STATUTORY INSTRUMENTS

1974 No. 1336

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Amendment) Regulations 1974

Made - - -	*2nd August* 1974
Laid before Parliament	*12th August* 1974
Coming into Operation	*2nd September* 1974

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 271(**a**) and 277A(**b**) of the Town and Country Planning Act 1971(**c**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Amendment) Regulations 1974 and shall come into operation on 2nd September 1974.

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

2. The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1972(**e**) are hereby amended as follows—

(*a*) in regulation 2(1), for the definition of "listed building consent" there shall be substituted the following definition—

" '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 277A(8) of the Act and regulation 9A of and Schedule 4 to these regulations) for works for the demolition of a building in a conservation area.";

(*b*) after regulation 9 there shall be inserted the following regulation—

"Application of listed building control to buildings in conservation areas

"9A. In their application to buildings in conservation areas, the provisions of the Act relating to listed building control which are set out in column (1) of Schedule 4 to these regulations shall have effect as they have effect in relation to listed buildings, subject to the exceptions and modifications set out opposite such provisions in column (2) of the said Schedule 4.";

(**a**) Substituted by the Town and Country Amenities Act 1974 (c. 32), s, 7(1).
(**b**) Inserted by *ibid.* s, 1.
(**c**) 1971 c. 78.
(**d**) 1889 c. 63.
(**e**) S.I. 1972/1362 (1972 III, p. 4196).

(*c*) For regulation 10, there shall be substituted the following regulation—

"*Application to local planning authorities of statutory provisions as to listed buildings*

"10.—(1) In relation to applications by local planning authorities relating to the execution of works for the demolition, alteration or extension of listed buildings, 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 authoritly require listed building consent for the demolition, alteration or extension of any listed building in their area, the authority shall make such application to the Secretary of State for that consent.

(3) Any such application shall be 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.";

(*d*) After Schedule 3, there shall be added the following Schedule—

"SCHEDULE 4

Regulation 9A

Column (1) Provisions of the Act relating to listed building control	Column (2) Exceptions and modifications
Section 55	1. In subsection (1), omit the words "or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest". 2. In subsection (2)— (i) omit the words "or for its alteration or extension"; (ii) omit paragraph (*b*). 3. Omit subsection (3).
Section 56(3), (5) and (6)	In subsection (3)— (i) omit the words from the beginning to "extension of a listed building, and"; (ii) for the words "the desirability of preserving the building or any features of special architectural or historic interest which it possesses", substitute the words "the desirability of preserving the character or appearance of the conservation area".

Column (1) Provisions of the Act relating to listed building control	Column (2) Exceptions and modifications
Section 96	In subsection (1), for the words "the character of the building as one of special architectural or historic interest", substitute the words "the character or appearance of the conservation area in which the building is situated".
Section 97	1. In subsection (1)— (i) substitute the following paragraph for paragraph (*a*)— "(*a*) that retention of the building is not necessary in the interests of preserving the character or appearance of the conservation area in which it is situated;"; (ii) omit paragraph (*h*). 2. In subsection (5), omit paragraphs (*b*) and (*c*).
Sections 98 and 99	None.
Section 172	None.
Section 190	None.
Section 266(1)(*b*)	None.
Schedule 3, paragraph 2	None.
Schedule 11, Parts I and II	1. In Part I, omit paragraphs 5, 6(3) and (4), 7 and 8(2) and (3)(*b*). 2. In Part II, omit paragraph 11.
Schedule 19	None.

Anthony Crosland.
Secretary of State for the Environment.

2nd August 1974.

EXPLANATORY MEMORANDUM

(*This Note is not part of the Regulations.*)

These Regulations amend the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1972 to take account of the provisions of the Town and Country Amenities Act 1974 (1974 c. 32).

The regulations of 1972 relate to applications for listed building consent both in respect of the carrying out of works to listed buildings and in respect of the

demolition of buildings in conservation areas which were the subject of directions made under section 8 of the Town and Country Planning (Amendment) Act 1972 (1972 c. 42). They prescribe the manner in which applications for listed building consent 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 Town and Country Planning Act 1971. They also provide for the application of the statutory provisions as to listed buildings to listed buildings belonging to local planning authorities. The Town and Country Amenities Act 1974 has replaced the provisions in section 8 of the Act of 1972 relating to buildings in conservation areas with a new section in the Act of 1971 (section 277A) which applies the listed building control to the demolition of all buildings in conservation areas, except listed buildings, certain classes of buildings specified in section 58(2) of that Act and buildings which the Secretary of State has by direction under section 277A(4) exempted from such control. It also replaces section 271 of the Act of 1971 with a new section which empowers the Secretary of State to apply the statutory provisions as to listed buildings for the purpose of any applications by local planning authorities for listed building consent in respect of works to listed buildings (whether or not the building belongs to the local planning authority making the application).

The principal amendments made by these regulations to the regulations of 1972 are as follows—

(*a*) a new definition of "listed building consent" is substituted in regulation 2(1), to take account of the fact that listed building control now applies to the demolition of all buildings in conservation areas (with the exceptions noted above);

(*b*) a new Schedule is added, setting out the manner in which those provisions of the Act of 1971 relating to listed building control which are applied to buildings in conservation areas are modified in their application to such buildings (this Schedule re-enacts the substance of Schedule 2 to the Act of 1972);

(*c*) a new regulation 10 is substituted, applying the statutory provisions as to listed buildings in relation to all applications made by local planning authorities for listed building consent for the execution of works to listed buildings (this regulation re-enacts the substance of the original regulation, with the omission of the provisions of paragraph (5), referring to councils exercising delegated powers, which has been rendered obsolete by the provisions of the Local Government Act 1972 (1972 c. 70)).

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