STATUTORY INSTRUMENTS

1968 No. 1910

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Listed Buildings) Regulations 1968

Made - - - - - -	*29th November* 1968
Laid before Parliament	*6th December* 1968
Coming into Operation	*1st January* 1969

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Interpretation.
3. Applications for listed building consent.
4. Advertisement of applications.
5. Certificates to accompany applications and appeals.
6. Appeals.
7. Claims for compensation and listed building purchase notices.
8. Advertisement of unopposed revocation or modification order.
9. Application of the Public Health Act 1936 to listed building enforcement notices.
10. Application of listed building control to buildings of local planning authorities.
11. Form of notice that a building has become, or ceased to be, listed.

SCHEDULES

Schedule 1—Notifications to be sent to applicants.

Schedule 2—Certificates to accompany applications and appeals; and related notices.

Schedule 3—Notice that a building has become, or ceased to be, listed.

The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 49 and 217 of the Town and Country Planning Act 1962(a) and sections 41, 42, 43, 46, 49, 55 and 104 of, and Schedule 5 to, the Town and Country Planning Act 1968(b) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Listed Buildings) Regulations 1968 and shall come into operation on 1st January 1969.

(a) 1962 c. 38. (b) 1968 c. 72.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act of 1962" means the Town and Country Planning Act 1962;

"the Act of 1968" means the Town and Country Planning Act 1968;

"Greater London" has the same meaning as in the London Government Act 1963(**a**);

"local planning authority" means the council of a county, county borough, or London borough, and in regulations 7, 9 and 10 includes the Greater London Council;

"the Minister", as respects Wales and Monmouthshire, means the Secretary of State, and otherwise means the Minister of Housing and Local Government.

(2) The Interpretation Act 1889(**b**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Applications for listed building consent

3.—(1) An application to a local planning authority for listed building consent shall be made on a form issued by the local planning authority and obtainable from that authority or from the council with whom the application is to be lodged, and shall include the particulars required by that form to be supplied, and 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 two further copies of the form and plans and drawings.

(2) Any application made under this regulation shall be lodged:—

(i) where the building in respect of which the application is made is in Greater London, with the council of the London borough in which the building is situated;

(ii) where the building is not in Greater London, with the county borough council or the county district council for the area in which the building is situated,

and the authority with whom the application is lodged shall, where necessary, transmit it to the local planning authority to whom it is made.

(3) On receipt of any such application the local planning authority shall send to the applicant an acknowledgement thereof in the terms (or substantially in the terms) set out in Part I of Schedule 1 hereto.

(4) The period within which the local planning authority shall give notice to an applicant of their decision or of the reference of an application to the Minister shall be two months from the date of receipt of the application by the authority or such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority (except where the applicant has already given notice of appeal to the Minister).

(5) Every such notice shall be in writing and where the local planning authority decide to grant listed buiding consent subject to conditions or to refuse it, they shall state their reasons in writing and send with the decision a notification in the terms (or substantially in the terms) set out in Part II of Schedule 1 hereto.

Advertisement of applications

4.—(1) Subject to the provisions of this regulation, where an application for listed building consent is made to a local planning authority in respect of any building the authority shall

(**a**) 1963 c. 33. (**b**) 1889 c. 63.

(*a*) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and

(*b*) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the notice to be published in accordance with sub-paragraph (*a*) above.

(2) An application for listed building consent shall not be determined by the local planning authority before both of the following periods have elapsed, namely:—

(*a*) the period of 21 days referred to in sub-paragraph (*a*) of paragraph (1) above; and

(*b*) the period of 21 days beginning with the date on which the notice required by sub-paragraph (*b*) of the said paragraph (1) was first displayed;

and in determining the application the authority shall take into account any representations relating to the application which are received by them before both those periods have elapsed.

