



Town and Country Planning Act 1971

1971 CHAPTER 78

PART IV

ADDITIONAL CONTROL IN SPECIAL CASES

Buildings of special architectural or historic interest

58 Building preservation notice in respect of building not listed

- (1) If it appears to the local planning authority, in the case of a building in their area which is not a listed building, that it is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as such, they may (subject to subsection (2) of this section) serve on the owner and occupier of the building a notice (in this section referred to as a "building preservation notice")—
 - (a) stating that the building appears to them to be of special architectural or historic interest and that they have requested the Secretary of State to consider including it in a list compiled or approved under section 54 of this Act; and
 - (b) explaining the effect of subsections (3) and (4) of this section.
- (2) A building preservation notice shall not be served in respect of an excepted building, that is to say—
 - (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes; or
 - (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments ; or
 - (c) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment.

For the purposes of this subsection, a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

- (3) A building preservation notice shall come into force as soon as it has been served on both the owner and occupier of the building to which it relates and shall remain in force

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for six months from the date when it is served or, as the case may be, last served; but it shall cease to be in force if, before the expiration of that period, the Secretary of State either includes the building in a list compiled or approved under section 54 of this Act or notifies the local planning authority in writing that he does not intend to do so.

- (4) While a building preservation notice is in force with respect to a building, the provisions of this Act (other than section 57) shall have effect in relation to it as if the building were a listed building; and if the notice ceases to be in force (otherwise than by reason of the building being included in a list compiled or approved under the said section 54) the provisions of Part III of Schedule 11 to this Act shall have effect with respect to things done or occurring under the notice or with reference to the building being treated as listed.
- (5) If, following the service of a building preservation notice, the Secretary of State notifies the local planning authority that he does not propose to include the building in a list compiled or approved under section 54 of this Act, the authority—
 - (a) shall forthwith give notice of the Secretary of State's decision to the owner and occupier of the building; and
 - (b) shall not, within the period of twelve months beginning with the date of the Secretary of State's notification, serve another such notice in respect of the said building.