

2006 No. 1063

TOWN AND COUNTRY PLANNING, ENGLAND

The Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006

<i>Made</i>	- - - -	<i>5th April 2006</i>
<i>Laid before Parliament</i>		<i>12th April 2006</i>
<i>Coming into force</i>	- -	<i>10th August 2006</i>

The First Secretary of State, in exercise of the powers conferred by section 62 of the Town and Country Planning Act 1990(a) and by section 10(3) to (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990(b), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006.

(2) These Regulations shall come into force on 10th August 2006.

(3) These Regulations apply in relation to England only.

Amendment of the Town and Country Planning (Applications) Regulations 1988

2.—(1) The Town and Country Planning (Applications) Regulations 1988(c) are amended in as follows.

(2) In regulation 2 (interpretation) in the definition of “outline planning permission” for paragraphs (a) to (e) substitute—

- “(a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale.”.

(a) 1990 c. 8. Section 62 is substituted, from a date to be appointed, by the Planning and Compulsory Purchase Act 2005 (c. 5), section 42(1).

(b) 1990 c. 9. Section 10 was amended by section 42(8) of the Planning and Compulsory Purchase Act 2004. See section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the definition of “prescribed”. The functions of the Secretary of State under section 10 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9).

(c) S.I. 1988/1812 to which there are amendments not relevant to this instrument.

Amendment of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

3. After regulation 3 (applications for listed building consent or for conservation area consent) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990^(a) insert—

“Design and access statements

3A.—(1) Any application to a local planning authority for listed building consent shall be accompanied by a statement (“a design and access statement”) about—

- (a) the design principles and concepts that have been applied to the works; and
- (b) subject to paragraph (4), how issues relating to access to the building have been dealt with.

(2) A design and access statement shall—

- (a) explain the design principles and concepts that have been applied to the following aspects of the works—
 - (i) scale;
 - (ii) layout;
 - (iii) appearance; and
- (b) explain how the principles and concepts referred to in sub-paragraph (a) take account of—
 - (i) the special architectural or historic importance of the building;
 - (ii) the particular physical features of the building that justify its designation as a listed building; and
 - (iii) the building’s setting.

(3) Subject to paragraph (4), a design and access statement shall also—

- (a) explain the policy adopted as to access, including what alternative means of access have been considered, and how policies relating to access in relevant local development documents have been taken into account;
- (b) explain how the policy as to access takes account of—
 - (i) the special architectural or historic importance of the building;
 - (ii) the particular physical features of the building that justify its designation as a listed building; and
 - (iii) the building’s setting;
- (c) state what, if any, consultation has been undertaken and what account has been taken of the outcome of any such consultation;
- (d) explain how any specific issues which might affect access to the building have been addressed; and
- (e) explain how features which ensure access to the building will be maintained.

(4) Paragraphs (1)(b) and (3) do not apply in relation to an application for listed building consent to carry out works affecting only the interior of a building.

(5) In this regulation—

“appearance” means the aspects of a building which determine the visual impression it makes, including the external built form of the building, its architecture, materials, decoration, lighting, colour and texture;

“layout” means the way in which a building is situated and orientated in relation to other buildings, routes and spaces; and

(a) S.I. 1990/1519 to which there are amendments not relevant to this instrument.

“scale”, in relation to a building, means the height, width and length of the building in relation to its surroundings.”.

Signed by authority of the First Secretary of State

5th April 2006

Kay Andrews
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3(2) of the Town and Country Planning (Applications) Regulations 1988 provides that in the case of an application for outline planning permission, details need not be given of any proposed reserved matters. Regulation 2 defines outline planning permission and specifies what constitutes “reserved matters”. Regulation 2 of these Regulations amends that definition in consequence of changes to the definition of “reserved matters” in the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) made by the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006/1062.

Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (“the 1990 Regulations”) makes provision for applications made to local planning authorities for listed building consent or conservation area consent.

Regulation 3 of these Regulations inserts a new regulation 3A into the 1990 Regulations. Regulation 3A makes provision for design and access statements which are required to accompany applications for listed building consent. The new provision is in consequence of section 42 of the Planning and Compulsory Purchase Act 2004 which inserted a requirement for design and access statements in the Planning (Listed Buildings and Conservation Areas) Act 1990.

A regulatory impact assessment was prepared in relation to Part 4 of the Planning and Compulsory Purchase Act 2004. Further assessments were prepared in relation to these Regulations. The assessments have been placed in the Library of each House of Parliament and copies may be obtained from PDCD, Office of the Deputy Prime Minister, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 8716).

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