S. 82D modified (W.) (30.4.2012) by [The Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012 \(No. 793\)](#), regs. 1, 16, **Sch. 3**

**82E References to an interest in land**

- (1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.
- (2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.
- (3) An interest in land includes an interest only as occupier of the land.]

**Textual Amendments**

**F7** Ss. 82D, 82E inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 84(3), 121(1) (with s. 111); S.I. 2006/1281, **art. 2(a)**

**[<sup>F8</sup>82F Applications for listed building or conservation area consent by Crown**

- (1) This section applies to an application for listed building consent or conservation area consent made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.]

**Textual Amendments**

**F8** S. 82F inserted (6.8.2004 for specified purposes, otherwise 7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79(4), 121(1), **Sch. 3 para. 11** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2(c)**

**83 Exercise of powers in relation to Crown land.**

<sup>F9</sup> .....

**Textual Amendments**

**F9** S. 83 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79(4), 120, 121(1), Sch. 3 para. 18(1), **Sch. 9** (with s. 111); S.I. 2006/1281, **art. 2(c)(f)(iii)**

**84 Application for listed building or conservation area consent in anticipation of disposal of Crown land.**

<sup>F10</sup> .....

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#### Textual Amendments

**F10** S. 84 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79(4), 120, 121(1), Sch. 3 para. 18(1), **Sch. 9** (with s. 111, Sch. 3 para. 18(2)); S.I. 2006/1281, **art. 2(c)(f)(iii)**

**F11** 85 .....

#### Textual Amendments

**F11** S. 85 repealed (31.10.1994) by 1994 c. 21, ss. 67, 68(2)(e), Sch. 9 para. 40, **Sch. 11 Pt. II** (with ss. 40(7)); S.I. 1994/2553, **art. 2**

### 86 Ecclesiastical property.

- (1) Without prejudice to the provisions of the<sup>M1</sup> Acquisition of Land Act 1981 with respect to notices served under that Act, where under any of the provisions of this Act a notice or copy of a notice is required to be served on an owner of land, and the land is ecclesiastical property, a similar notice or copy of a notice shall be served on the [<sup>F12</sup>Diocesan Board of Finance for the diocese in which the land is situated].
- (2) [<sup>F13</sup>Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant]—
  - (a) if the property is situated in England, then for the purposes of section 11, this subsection (other than paragraph (b)) and sections 62, 63 and 83(1) and any other provisions of this Act so far as they apply or have effect for the purposes of any of those provisions, [<sup>F14</sup>it] shall be treated as being vested in the [<sup>F12</sup>Diocesan Board of Finance for the diocese in which the land is situated];
  - (b) in any case, [<sup>F14</sup>it] shall, for the purposes of a compulsory acquisition of the property under section 47, be treated as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (3) Any compensation payable under section 29 in respect of land which is ecclesiastical property [<sup>F15</sup>shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated][<sup>F16</sup>and shall <sup>F17</sup>. . . ] be applied by [<sup>F18</sup>it] for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising or disposing of the proceeds of such a sale.
- (4) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice [<sup>F19</sup>of the Church of England], or being or forming part of a church subject to the jurisdiction of a bishop of any diocese [<sup>F20</sup>of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction . . . <sup>F21</sup>.

#### Textual Amendments

**F12** Words in s. 86(1)(2) substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(a)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York



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- F13** Words in s. 86(2) substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(b)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York
- F14** Words in s. 86(2) substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(b)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York
- F15** Words in s. 86(3) substituted for s. 86(3)(a)(b) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(c)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York
- F16** Words in s. 86(3) substituted (25.9.1991 subject to a saving in S.I. 1991/2067, **art. 4(3)(4)**) by Planning and Compensation Act 1991 (c. 34, SIF 28:1, 123:1), s. 70, **Sch. 15 Pt. II para. 31(1)**; S.I. 1991/2067, **arts.3, 4(3)(4)**
- F17** Words in s. 86(3) omitted (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(c)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York
- F18** Word in s. 86(3) substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(c)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York
- F19** Words in s. 86(4) inserted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(d)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York
- F20** Words in s. 86(4) inserted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(d)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York
- F21** Words in s. 86(4) omitted (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), ss. 14, 16(2), **Sch. 5 para. 27(d)**; Instrument 2006 No. 2 made by the Archbishops of Canterbury and York

#### Marginal Citations

**M1** 1981 c.67.

## 87 Settled land.

The classes of works specified in Part II of Schedule 3 to the <sup>M2</sup>Settled Land Act 1925 (which specifies improvements which may be paid for out of capital money, subject to provisions under which repayment out of income may be required to be made) shall include works specified by the Secretary of State as being required for properly maintaining a listed building which is settled land within the meaning of that Act.

#### Marginal Citations

**M2** 1925 c.18.



**Status:**

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