

SCHEDULE 1

Regulations 3 and 4

PART I NOTIFICATION TO BE SENT TO APPLICANT ON RECEIPT OF APPLICATION

Your application dated _____ was received on _____ (a). ~~*[Examination of the form of application and accompanying plans and documents to ascertain whether your application complies with the statutory requirements has not been completed.~~

~~If on further examination it is found that the application is invalid for failure to comply with such requirements (or for any other reason) a further communication will be sent to you as soon as possible.]~~

If by _____ (b) ~~*[you have not received notification that your application is invalid and] this authority have not given you notice of their decision (and you have not agreed with them in writing that the period within which their decision shall be given may be extended) you may appeal to the Secretary of State in accordance with paragraphs 8 and 9 of Schedule 11 to the Town and Country Planning Act 1971 by notice sent within six months from that date (unless the application has already been referred by this authority to the [Secretary of State for the Environment] [Secretary of State for Wales]). Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office].~~

Notes

(a) Insert date when relevant document(s) referred to in regulation [3(1)], [4(1)]* were received.

(b) Insert date 8 weeks from date of receipt of application (as given at (a)).

*Delete where inappropriate.

PART II NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT, OR GRANT OF CONSENT SUBJECT TO CONDITIONS (TO BE ENDORSED ON NOTICES OF DECISION)

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant consent subject to conditions, he may appeal to the [Secretary of State for the Environment] [Secretary of State for Wales] in accordance with paragraph 8 of Schedule 11 to the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(2) If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the local planning authority or by the [Secretary of State for the Environment] [Secretary of State for Wales], and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district, or London borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 190 of the Town and Country Planning Act 1971.

(3) In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 171 of the Town and Country Planning Act 1971.

PART III NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL TO VARY OR DISCHARGE CONDITIONS ATTACHED TO LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT, OR ON THE ADDITION OF NEW CONDITIONS CONSEQUENTIAL UPON VARIATION OR DISCHARGE

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

If the applicant is aggrieved by the decision of the local planning authority—

- (a) to refuse to vary or discharge the conditions attached to a listed building consent or a conservation area consent; or
- (b) to add new conditions consequential upon any such variation or discharge.

he may appeal to the [Secretary of State for the Environment] [Secretary of State for Wales] in accordance with paragraph 8 of Schedule 11 to the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

SCHEDULE 2

Regulation 6

PART I TOWN AND COUNTRY PLANNING ACT 1971

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Certificate A**

I hereby certify that no person other than [myself] [the applicant] [the appellant]* was an owner (a) of the building to which the [application] [appeal]* relates at the beginning of the period of 20 days before the date of the accompanying [application] [appeal]*.

or

*Certificate B**

I hereby certify that:

[I have] [The applicant has] [The appellant has]* given the requisite notice to all the persons other than [myself] [the applicant] [the appellant]* who, 20 days before the date of the accompanying [application] [appeal]*, were owners (a) of the building to which the [application] [appeal] relates, viz:—

Name of owner	Address	Date of service of notice
---------------	---------	---------------------------

or

*Certificate C**

I hereby certify that:

1. [I am] [The applicant is] [The appellant is]* unable to issue a certificate in accordance with either sub-paragraph (a) or sub-paragraph (b) of regulation 6(1) of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 in respect of the accompanying [application] [appeal]* dated

2. [I have] [The applicant has] [The appellant has]* given the requisite notice to the following persons other than [myself] [the applicant] [the appellant]* who, 20 days before the date of the [application] [appeal]*, were owners (a) of the building to which the [application] [appeal] relates, viz:—

Name of owner	Address	Date of service of notice
---------------	---------	---------------------------

3. [I have] [The applicant has] [The appellant has]* taken the steps listed below, being steps reasonably open to [me] [him]* to ascertain the names and addresses of the other owners (a) of the building and [have] [has]* been unable to do so: (b).

4. Notice of the [application] [appeal]* as set out below has been published in the (c) on (d).

Copy of notice as published

or

*Certificate D**

I hereby certify that:

1. [I am] [The applicant is] [The appellant is]* unable to issue a certificate in accordance with sub-paragraph (a) of regulation 6(1) of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 in respect of the accompanying [application] [appeal]* dated and [have] [has]* taken the steps listed below, being steps reasonably open to [me] [him]*, to ascertain the names and addresses of all the persons other than [myself] [himself]* who, 20 days before the date of the [application] [appeal]*, were owners (a) of the building to which the [application] [appeal]* relates and [have] [had]* been unable to do so: (b).

2. Notice of the [application] [appeal]* as set out below has been published in the (c) on (d).

Copy of notice as published

Signed

[On behalf of]*

Date

*Delete where inappropriate.

