STATUTORY INSTRUMENTS

2015 No. 809

TOWN AND COUNTRY PLANNING, ENGLAND

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015

Made - - - -	*18th March 2015*
Laid before Parliament	*24th March 2015*
Coming into force - -	*15th April 2015*

The Secretary of State, in exercise of the powers conferred by sections 67(1), 73(1), 82, and 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990(**1**), makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015 and come into force on 15th April 2015.

(2) In these Regulations, "the 1990 Regulations" means the Planning (Listed Buildings and Conservation Areas) Regulations 1990(**2**).

(3) These Regulations apply in relation to England only.

Amendments to the Planning (Listed Buildings and Conservation Areas) Regulations 1990

2.—(1) The 1990 Regulations are amended as follows.

(2) For regulation 5A(1) substitute—

> "(1) This regulation applies where an application for planning permission for any development of land is made to a local planning authority, or the Secretary of State under section 62A of the principal Act, and the authority think or, as the case may be, the Secretary of State thinks that the development would affect—
>
> (a) the setting of a listed building; or
>
> (b) the character or appearance of a conservation area."

(**1**) 1990 c.9. Sections 67(1) and 73(1) were substituted by the Planning and Compulsory Purchase Act 2004 (c. 5) and section 82 was amended by the Planning and Compulsory Purchase Act 1991 (c.34) and the Enterprise and Regulatory Reform Act 2013 (c.24). Section 93 is subject to amendments which are not relevant for the purposes of these Regulations. For the meaning of "prescribed" see section 91(1).

(**2**) S.I. 1990/1519. Regulation 5A was inserted by S.I. 2004/2210 and amended by S.I. 2010/568 and S.I. 2014/1532. Regulation 13 was amended by S.I. 1996/525, S.I. 2010/568, S.I. 2012/793 and S.I. 2013/2146.

(3) For regulation 5A(3), substitute—

"(3) The local planning authority shall send to the Commission a copy of each notice under paragraph (2) in the following circumstances—

(a) where paragraph (1)(a) applies, the listed building is classified as Grade I or Grade II*; or

(b) where paragraph (1)(b) applies—

(i) the development involves the erection of a new building or the extension of an existing building; and

(ii) the area of land in respect of which the application is made is more than 1,000 square metres."

(4) In regulation 13(2), after "in their area", insert "and the conditions set out in paragraph (2A) are met".

(5) After regulation 13(2) insert—

"(2A) The conditions referred to in paragraph (2) are that the authority—

(a) have notified the Commission and the national amenity societies of the application in accordance with any direction issued by the Secretary of State under section 15(5) of the Act;

(b) have received an objection to the application from any of the bodies notified under sub-paragraph (a) within 21 days of the date of issue of the notice; and

(c) do not propose to refuse the application.

(2B) For the purposes of paragraph (2A)—

"national amenity societies" means the Society for the Protection of Ancient Buildings, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Victorian Society and the Twentieth Century Society; and

"objection" means a written notice to the authority setting out the objector's reasons for objecting to the application and stating that the application should be referred to the Secretary of State."

(6) For regulation 13(3) substitute—

"(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 section 12 of the Act when the conditions in paragraph (2A) are met.

(3A) The provisions of section 12 of the Act shall apply to the determination of the application by the Secretary of State."

(7) For regulation 13(7) substitute—

"(7) An application by the council of a county under paragraph (1) above, together with any accompanying representations required by this regulation, shall be made to the district planning authority who shall, where the conditions in paragraph (2A) are met, forthwith send it on the Secretary of State."

Transitional provision

3. The amendments made to the 1990 Regulations by these Regulations do not apply in relation to any application made before 15th April 2015 and accordingly the 1990 Regulations, in the form in which they existed immediately before the coming into force of these Regulations, continue to apply in relation to those applications.