(3) The preceding paragraphs of this regulation shall not apply to any application for consent to carry out works affecting only the interior of a Grade II building, namely a building which when first notified to the authority by the Minister as a building of architectural or historic interest was classified as a building of Grade II and not of Grade II*.

Certificates to accompany applications and appeals

5.—(1) A local planning authority shall not entertain an application for listed building consent unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

(*a*) a certificate stating that, in respect of every part of the land to which the application relates, the applicant either is the estate owner in respect of the fee simple or is entitled to a tenancy thereof;

(*b*) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;

(*c*) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding sub-paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding sub-paragraph as are specified in the certificate (setting our their names, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice) and that he does not know the names and addresses of the remainder of those persons;

(*d*) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (*a*) above and that he does not know the names and addresses of any of the persons mentioned in sub-paragraph (*b*) above.

(2) Any such certificate as is mentioned in sub-paragraph (*c*) or sub-paragraph (*d*) of paragraph (1) above shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in sub-paragraph (*b*) of paragraph (1) above) been published in a local newspaper circulating in the locality in which the land in question is situated.

(3) Where an application for listed building consent is accompanied by such a certificate as is mentioned in sub-paragraph (*b*), sub-paragraph (*c*), or sub-paragraph (*d*) of paragraph (1) above, the local planning authority shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later.

(4) Where an application for listed building consent is accompanied by such a certificate as is mentioned in sub-paragraph (*b*), sub-paragraph (*c*), or sub-paragraph (*d*) of paragraph (1) above, the local planning authority—

(*a*) in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period mentioned in paragraph (3) above, by any person who satisfies them that he is an owner of any land to which the application relates, and

(*b*) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the preceding sub-paragraph.

(5) The provisions of paragraphs (1) to (4) of this regulation shall apply, with any necessary modifications, in relation to an appeal to the Minister under paragraph 7 or paragraph 8 of Schedule 5 to the Act of 1968 as they apply in relation to an application for listed building consent which falls to be determined by the local planning authority.

(6) Certificates issued for the purposes of this regulation shall be in the forms set out in Part I of Schedule 2 hereto.

(7) The requisite notices for the purposes of the provisions of this regulation in relation to applications shall be in the forms set out in Part II of Schedule 2 hereto.

(8) The requisite notices for the purposes of the provisions of this regulation in relation to appeals shall be in the forms set out in Part III of Schedule 2 hereto.

Appeals

6.—(1) Any person who desires to appeal—

(*a*) against a decision of a local planning authority refusing listed building consent or granting consent subject to conditions, or

(*b*) on the failure by a local planning authority to give notice of their decision or of the reference of the application to the Minister

shall give notice of appeal to the Minister within six months of receipt of notice of the decision or of the expiry of the appropriate period allowed under regulation 3(4) above, as the case may be, or such longer period as the Minister may at any time allow.

(2) Such a person shall also furnish to the Minister a copy of the following documents:—

(i) the application made to the local planning authority;

(ii) all relevant plans, drawings, particulars and documents submitted with the application, including a copy of the certificate given in accordance with regulation 5;

(iii) the notice of the decision, if any;

(iv) all other relevant correspondence with the local planning authority.

Claims for compensation and listed building purchase notices

7.—(1) A claim for compensation made to a local planning authority under section 43(2) or section 49(3) of or paragraph 11 of the Schedule 5 to the Act of 1968, or a listed building purchase notice served on the council of a county borough, county district or London borough under section 42(1) of that Act, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council addressed to the clerk thereof, or by sending it so addressed by prepaid post.

(2) The time within any such claim or notice as is mentioned in paragraph (1) above shall be served shall be—

(*a*) in the case of a claim for compensation, 6 months; and

(*b*) in the case of a listed building purchase notice, 12 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 Minister may allow in any particular case.