Notes

- (a) "Owner" means a person having a freehold interest or a leasehold interest the unexpired term of which not less than 7 years remain unexpired.
- (b) Insert description of steps taken.
- (c) Insert name of local newspaper circulating in the locality in which the land is situated.
- (d) Insert date of publication (which must not be earlier than 20 days before the application or appeal).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART II TOWN AND COUNTRY PLANNING ACT 1971 NOTICE FOR SERVICE ON INDIVIDUALS

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

TAKE NOTICE that application is being made to the (b) Council by (c) for [listed building consent] [conservation area consent] [variation or discharge of conditions]* (d).

If you wish to make representations about the application, you should make them in writing, not later than (e) to the Council at (f).

Signed
[On behalf of]*
Date

TOWN AND COUNTRY PLANNING ACT 1971

NOTICE FOR PUBLICATION IN LOCAL NEWSPAPERS WHERE NOT ALL THE OWNERS ARE KNOWN, PURSUANT TO REGULATION 6(2) OF THE TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND BUILDINGS IN CONSERVATION AREAS) REGULATIONS 1987

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

Notice is hereby given that application is being made to the (b) Council by (c) for [listed building consent] [conservation area consent] [variation or discharge of conditions]*

(d).

Any owner of the building (namely a freeholder, or a leaseholder entitled to an unexpired term of at least seven years) who wishes to make representations to the above-mentioned Council about the application should make them in writing not later than (e) to the Council at (f).

Signed
[On behalf of]*
Date

*Delete where inappropriate.

Notes

- (a) Insert name, address or location of building with sufficient precision to ensure identification of it.
(b) Insert name of council.
(c) Insert name of applicant.
(d) Insert description of proposed works and name, address or location of building, or in the case of an application to vary or discharge conditions, insert description of the proposed variation or discharge.
(e) Insert date not less than 20 days later than the date on which the notice is served or published.
(f) Insert address of council.

PART III TOWN AND COUNTRY PLANNING ACT 1971 NOTICE FOR SERVICE ON INDIVIDUALS

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

TAKE NOTICE that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales]* by (b) [against the decision of the (c) Council] [on the failure of the (c) Council to give notice of a decision]* on an application to (d).

If you should wish to make representations to the Secretary of State about the appeal you should make them not later than (e), to the [Secretary of State for the Environment] [Secretary of State for Wales]* at

Signed
[On behalf of]*
Date

TOWN AND COUNTRY PLANNING ACT 1971

NOTICE FOR PUBLICATION IN LOCAL NEWSPAPERS

Proposal for [demolishing] [altering] [extending] [varying or discharging conditions]*

(a).

Notice is hereby given that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales]* by (b) [against the decision of the (c) Council] [on the failure of the (c) Council to give notice of a decision]* on an application to (d).

Any owner of the building (namely, a freeholder, or a leaseholder entitled to an unexpired term of at least seven years) who wishes to make representations to the Secretary of State about the appeal should make them in writing, not later than (e), to the [Secretary of State for the Environment] [Secretary of State for Wales]* at

Signed
[On behalf of]*
Date

*Delete where inappropriate.

Notes

- (a) Insert name, address or location of building with sufficient precision to ensure identification of it.
- (b) Insert name of appellant.
- (c) Insert name of council.
- (d) Insert description of proposed works and name, address or location of building, or in the case of an application to vary or discharge conditions, insert description of the proposed variation or discharge.
- (e) Insert date not less than 20 days later than the date on which the notice is served or published.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Regulation 12

(1) Provisions of the Act relating to listed building control	(2) Exceptions and additional modifications (if any)
Section 55	<p>1. In subsection (1), omit the words “or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest”.</p> <p>2. In subsection (2)—</p> <p style="padding-left: 40px;">(i) omit the words “or for its alteration or extension”;</p> <p style="padding-left: 40px;">(ii) omit paragraph (b).</p> <p>3. In subsection (2A), omit the words “or for its alteration or extension”.</p> <p>4. Omit subsection (3).</p> <p>5. For subsection (3A) substitute the following subsection—</p> <p style="padding-left: 40px;">“(3A) Consent under subsection (2) or (2A) of this section is referred to in this Part of this Act as “conservation area consent”.”</p>
Section 56	Omit subsection (3).
Section 56A	None.
Section 56B	None.
Section 56C	In subsection (1), omit paragraph (b).
Section 58AA	None.
Section 96	In subsection (1), for the words “the character of the building as one of special architectural or historic interest”, substitute the words “the character or appearance of the conservation area in which the building is situated”.
Section 97	<p>In subsection (1)—</p> <p>(i) substitute the following paragraph for paragraph (a)—</p> <p style="padding-left: 40px;">“(a) that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated;”.</p> <p>(ii) omit paragraph (i).</p>
Section 97A	Omit subsection (4)(c).

