STATUTORY INSTRUMENTS

1972 No. 1362

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1972

Made - - -	*4th September* 1972
Laid before Parliament	*8th September* 1972
Coming into Operation	*29th September* 1972

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The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 56, 91, 99, 171, 172, 173, 190, 271, 287 and 290 of, and Schedules 11 and 19 to, the Town and Country Planning Act 1971(**a**) and section 8 of, and Schedule 2 to, the Town and Country Planning (Amendment) Act 1972(**b**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

(**a**) 1971 c. 78. (**b**) 1972 c. 42.

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1972 and shall come into operation on 29th September 1972.

Interpretation

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

"the Act" means the Town and Country Planning Act 1971;

"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;

"listed building consent" means consent required by section 55(2) of the Act in respect of works for the demolition, extension or alteration of a listed building and the consent required by that subsection as applied by section 8 of the Town and Country Planning (Amendment) Act 1972 for works for the demolition of a building in a conservation area.

(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 Secretary of State 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 Secretary of State).

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

(5) Every such notice shall be in writing and where the local planning authority decide to grant listed building 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*) 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-listed building namely a building which when last notified to the authority by the Secretary of State as a building of special 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 out 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 Secretary of State under paragraph 8 or paragraph 9 of Schedule 11 to the Act 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 Secretary of State,

shall give notice of appeal to the Secretary of State 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 Secretary of State may at any time allow.

(2) Such a person shall also furnish to the Secretary of State 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 authority under section 171(2), 172(1) or 173(3) of the Act, or a listed building purchase notice served on the council of a county borough, county district or London borough under section 190 of the 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 which 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 Secretary of State 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 Schedule 11 to the Act the making of an order under paragraph 10 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**) 1936 c. 49.

(*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 buildings and to the execution of works for their demolition, alteration or extension, the provisions of Part IV of the Act 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 listed building in their area, belonging to them, the authority shall make an application to the Secretary of State 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 Secretary of State under paragraph 4 of Schedule 11 to the Act and the provisions of the said paragraph shall apply to the determination of the application by the Secretary of State.

(4) In relation to a listed building belonging to a local planning authority, the Secretary of State 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 section 54(7) of the Act.

Savings

12. The Town and Country Planning (Listed Buildings) Regulations 1968(**a**) are hereby revoked, but without prejudice to the validity of anything done thereunder before the coming into operation of these regulations.

SCHEDULE 1 Regulation 3

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 [Secretary of State for the Environment] [Secretary of State for Wales], to appeal to the Secretary of State in accordance with

(a) S.I. 1968/1910 (1968 III, p. 5053).

paragraphs 8 and 9 of Schedule 11 to the Town and Country Planning Act 1971 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 [Secretary of State for the Environment] [Secretary of State for Wales] in accordance with paragraph 8 of Schedule 11 to the Town and Country Planning Act 1971. The 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 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 [Secretary of State for the Environment] [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 Section 190 of the Town and Country Planning Act 1971.

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 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 171 of the Town and Country Planning Act 1971.

Regulation 5

SCHEDULE 2

PART I

TOWN AND COUNTRY PLANNING ACT 1971

Certificate under Schedule 11 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

*Delete where inappropriate

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 and Buildings in Conservation Areas) Regulations 1972 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] [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 and Buildings in Conservation Areas) Regulations 1972 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 1971

Notice under Schedule 11, paragraph 2, of application for listed building consent

[Notice for service on individuals]

Proposals to carry out works for [demolishing] [altering] [extending] *

(*a*).

TAKE NOTICE that application is being made to the (*b*)

*Delete where inappropriate

council by (*c*) for listed building consent to (*d*).

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 1971

Notice under Schedule 11, paragraph 2, of application for listed building consent

[Notice for publication in local newspapers]

Proposals 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 1971

Notice under Schedule 11, paragraph 8, of appeal against refusal, etc., of listed building consent

[Notice for service on individuals]

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

TAKE NOTICE that an appeal is being made to [the Secretary of State for the Environment, 2 Marsham Street, London SW1] [the Secretary of State for Wales,

*Delete where inappropriate

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 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, Department of the Environment] [Secretary, Welsh Office]* at the above address.

Signed.....
[On behalf of.....]*
Date .....

TOWN AND COUNTRY PLANNING ACT 1971

Notice under Schedule 11, paragraph 8, 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 Secretary of State for the Environment, 2 Marsham Street, London SW1] [the Secretary of State for Wales, 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 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, Department of the Environment] [the Secretary, Welsh Office]* at the above address.

Signed.....
[On behalf of.....]*
Date .....

(*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

Regulation 11

SCHEDULE 3

Notice that a building has become listed

IMPORTANT—This communication affects YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1971

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 [Secretary of State for the Environment] [Secretary of State for Wales] under section 54 of the Town and Country Planning Act 1971 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 54 of the Town and Country Planning Act 1971 by the [Secretary of State for the Environment] [Secretary of State for Wales]. The lists are compiled by the 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 56(6) of the Town and Country Planning Act 1971 provides a right of appeal against the refusal to the [Secretary of State for the Environment] [Secretary of State for Wales]. You are not precluded at any time from writing to the 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 1971, Part IV and Schedule 11, and of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1972 (S.I. 1972/1362).

Notice that a building has ceased to be listed
IMPORTANT—This communication affects YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1971
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 the Environment] [Secretary of State for Wales] under section 54(1) of the Town and Country Planning Act 1971 on 19 , been excluded from the list of buildings of special architectural or historic interest in that area compiled by the 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.

P. Walker,
4th September 1972. Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations revoke and re-enact, with amendments, the Town and Country Planning (Listed Buildings) Regulations 1968. Whereas the former regulations applied only to buildings included in the lists of buildings of special architectural or historic interest, these regulations apply also to buildings in conservation areas which have been made the subject of a direction under section 8 of the Town and Country Planning (Amendment) Act 1972. The effect of such a direction is that listed building consent is required for the demolition of any of the buildings to which the direction relates and the relevant provisions of the Town and Country Planning Act 1971 apply accordingly.

Insofar as listed buildings are concerned the regulations of 1968 are re-enacted without amendments of substance, but taking account of the provisions of the consolidating Act of 1971.

The regulations prescribe the manner in which applications for listed building consent (whether for the demolition, alteration or extension of a listed building or for the demolition of a building in a conservation area which is subject to the control) 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 Part IV of the Act of 1971.

The regulations also—

(*a*) prescribe the manner in which and the time within which claims are to be made 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;

(*b*) prescribe forms of notices to owners and occupiers of buildings which become listed or which have ceased to be listed;

(*c*) provide for the application of Part IV of the Act of 1971 to works affecting listed buildings belonging to local planning authorities.

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