Advertisement of unopposed revocation or modification order

8. Where by virtue of the provisions of paragraph 12(2) of Schdule 5 to the Act of 1968 the making of an order under paragraph 9 of that Schedule in respect of works to a building is required to be advertised, the local planning authority shall publish in a local newspaper circulating in the area in which the building is situated an advertisement stating that the order has been made and specifying the periods required by the said paragraph 12(2) to be specified.

Application of the Public Health Act 1936 *to listed building enforcement notices*

9. The provisions of sections 276, 289, 292 and 294 of the Public Health Act 1936(**a**) shall apply in relation to steps required to be taken by a listed building enforcement notice, as if—

(*a*) references to a local authority were references to a local planning authority;

(*b*) references (in whatever form) to the execution of works under the said Act of 1936 were references to the taking of steps required to be taken under the notice;

(*c*) references in the said section 289 to the occupier were references to a person having an interest in the premises other than the owner; and

(*d*) the reference in the said section 294 to "expenses under this Act" were a reference to expenses incurred in the taking of such steps as aforesaid.

Application of listed building control to buildings of local planning authorities

10.—(1) In relation to buildings of local planning authorities which are listed, and to the execution of works for their demolition, alteration or extension, the provisions of Part V of the Act of 1968 shall have effect subject to the exceptions and modifications prescribed in this regulation.

(2) Where a local planning authority require listed building consent for the execution of works for the demolition, alteration or extension of any building

(**a**) 1936 c. 49.

belonging to them, the authority shall make an application to the Minister for that consent.

(3) Any such application shall be made in the form of an application to the local planning authority, and shall be deemed to have been referred to the Minister under paragraph 3 of Schedule 5 to the Act of 1968 and the provisions of the said paragraph shall apply to the determination of the application by the Minister.

(4) In relation to a listed building belonging to a local planning authority, the Minister may serve any notice authorised to be served by a local planning authority in relation to a listed building.

(5) This regulation shall not apply to a council to which the functions of a local planning authority have been delegated, but any such council shall, notwithstanding that delegation, apply to the local planning authority for any consent referred to in this regulation as if the delegation to that council had not been made.

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

11. The forms set out in Schedule 3 hereto (or forms substantially to the like effect) are the prescribed forms of notice for the purposes of subsection (4) of section 32 of the Act of 1962.

Regulation 3 SCHEDULE 1

PART I

Notification to be sent to applicant on receipt of his application

Your application dated [*insert date*] has been received and, if on [*insert date of expiry of the appropriate period under regulation* 3(4)] you have not been given notice by the local planning authority of their decision, you are entitled, unless the application has already been referred by the authority to the [Minister of Housing and Local Government] [Secretary of State for Wales], to appeal to the [Minister] [Secretary of State] in accordance with paragraphs 7 and 8 of Schedule 5 to the Town and Country Planning Act 1968 by notice served within six months from that date. You may, however, by agreement in writing with the local planning authority, extend the period within which the decision of the authority is to be given.

PART II

Notification to be sent to applicant on refusal of listed building consent or grant of consent subject to conditions

1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within six months of receipt of this notice, appeal to the [Minister of Housing and Local Government] [Secretary of State for Wales] in accordance with paragraph 7 of Schedule 5 to the Town and Country Planning Act 1968. The [Minister] [Secretary of State] has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed works are in progress.

2. If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the [Minister of Housing and

Local Government] [Secretary of State for Wales], and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the county borough, county district, or London borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1968.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the [Minister] [Secretary of State] on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 43 of the Town and Country Planning Act 1968.

