1973. No. 264 **[C]**

TOWN AND COUNTRY PLANNING

Planning (Listed Buildings) Regulations

REGULATIONS, DATED 1ST AUGUST 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER ARTICLES 14, 16, 23, 24, 31, 34, 64, 65, 70 AND 106 OF THE PLANNING (NORTHERN IRELAND) ORDER 1972.

The Ministry of Development, on behalf of the Secretary of State, and in exercise of the powers conferred upon it by Articles 14, 16, 23, 24, 31, 34, 64, 65, 70 and 106 of the Planning (Northern Ireland) Order 1972(a) hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Planning (Listed Buildings) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2. In these regulations "the 1972 Order" means the Planning (Northern Ireland) Order 1972.

Applications for listed building consent

3.—(1) An application to the Ministry for listed building consent shall be made on a form issued by the Ministry, and shall be accompanied by a plan sufficient to identify the building to which it relates and such other plans and drawings as are necessary to describe the works which are the subject of the application, together with additional copies of the form and any plans and drawings as the Ministry may require.

(2) The Ministry shall give notice to an applicant of its decision within two months from the date of receipt of the application by the Ministry or such extended period as may at any time be agreed upon in writing between the applicant and the Ministry.

(3) Every such notice shall be in writing and where the Ministry decides to grant listed building consent subject to conditions or to refuse it, it shall state its reasons in writing.

(4) An application for listed building consent shall be accompanied by a fee of £2.

Consultation as to applications for listed building consent

4.—(1) Before deciding any application for listed building consent the Ministry shall consult with the district council for the area in which the land to which the application relates is situated.

(2) The Ministry shall give not less than 14 days' notice to a district council that such appication is to be taken into consideration, shall not determine the application until after the expiration of the period of such notice, and shall, in determining the application, take into account any representations received from such council.

(a) S.I. 1972, No. 1634 (N.I. 17).

Certificates and notices to accompany applications and appeals

5. Certificates and notices issued for the purposes of Article 16 as applied by Article 34 of the 1972 Order shall be in the forms set out in Schedule 1.

Appeals

6. Any appeal against a refusal of listed building consent or the grant of listed building consent subject to conditions shall be accompanied by a fee of £2.

Claims for compensation and listed building purchase notices

7.—(1) A claim for compensation made under Article 64(2) or Article 65(1) of the 1972 Order, or a purchase notice in relation to a listed building shall be in writing.

(2) The time within which any such claim or notice shall be served shall be 6 months from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Ministry may allow in any particular case.

Form of notice that a building has become, or ceased to be, listed

8. Notices for the purposes of Article 31(5) of the 1972 Order shall be in the forms set out in Schedule 2.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 1st day of August 1973.

(L.S.)

D. J. Perham,
Assistant Secretary.

SCHEDULE 1 Regulation 5

PART I

PLANNING (NORTHERN IRELAND) ORDER 1972

Certificate under Article 16 as applied by Article 34

Certificate A

I HEREBY CERTIFY that the accompanying application/appeal is made by or on behalf of (*Name of applicant/appellant*) who is in actual possession of every part of the land to which the said application/appeal relates and is entitled to a fee simple absolute/a fee tail/a life estate/a tenancy of which at least 40 years remain unexpired in the land.

OR

Certificate B

I HEREBY CERTIFY that the accompanying application/appeal is made by or on behalf of (*Name of applicant/appellant*) who is the trustee of a trust or settlement which affects every part of the land to which the accompanying application/appeal relates and that at the date of the application/appeal—

(*a*) a beneficiary under the trust or settlement is in the actual possession of every part of the land; and

(*b*) no person other than a beneficiary under the trust or settlement is entitled to enter into the actual possession of any part of the said land within a period of forty years.

OR

Certificate C

I HEREBY CERTIFY that the requisite notice of the accompanying application/appeal has been given by or on behalf of (*Name of applicant/appellant*) to any person who, at the beginning of the period of 21 days ending with the date of the said application/appeal was, in relation to all or any part of the land affected by the application/appeal—

(*a*) a person then in actual possession;

(*b*) the trustee of a trust or settlement where a beneficiary under the trust or settlement was in actual possession and no person other than such a beneficiary was entitled to enter into actual possession within a period of 40 years;

(*c*) a person (not being a person falling within (*a*) or (*b*)) entitled to enter into actual possession within a period of 40 years.

The persons upon whom notice was served are:—

Name and Address	*Interest*	*Date of service of Notice*

OR

Certificate D

1. I HEREBY CERTIFY that the person making the accompanying application/appeal
   (*a*) is unable to issue a certificate in accordance with either Article 16(1)(*a*) or (*b*) of the Planning (Northern Ireland) Order 1972;
   (*b*) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of Article 16(1)(*c*) of the said Order for the following reasons:—

   ; and
   (*c*) has given the requisite notice of the said application/appeal to the undermentioned persons who, at the beginning of the period of 21 days ending with the date of the said application/appeal, were in the actual possession of any part of the land to which the application/appeal relates, namely:—

Name and Address	*Date of service of Notice*

2. Notice of the application/appeal has been published in the (*title of newspaper*) on (*date of publication*) and a copy of the newspaper in which the notice appeared is enclosed.

Signature of Applicant.....
or Agent

Date.....

PART II

PLANNING (NORTHERN IRELAND) ORDER 1972

Notice under Article 16 as applied by Article 34 of application for listed building consent

[Notice for service on individuals]

Proposal to carry out works for [demolishing] [altering] [extending]* (*a*).....

