



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I **E+W**

LISTED BUILDINGS

CHAPTER III **E+W**

RIGHTS OF OWNERS ETC.

Compensation

[^{F1} 28A Compensation where consent formerly granted by order is granted conditionally or refused **E+W**

- (1) Section 28 also has effect (subject to subsections (2) and (3)) where—
 - (a) listed building consent granted by a listed building consent order or a local listed building consent order is withdrawn (whether by the revocation or amendment of the order or by the issue of a direction), and
 - (b) on an application for listed building consent made within the prescribed period after the withdrawal, consent for works formerly authorised by the order is refused or is granted subject to conditions other than those imposed by the order.
- (2) Section 28 does not have effect by virtue of subsection (1) if—
 - (a) the works authorised by the order were started before the withdrawal, and
 - (b) the order included provision in pursuance of section 26G permitting the works to be completed after the withdrawal.
- (3) Section 28 does not have effect by virtue of subsection (1) if—

Status: Point in time view as at 31/05/2017.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 28A is up to date with all changes known to be in force on or before 14 September 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)

- (a) notice of the withdrawal was published in the prescribed manner and within the prescribed period before the withdrawal, and
 - (b) the works authorised by the order were not started before the notice was published.
- (4) Where section 28 has effect by virtue of subsection (1), references in section 28(2) and (3) to the revocation or modification of listed building consent are references to the withdrawal of the listed building consent by revocation or amendment of the order or by issue of the direction.]

Textual Amendments

- F1** S. 28A inserted (25.4.2013 for specified purposes, 6.4.2014 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 60(4)**, [103\(1\)\(i\)\(3\)](#); S.I. 2014/416, art. 3(a)

Modifications etc. (not altering text)

- C1** 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))

Status:

Point in time view as at 31/05/2017.

Changes to legislation:

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