(1) Provisions of the Act relating to listed building control	(2) Exceptions and additional modifications (if any)
Sections 98 to 100	None.
Section 172	None.
Section 190	None.
Sections 242, 243, 245 and 246	None.
Section 255	None.
Section 266(1)(b), (4) and (5)	None.
Section 271	Omit the words“alteration or extension”.
Schedule 11, Parts I and II	
<p>In Part I, omit paragraphs 5, 7(1) to 7(1B), 8(2) and (3)(b), and substitute the following paragraph for paragraph 6—</p> <p style="padding-left: 40px;">“6. Where application for conservation area consent is made as respects a building situated in Greater London, the local planning authority shall notify the Historic Buildings and Monuments Commission for England of that application, shall not determine such application until the expiry of a period of 28 days from such notification, shall take into account any representations made by the Commission within such period in respect of that application, and shall notify the Commission of their decision on that application.”.</p>	
Schedule 19	None.
Schedule 21, Part VI	The exceptions and modifications mentioned in regulation 13 and also as mentioned above in this column, shall have effect in relation to the appropriate provision in Part VI of Schedule 21.

SCHEDULE 4

Regulation 14

NOTICE THAT A BUILDING HAS BECOME LISTEDIMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTYTOWN AND COUNTRY PLANNING ACT 1971BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To:

NOTICE IS HEREBY GIVEN that the building known as _____ situated in _____ has been included in a list of buildings of special architectural or historic interest compiled by the [Secretary of State for the Environment] [Secretary of State for Wales] under section 54 of the Town and Country Planning Act 1971 on _____ 19 _____.

Date _____ 19 _____ [Town Clerk]
[Clerk of the Council]
[Chief Executive]

Note

Listing of Buildings of Special Architectural or Historic Interest

The above notice is addressed to you as owner or occupier of the building named, which has been included in one of the lists of buildings of special architectural or historic interest under section 54 of the Town and Country Planning Act 1971 by the [Secretary of State for the Environment] [Secretary of State for Wales]. The lists are compiled by the Secretary of State as a statutory duty after consultation with [the Historic Buildings and Monuments Commission for England and with such other]* persons or bodies as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or the interior) which would affect its character. In that event you will need to seek "listed building consent", that is to say, the consent of the local planning authority (the _____ Council) to the work you wish to do.

You should however note that it is an offence to carry out any of these works without obtaining listed building consent. A conviction for this offence could result in a fine or even imprisonment. Nevertheless where works which were urgently necessary in the interests of safety or of health or for the preservation of the building were carried out without consent it is a defence to prove that—

- (a) it was not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter;
- (b) the works carried out were limited to the minimum measures immediately necessary; and
- (c) notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

Certain buildings are exempt from the requirement to obtain listed building consent, notably ecclesiastical buildings which are for the time being used for ecclesiastical purposes (but it should also be noted that this exemption does not apply to a building used or available for use as a residence by a minister of religion and that the exemption may be restricted or excluded by an order of the Secretary of State under section 58AA of the 1971 Act).

Although there is no statutory right of appeal as such against the listing of a building, you are not precluded at any time from writing to the Secretary of State claiming that the building should cease to be listed, on the ground that it is not in fact of special architectural or historic interest; and any such claim, with the evidence supporting it, will be carefully considered by the Secretary of State in consultation with his statutory advisers. A guidance note on the procedure is available from the Secretary of State. In addition, where listed building consent is refused by a local planning authority or is granted subject to conditions, there is a right of appeal to the [Secretary of State for the Environment] [Secretary of State for Wales]; and one of the grounds for an appeal may be that the building is not of special architectural or historic interest.

If at any time you propose to take any action which may affect the character of your building, you would be well advised to refer to the provisions of the Town and Country Planning Act 1971, Part IV and Schedule 11, and of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 (S.I. 1987/349). Further details can be obtained from your local planning authority.

* Inapplicable where building is situated in Wales.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTICE THAT A BUILDING HAS CEASED TO BE LISTED IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY TOWN AND COUNTRY PLANNING ACT 1971 BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as _____ situated in _____ has, by an amendment made by the [Secretary of State for the Environment] [Secretary of State for Wales] under section 54(1) of the Town and Country Planning Act 1971 on 19____, been excluded from the list of buildings of special architectural or historic interest compiled by the Secretary of State.

Date: _____ 19____

{Town Clerk}
{Clerk of the Council}
{Chief Executive}

Note

The building referred to in the above notice has been excluded from the list because*

*Insert reason for exclusion.

4th March 1987

Nicholas Ridley
Secretary of State for the Environment

4th March 1987

Nicholas Edwards
Secretary of State for Wales