SCHEDULE 2 Regulation 5

PART I

TOWN AND COUNTRY PLANNING ACT 1968

Certificate under Schedule 5, paragraph 2

*Certificate A**

I hereby certify that:

[I am] [The applicant is] [The appellant is]* [the estate owner in respect of the fee simple] [entitled to a tenancy]* of every part of the land(a) to which the accompanying [application] [appeal]* dated relates.

or

*Certificate B**

I hereby certify that:

[I have] [The applicant has] [The appellant has]* given the requisite notice to all the persons who, 20 days before the date of the accompanying [application] [appeal]* were owners of any of the land(a) to which the [application] [appeal] relates, viz.:—

Name of owner	*Address*	*Date of service of notice*

or

*Certificate C**

I hereby certify that:

1. [I am] [The applicant is] [The appellant is]* unable to issue a certificate in accordance with either sub-paragraph (*a*) or sub-paragraph (*b*) of regulation 5(1) of the Town and Country Planning (Listed Buildings) Regulations 1968 in respect of the accompanying [application] [appeal]* dated

2. [I have] [The applicant has] [The appellant has]* given the requisite notice to the following persons who, 20 days before the date of the [application]

**Delete where inappropriate*

[appeal]*, were owners of the land(a), or part thereof, to which the [application] [appeal]* relates, viz.:—

Name of owner	*Address*	*Date of service of notice*

3. [I do not] [The applicant does not] [The appellant does not]* know the names and addresses of the other owners of the land or part thereof.

4. Notice of the [application] [appeal]* as set out below has been published in the (b) on (c).

Copy of notice as published

or

*Certificate D**

I hereby certify that:

1. [I am] [The applicant is] [The appellant is]* unable to issue a certificate in accordance with sub-paragraph (*a*) of regulation 5(1) of the Town and Country Planning (Listed Buildings) Regulations 1968 in respect of the accompanying [application] [appeal]* dated and [I do not] [he does not]* know the names and addresses of any of the owners of any of the land (a) to which the [application] [appeal]* relates.

2. Notice of the [application] [appeal]* as set out below has been published in the (b) on (c).

Copy of notice as published

Signed.....

[*On behalf of*.....]*

Date .....

Notes

(a) For the purposes of this certificate "land" includes a building or buildings.

(b) Insert name of a local newspaper circulating in the locality in which the land is situated.

(c) Insert date of publication (which must not be earlier than 20 days before the application or appeal).

PART II

TOWN AND COUNTRY PLANNING ACT 1968

Notice under Schedule 5, paragraph 2, of application for listed building consent

[*Notice for service on individuals*]

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

TAKE NOTICE that application is being made to the (b) council by (c) for listed building consent to (d).

**Delete where inappropriate*

If you should wish to make representations about the application, you should make them in writing, within 20 days of the date of service of this notice upon you, to the [Town Clerk] [Clerk of the Council]* at (e).

Signed.....

[*On behalf of*.....]*

Date .....

TOWN AND COUNTRY PLANNING ACT 1968

Notice under Schedule 5, paragraph 2, of application for listed building consent

[*Notice for publication in local newspaper*]

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

Notice is hereby given that application is being made to the (b) council by (c) for listed building consent to (d).

Any owner of the land or building(s) who wishes to make representations to the council about the application should make them in writing, within 20 days of the date of publication of this notice, to the [Town Clerk] [Clerk of the Council]* at (e).

Signed.....

[*On behalf of*.....]*

Date .....

Notes

(a) Insert name, address, or location, of building with sufficient precision to ensure identification of it.

(b) Insert name of council.

(c) Insert name of applicant.

(d) Insert description of proposed works and name, address, or location, of building.

(e) Insert address of council.

PART III

TOWN AND COUNTRY PLANNING ACT 1968

Notice under Schedule 5, paragraph 7, of appeal against refusal, etc., of listed building consent

[*Notice for service on individuals*]

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

**Delete where inappropriate*

TAKE NOTICE that an appeal is being made to [the Minister of Housing and Local Government, Whitehall, London, S.W.1.] [the Secretary of State for Wales, Welsh Office, Summit House, Windsor Place, Cardiff]* by (b)
against the decision of (c) council
or
on the failure of the (c) council to give a decision
on an application to (d).

If you should wish to make representations to [the Minister] [the Secretary of State]* about the appeal you should make them in writing, within 20 days of the date of service of this notice, to [the Secretary, Ministry of Housing and Local Government] [the Secretary, Welsh Office]* at the above address.

