



Planning (Listed Buildings and Conservation Areas) Act 1990

CHAPTER 9

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

PART I

LISTED BUILDINGS

CHAPTER 1

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- 1 Listing of buildings of special architectural or historic interest.
- 2 Publication of lists.
- 2A Duty to consult on certain changes to lists
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- 3 Temporary listing in England: building preservation notices.
- 3A Temporary listing in Wales: building preservation notices
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- 5 Provisions applicable on lapse of building preservation notice.
- 6 Issue of certificate that building not intended to be listed: England.
- 6A Issue of certificate that building not intended to be listed: Wales

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CHAPTER II

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- 7 Restriction on works affecting listed buildings.
- 8 Authorisation of works: listed building consent.
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- 10 Making of applications for listed building consent.
- 11 Certificates as to applicant's status etc.
- 12 Reference of certain applications to Secretary of State.
- 13 Duty to notify Secretary of State of applications.
- 14 Duty of London borough councils to notify Commission.
- 15 Directions concerning notification of applications etc.
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- 17 Power to impose conditions on grant of listed building consent.
- 18 Limit of duration of listed building consent.
- 19 Application for variation or discharge of conditions.

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- 20A Appeal made: functions of local planning authorities
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- 22 Determination of appeals.

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- 23 Revocation and modification of listed building consent by local planning authority.
- 24 Procedure for s. 23 orders: opposed cases.
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- 26 Revocation and modification of listed building consent by the Secretary of State.

Buildings in England: heritage partnership agreements

- 26A Heritage partnership agreements
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- 26E Powers of Secretary of State in relation to local orders
- 26F Considerations in making orders
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Buildings in England: certificates of lawfulness

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Buildings in Wales: heritage partnership agreements

- 26L Heritage partnership agreements
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- 27 Compensation for refusal of consent to alteration, etc. of listed building.
- 28 Compensation where listed building consent revoked or modified.
- 28A Compensation where consent formerly granted by order is granted conditionally or refused
- 28B Compensation for loss or damage caused by interim protection
- 29 Compensation for loss or damage caused by service of building preservation notice.
- 30 Local planning authorities for compensation purposes.
- 31 General provisions as to compensation for depreciation under this Part.

Listed building purchase notices

- 32 Purchase notice on refusal or conditional grant of listed building consent.
- 32A Purchase notices: Crown land
- 33 Action by council on whom listed building purchase notice served.
- 34 Procedure on reference of listed building purchase notice to Secretary of State.
- 35 Action by Secretary of State in relation to listed building purchase notice.
- 36 Effect of Secretary of State's action in relation to listed building purchase notice.
- 37 Reduction of compensation on acquisition where s. 28 compensation payable.

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- 38 Power to issue listed building enforcement notice.
- 39 Appeal against listed building enforcement notice.
- 40 Appeals: supplementary provisions.
- 41 Determination of appeals under s. 39.
- 42 Execution of works required by listed building enforcement notice.
- 43 Offence where listed building enforcement notice not complied with.
- 44 Effect of listed building consent on listed building enforcement notice.
- 44A Injunctions.

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- 44B Temporary stop notices
- 44C Temporary stop notices: offence
- 44D Temporary stop notices: compensation
- 45 Commission to have concurrent enforcement functions in London.
- 46 Enforcement by the Secretary of State.

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Compulsory acquisition of listed building in need of repair

- 47 Compulsory acquisition of listed building in need of repair.
- 48 Repairs notice as preliminary to acquisition under s. 47.
- 49 Compensation on compulsory acquisition of listed building.
- 50 Minimum compensation in case of listed building deliberately left derelict.
- 51 Ending of rights over land compulsorily acquired.

Acquisition by agreement

- 52 Acquisition of land by agreement.

Management of acquired buildings

- 53 Management of listed buildings acquired under this Act.

Urgent preservation

- 54 Urgent works to preserve ... listed buildings.
- 55 Recovery of expenses of works under s. 54.
- 56 Dangerous structure orders in respect of listed buildings.

Grants for repair and maintenance

- 57 Power of local authority to contribute to preservation of listed buildings etc.
- 58 Recovery of grants under s. 57.

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- 59 Acts causing or likely to result in damage to listed buildings.

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Exceptions for church buildings and ancient monuments

- 60 Exceptions for ecclesiastical buildings and redundant churches.
- 61 Exceptions for ancient monuments etc.

Validity of instruments, decisions and proceedings

- 62 Validity of certain orders and decisions.
- 63 Proceedings for questioning validity of other orders, decisions and directions.

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- 64 Validity of listed building enforcement notices.
- 65 Appeals to High Court relating to listed building enforcement notices.

Special considerations affecting planning functions

- 66 General duty as respects listed buildings in exercise of planning functions.
- 67 Publicity for applications affecting setting of listed buildings.
- 68 Reference to Commission of planning applications involving listed buildings in Greater London.

PART II

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- 69 Designation of conservation areas.
- 70 Designation of conservation areas: supplementary provisions.

General duties of planning authorities

- 71 Formulation and publication of proposals for preservation and enhancement of conservation areas.
- 72 General duty as respects conservation areas in exercise of planning functions.
- 73 Publicity for applications affecting conservation areas.

Control of demolition

- 74 Control of demolition in conservation areas.
- 75 Cases in which s. 74 does not apply.
- 76 Urgent works to preserve unoccupied buildings in conservation areas.

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- 77 Grants and loans for preservation or enhancement of conservation areas.
- 78 Recovery of grants under s. 77.

Town schemes

- 79 Town scheme agreements.
- 80 Grants for repairing of buildings in town schemes.

