STATUTORY INSTRUMENTS

2005 No. 1085

TOWN AND COUNTRY PLANNING, ENGLAND

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2005

Made - - - -	*1st April 2005*
Laid before Parliament	*4th April 2005*
Coming into force - -	*1st May 2005*

The Secretary of State, in exercise of the powers conferred upon her by sections 2(3)(**a**) and 93(1) and (7)(**b**) of the Planning (Listed Buildings and Conservation Areas) Act 1990(**c**), hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2005 and shall come into force on 1st May 2005.

2. These Regulations apply in relation to England only.

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

3. For Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Regulations 1990(**d**) substitute the following—

(**a**) Section 2(3) was amended by the Local Government (Wales) Act 1994 (c.19).
(**b**) Section 93(1) was amended by the Environment Act 1995 (c.25).
(**c**) 1990 c.9; functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(**d**) S.I. 1990/1519, amended by S.I. 1997/2971; there are other amending instruments but none is relevant.

“SCHEDULE 4 Regulation 14

NOTICE THAT A BUILDING HAS BECOME LISTED

IMPORTANT –
THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as situated in has on 20 been included in a list of buildings of special architectural or historic interest compiled by the Secretary of State for Culture, Media and Sport under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Date 20 [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 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Secretary of State for Culture, Media and Sport. The lists are compiled by the Secretary of State as a statutory duty after consultation with the Historic Buildings and Monuments Commission for England (English Heritage) and with such other persons or bodies as appear to her appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest. Further information on the listing process, including information about how to apply for an amendment to the lists (for example, an application for removal of a building from the lists), is available from English Heritage.

If you wish to undertake any works for the demolishment of the building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, you will need the works to be authorised by the local planning authority, that is to say, you must seek “listed building consent”.

You should note that it is an offence to carry out any such demolition or works without obtaining listed building consent. A conviction for this offence could result in a fine or even imprisonment. Nevertheless, it is a defence to prove that-

(a) works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;

(b) it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;

(c) the works carried out were limited to the minimum measures immediately necessary; and

(d) notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.

Some buildings are exempt from the requirement to obtain listed building consent, notably certain ecclesiastical buildings which are for the time being used for ecclesiastical purposes (this does not apply to a building used or available for use wholly or mainly by a minister of religion as a residence from which to perform the duties of his or her office). It should be noted that the Secretary of State has restricted and excluded the operation of this exemption by the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 (S.I. 1994/1771).

If at any time you propose to take any action which may affect the character of your building as a building of special architectural or historic interest, you would be well advised to refer to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519, as amended). Further details can be obtained from your local planning authority.

This note does not purport to be a definitive statement of the law.

NOTICE THAT A BUILDING HAS BECOME LISTED

IMPORTANT –
THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

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 Culture, Media and Sport under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on 20 , been excluded from a list of buildings of special architectural or historic interest compiled by the Secretary of State.

Date: 20 [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 excluded from one of the lists of buildings of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Secretary of State for Culture, Media and Sport. Further information on the listing process, including information about how to apply for an amendment to the lists (for example, an application for removal of a building from the lists), is available from the Historic Buildings and Monuments Commission for England (English Heritage).".

Andrew McIntosh
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

1st April 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519, as amended).

Regulation 3 amends Schedule 4 to the 1990 Regulations to reflect the fact that the Secretary of State for Culture, Media and Sport is responsible for the compilation of lists of buildings of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It also amends the note to the prescribed form notifying the inclusion of a building in one of the lists and inserts a note to the prescribed form notifying the exclusion of a building.

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