Signed.....

[*On behalf of*.....]*

Date .....

TOWN AND COUNTRY PLANNING ACT 1968

Notice under Schedule 5, paragraph 7, of appeal against refusal, etc., of listed building consent

[*Notice for publication in local newspaper*]

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

Notice is hereby given that an appeal is being made to [the Minister of Housing and Local Government, Whitehall, London, S.W.1.] [the Secretary of State, Welsh Office, Summit House, Windsor Place, Cardiff]* by
(b)
against the decision of the (c) council
or
on the failure of the (c) council to give a decision
on an application to
(d).

Any owner of the land who wishes to make representations to [the Minister] [the Secretary of State]* about the appeal should make them in writing, within 20 days of the date of publication of this notice, to [the Secretary, Ministry of Housing and Local Government] [the Secretary, Welsh Office]* at the above address.

Signed.....

[*On behalf of*.....]*

Date .....

Notes

(a) Insert name, address, or location, of building with sufficient precision to ensure identification of it.

(b) Insert name of appellant.

(c) Insert name of council.

(d) Insert description of proposed works and name, address, or location, of building.

**Delete where inappropriate*

SCHEDULE 3 Regulation 11

Notice that a building has become listed

IMPORTANT—This communication affects YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACTS 1962 TO 1968

CIVIC AMENITIES ACT 1967

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 [Minister of Housing and Local Government] [Secretary of State for Wales] under section 32 of the Town and Country Planning Act 1962

on 19

Dated 19 [Town Clerk]

[Clerk of the Council]

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 section 32 of the Town and Country Planning Act 1962 by the [Minister of Housing and Local Government] [Secretary of State for Wales]. The lists are compiled by the [Minister] [Secretary of State] as a statutory duty, on the advice of an expert committee of architects and historians which advises him on these matters.

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 local planning authority (the Council) 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 of health, or to preserve the building, may be carried out at any time without prior consent provided that you notify the local planning authority 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 local planning authority should refuse consent for the carrying out of any proposed works, section 41(6) of the Town and Country Planning Act 1968 provides a right of appeal against the refusal to the [Minister of Housing and Local Government] [Secretary of State for Wales]. You are not precluded at any time from writing to the [Minister] [Secretary of State] 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.

A fuller explanation of the consequences of the listing of a building is enclosed with this notice. If at any time you propose to take any action which may affect the character of your building, you would be well advised to refer to the provisions of the Town and Country Planning Act 1968, Part V and Schedule 5, and of the Town and Country Planning (Listed Buildings) Regulations 1968.

Notice that a building has ceased to be listed

IMPORTANT—This communication affects YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACTS 1962 TO 1968

CIVIC AMENITIES ACT 1967

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORICAL INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as

situated in

has, by an amendment made by the [Minister of Housing and Local Government] [Secretary of State for Wales] under section 32(1) of the Town and Country Planning Act 1962 on 19 , been excluded from the list of buildings of special architectural or historic interest in that area compiled by the [Minister] [Secretary of State] on 19 .

Date: [Town Clerk] [Clerk of the Council]

Explanatory Note

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

*Insert reason for exclusion.

Given under the official seal of the Minister of Housing and Local Government on 29th November 1968.

(L.S.)

Anthony Greenwood,
Minister of Housing
and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the manner in which applications for listed building consent under Part V of the Town and Country Planning Act 1968 are to be made and advertised, and the manner in which appeals may be made by persons aggrieved by decisions of local planning authorities under that part of the Act.

The regulations also deal with the making of claims for compensation arising from the application of listed building control, the serving of listed building purchase notices, the advertising of unopposed orders revoking or modifying listed building consents, and the execution of works under listed building enforcement procedure. Provision is made for applying Part V of the Act in relation to works affecting listed buildings belonging to local planning authorities. 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.