(*a*) Insert address or location of building

TAKE NOTICE that application under the Planning (Northern Ireland) Order 1972 is being made to the Ministry of Development by

(*b*) Insert name of applicant

(*b*)..... for listed building consent to

(*c*) Insert description of proposed works

(*c*).....

If you wish to make representations about the application, you should make them in writing to the Ministry within 14 days from the date of service of this notice.

Signature of Applicant.....
or Agent

Date.....

PLANNING (NORTHERN IRELAND) ORDER 1972

Notice under Article 16 as applied by Article 34 of application for listed building consent

[Notice for publication in local newspaper]

Proposal to carry out works for [demolishing] [altering] [extending]* (*a*).....

(*a*) Insert address or location of building

NOTICE IS HEREBY GIVEN that application under the Planning (Northern Ireland) Order 1972 is being made to the Ministry of Development by

(*b*) Insert name of applicant

(*b*)..... for listed building consent to

(*c*) Insert description of proposed works

(*c*).....

Any person having an interest in the land or building which entitles him to make representations about the proposed works may make such representations in writing to the Ministry within 14 days from the date of publication of this notice.

**Delete where inappropriate*

PART III

PLANNING (NORTHERN IRELAND) ORDER 1972

Notice under Article 16 as applied by Article 34 of appeal against refusal, etc. of listed building consent

[Notice for service on individuals]

Proposal to carry out works for [demolishing] [altering] [extending]* (*a*).....

(*a*) Insert address or location of proposed building

TAKE NOTICE that an appeal under the Planning (Northern Ireland) Order 1972 is being made by (*b*).....

(*b*) Insert name of appellant

..... against the decision of the Ministry of Development on an application for listed building consent to (*c*).....

(*c*) Insert description of proposed works

.....

If you wish to make representations about the appeal you should make them in writing to the Planning Appeals Commission within 14 days from the date of service of this notice.

Signature of Appellant.....
or Agent

Date.....

PLANNING (NORTHERN IRELAND) ORDER 1972

Notice under Article 16 as applied by Article 34 of appeal against refusal, etc, of listed building consent

[Notice for publication in local newspaper]

Proposal to carry out work for [demolishing] [altering] [extending]* (*a*).....

(*a*) Insert address or location of proposed building

NOTICE IS HEREBY GIVEN that an appeal under the Planning (Northern Ireland) Order 1972 is being made by (*b*)..... against the decision of the Ministry of Develpoment on an application for listed building consent to (*c*).....

(*b*) Insert name of appellant

(*c*) Insert description of proposed works

.....

Any person having an interest in the land or building which entitles him to make representations about the appeal may make such representations in writing to the Planning Appeals Commission within 14 days from the date of publication of this notice.

**Delete where inappropriate*

SCHEDULE 2 Regulation 8

Notice that a building has become listed

IMPORTANT—This communication affects YOUR PROPERTY

PLANNING (NORTHERN IRELAND) ORDER 1972

Buildings of special architectural or historic interest

To:

NOTICE IS HEREBY GIVEN that the building known as
situated in
has been included in the list of buildings of special architectural or historic interest in that area, compiled by the Ministry of Development under Article 31 of the Planning (Northern Ireland) Order 1972, on

EXPLANATORY 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 prepared under Article 31 of the Planning (Northern Ireland) Order 1972 by the Ministry of Development. The lists are compiled by the Ministry as a statutory duty, on the advice of an expert committee of architects and historians which advises on these matters—the Historic Buildings Council.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or to the interior) which would affect its character. In that event you will need to seek "listed building consent", that is to say, the consent of the Ministry to the work you wish to do. Certain buildings are exempt from this requirement, notably ecclesiastical buildings in use for the time being for ecclesiastical purposes.

Works which are urgently necessary in the interests of safety or health, or to preserve the building, may be carried out at any time without prior consent provided that you notify the Ministry in writing, as soon as reasonably practicable, of the need for the works.

There is no right of appeal as such against the listing of a building but if the Ministry should refuse consent for the carrying out of any proposed works, Articles 23 and 24 of the Planning (Northern Ireland) Order 1972 provide a right of appeal against the refusal to the Planning Appeals Commission. You are not precluded at any time from writing to the Ministry claiming that the building should cease to be listed on the ground that it is not in fact of special architectural or historic interest; and any such claim, with the evidence supporting it, will be carefully considered.

If at any time you propose to take any action which may affect the character of your building, you should refer to the provisions of Part V of the Planning (Northern Ireland) Order 1972 and the Planning (Listed Buildings) Regulations (Northern Ireland) 1973.

Notice that a building has ceased to be listed

IMPORTANT—This communication affects YOUR PROPERTY

PLANNING (NORTHERN IRELAND) ORDER 1972

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 Ministry of Development under Article 31 of the Planning (Northern Ireland) Order 1972 on
been excluded from the list of buildings of special architectural or historic interest in that area compiled by the Ministry on

EXPLANATORY NOTE

The building referred to in the above notice has been excluded from the list because*

**Insert reason for exclusion*

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations prescribe the manner in which applications for listed building consent under Part V of the Planning (Northern Ireland) Order 1972 are to be made.

The regulations also deal with the making of claims for compensation arising from the application of listed building control and the serving of listed building purchase notices. Forms of notices are prescribed for notifying the owner and occupier of a building when it has become listed, or has ceased to be listed.