PART III

GENERAL

Authorities exercising functions under Act

- 81 Authorities exercising functions under Act.

Power to decline to determine application

- 81A Power to decline to determine subsequent application
- 81B Power to decline to determine overlapping application

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Special cases

- 82 Application of Act to land and works of local planning authorities.
- 82A Application to the Crown
- 82B Urgent works relating to Crown land: application
- 82C Expressions relating to the Crown
- 82D Enforcement in relation to the Crown
- 82E References to an interest in land
- 82F Applications for listed building or conservation area consent by Crown
- 83 Exercise of powers in relation to Crown land.
- 84 Application for listed building or conservation area consent in anticipation of disposal of Crown land.
- 85 General
- 86 Ecclesiastical property.
- 87 Settled land.

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- 88 Rights of entry.
- 88A Warrants to enter land.
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- 88C Rights of entry: Crown land
- 88D Determination of procedure for certain proceedings: England
- 88E Determination of procedure for certain proceedings: Wales
- 89 Application of certain general provisions of principal Act.
- 90 Financial provisions.

PART IV

SUPPLEMENTAL

- 91 Interpretation.
- 92 Application of Act to Isles of Scilly.
- 93 Regulations and orders.
- 94 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Buildings Formerly Subject to Building Preservation Orders

- 1 Subject to paragraph 2, every building which immediately before 1st...
- 2 (1) The Secretary of State may at any time direct,...
- 3 In the case of a building to which paragraph 1...

SCHEDULE 1A — Lapse of Interim Protection

- 1 This Schedule applies where interim protection ceases to have effect...
- 2 The fact that the interim protection has ceased to have...
- 3 Any proceedings on or arising out of an application for...
- 4 (1) Any listed building enforcement notice served by the local...
- 5 Any temporary stop notice served by the local planning authority...

SCHEDULE 1B — Decisions on Reviews by Person Appointed by Welsh Ministers

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Decisions on reviews by appointed persons

- 1 (1) The Welsh Ministers may by regulations prescribe the classes...

Powers and duties of appointed person

- 2 (1) An appointed person has the same powers and duties...

Appointment of another person to make a decision on a review

- 3 (1) At any time before an appointed person has made...

Local inquiries, hearings and written representations

- 4 (1) An appointed person may appoint an assessor to provide...

Directions

- 5 (1) The Welsh Ministers may direct that anything that would...

Delegation

- 6 (1) An appointed person may delegate to another person anything...

Supplementary provision

- 7 Where an appointed person is a member of the staff...

SCHEDULE 2 — Lapse of Building Preservation Notices

- 1 This Schedule applies where a building preservation notice ceases to...
2 The fact that the notice has ceased to be in...
3 Any proceedings on or arising out of an application for...
4 (1) Any listed building enforcement notice served by the local...
5 Any temporary stop notice served by the local planning authority...

SCHEDULE 2A — Local listed building consent orders: procedure

Preparation

- 1 (1) A local listed building consent order must be prepared...

Revision

- 2 (1) The local planning authority may at any time prepare...

Order to be adopted

- 3 A local listed building consent order is of no effect...

Annual report

- 4 (1) While a local listed building consent order is in...

SCHEDULE 3 — Determination of Certain Appeals by Person Appointed by Secretary of State

Determination of appeals by appointed person

- 1 (1) The Secretary of State may by regulations prescribe the...

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Powers and duties of appointed person

- 2 (1) An appointed person shall have the same powers and...

Determination of appeals by Secretary of State

- 3 (1) The Secretary of State may, if he thinks fit,...
- 4 (1) The Secretary of State may by a further direction...

Appointment of another person to determine appeal

- 5 (1) At any time before the appointed person has determined...

Local inquiries and hearings

- 6 (1) Whether or not the parties to an appeal have...
- 6A (1) If the Secretary of State is considering giving a...

Supplementary provisions

- 7 (1) The Tribunals and Inquiries Act 1992 shall apply to...

Local inquiries: Wales

- 8 (1) This paragraph applies in relation to a local inquiry...

SCHEDULE 4 — Further Provisions as to exercise of functions by different authorities

- 1 (1) Subsection (3) of section 1 of the principal Act...
- 2 Subject to sections . . . 4A, 6, 7, 8...
- 3 Where an application for listed building consent under section 10...
- 4 (1) Subject to sections . . ., 6, 7, 8...
- 5 For the purposes of sections 3 and 4, 7 to...
- 6 The validity of any consent or determination granted or made...
- 7 (1) The Secretary of State may from time to time...

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 20(4) words substituted by 2008 c. 29 Sch. 10 para. 17
- s. 22(3) words substituted by 2008 c. 29 Sch. 10 para. 18(3)
- s. 41(4) words inserted by 2008 c. 29 Sch. 10 para. 20(a)
- s. 41(4) words inserted by 2008 c. 29 Sch. 10 para. 20(b)
- s. 60(3) words substituted by 2018 No. 3 Sch. 3 para. 10
- s. 74(3) words inserted by 2008 c. 29 Sch. 10 para. 21
- s. 88(2)(a) word inserted by 2016 anaw 4 s. 31(3)(a)
- s. 88(2)(c) words inserted by 2016 anaw 4 s. 31(3)(b)
- s. 93(4) word inserted by 2008 c. 29 Sch. 10 para. 23(2)
- Sch. 3 para. 3(5) words inserted by 2008 c. 29 Sch. 10 para. 24(5)
- Sch. 3 para. 6(2)(a) words inserted by 2008 c. 29 Sch. 10 para. 24(7)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A) (4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)