
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the 1990 Act”) provides that anyone who wishes to ascertain whether proposed works for the alteration or extension of a listed building would be lawful (i.e. that the works would not affect the character of the listed building as a building of special architectural or historic interest) may make an application to the local planning authority, describing the works, in order to receive a formal response – a certificate of lawfulness of proposed works. Section 26H broadly mirrors the provisions of section 192 of the Town and Country Planning Act 1990 (“the 1990 Act”) in respect of certificates of lawfulness of proposed use or development in the planning system.

Regulation 2 of these Regulations prescribes the information which an application for such a certificate must contain, sets out what items must accompany an application and makes provision for the procedure, including prescribing the period within which an application for a certificate is to be determined.

Regulation 3 prescribes the procedure for appeals against refusal, or failure to give a decision on, an application for such a certificate.

Regulation 4 prescribes the procedure to be followed where a local planning authority propose to revoke such a certificate and regulation 6 amends the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997 (“the 1997 Regulations”) so that appeals against refusal, or failure to give a decision on, an application for such a certificate are “prescribed” for the purposes of the 1997 Regulations – that is, they are appeals which will be determined by a person appointed by the Secretary of State instead of by the Secretary of State.

A full impact assessment has not been prepared for this instrument, as impacts of the measures to which the Regulations relate were considered as part of the impact assessments prepared for the *Consultation on Improvements to the system of Listed Building Consents* (published in August 2012). The consultation impact assessments are available at: <https://www.gov.uk/government/consultations/consultation-on-improvements-to-the-system-of-listed-building-consents>.