
WELSH STATUTORY INSTRUMENTS

2024 No. 930

**The Listed Buildings and Conservation Areas
(Procedure and Interest Rate) (Wales) Regulations 2024**

PART 4

Conservation Areas

Disapplication of the requirement for demolition in conservation areas to be authorised

23.—(1) Section 161(1) of the 2023 Act (requirement for demolition in conservation areas to be authorised) does not apply to—

- (a) a building with a total cubic content of not more than 115 cubic metres when measured externally, except a tombstone which dates from before 1925;
- (b) a gate, wall, fence or other way of enclosing land which—
 - (i) where it is next to a highway or restricted byway, waterway or open space, is less than one metre high, or
 - (ii) is less than two metres high in any other case;
- (c) a building erected after 1913 and in use, or last used, for the purposes of agriculture or forestry;
- (d) a building required to be demolished by—
 - (i) an order made under section 102 of the Town and Country Planning Act 1990(1);
 - (ii) an agreement made under section 106 of the Town and Country Planning Act 1990(2);
 - (iii) an enforcement notice where the notice is issued under—
 - (aa) section 172 of the Town and Country Planning Act 1990(3), or
 - (bb) section 123 or 134 of the 2023 Act;
 - (iv) a condition of planning permission granted under section 70(4) or section 177(1)(5) of the Town and Country Planning Act 1990;
 - (v) a notice under section 215 of the Town and Country Planning Act 1990;
- (e) a building included in an operative demolition order under section 265 of the Housing Act 1985(6);

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- (1) 1990 c. 8. Section 102(8) was substituted by section 21 of and paragraph 6 of Schedule 1 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments which are not relevant to these Regulations.
 - (2) Section 106(1A) was inserted by sections 174(2)(a) and 241 of the Planning Act 2008 (c. 29) (the “2008 Act”); section 106(9) (aa) was inserted by section 174(2)(b) of the 2008 Act; and section 106(14) was inserted by section 174(2)(c) of the 2008 Act. There are other amendments which are not relevant to these Regulations.
 - (3) Section 172 was substituted by section 5(1) of the Planning and Compensation Act 1991.
 - (4) There are amendments to this section but none are relevant to these Regulations.
 - (5) Section 177(1)(a) was substituted by section 32 of and paragraph 24(1)(a) of Schedule 7 to, the Planning and Compensation Act 1991; section 177(1)(c) was substituted by section 32 of and paragraph 24(1)(b) of Schedule 7 to, that Act.
 - (6) 1985 c. 68. Section 265 was substituted by section 46 of the Housing Act 2004 (c. 34).

- (f) a building included in a clearance area declared under section 289 of the Housing Act 1985(7);
 - (g) a building on land purchased by a local housing authority under section 290 of the Housing Act 1985;
 - (h) a building closed for regular public worship in accordance with provision made under Part 6 of the Mission and Pastoral Measure 2011 (No. 3)(8) by a pastoral church buildings scheme or a pastoral (church buildings disposal) scheme.
- (2) In this regulation—
- “highway” (“*priffordd*”) has the same meaning as in the Highways Act 1980(9) (see section 328(1) and (2) of that Act(10));
 - “open space” (“*man agored*”) means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;
 - “restricted byway” (“*cilffordd gyfyngedig*”) has the meaning in section 48(4) of the Countryside and Rights of Way Act 2000(11) (see section 48(4) and (5) of that Act).
- (3) See also section 161(2) of the 2023 Act for other exceptions to the requirement in section 161(1) for demolition to be authorised.

(7) Section 289(2) was amended by sections 47 and 266 of, and Schedules 15 and 16 to, the Housing Act 2004, and sections 165 and 194 of, and Schedules 9 and 11 to, the Local Government and Housing Act 1989 (c. 42).

(8) 2011 No. 3.

(9) 1980 c. 66 (“the 1980 Act”).

(10) A bridleway is a type of highway – see section 329(1) of the 1980 Act.

(11) 2000 c. 37.