



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER 1

LISTING OF SPECIAL BUILDINGS

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.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 3 is up to date with all changes known to be in force on or before 12 June 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)

- (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)

C1 Ss. 1(3)(5)(6), 3–5 modified by S.I. 1990/1519, reg. 13(1)

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 3 is up to date with all changes known to be in force on or before 12 June 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.