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SCHEDULES

SCHEDULE 2

Section 8(2)(7).

PROVISIONS AS TO CONTROL OF DEMOLITION IN CONSERVATION AREAS IN ENGLAND AND WALES

PART I

APPLICATION OF CERTAIN PROVISIONS OF ACT OF 1971

- 1 Section 55 of the Act of 1971 (requirement of consent of local planning authority or Secretary of State to works affecting listed buildings) shall apply in relation to any works for the demolition of the building as if it were a listed building, but with the omission of subsections (2)(b) and (3); and subsections (3), (5) and (6) of section 56 of the Act, paragraph 2 of Schedule 3 thereto, and Parts I and II of Schedule 11 thereto (supplementary) shall apply accordingly in relation to listed building consent for any such works, but—
 - (a) with the said subsection (3) modified by the substitution, for the reference to the desirability of preserving the building or any features of special architectural or historic interest which it possesses, of a reference to the desirability of preserving the character or appearance of the conservation area, and
 - (b) with the omission from the said Parts I and II of paragraph 5, sub-paragraphs (3) and (4) of paragraph 6, paragraph 7, sub-paragraphs (2) and (3)(b) of paragraph 8 and paragraph 11.
- 2 Sections 96 to 99 of the Act of 1971 (listed building enforcement notices) shall apply in relation to the building as if it were a listed building, but—
 - (a) with section 96(1) modified by the substitution, for the words " the character of the building as one of special architectural or historic interest " , of the words " the character or appearance of the conservation area in which the building is situated " ,
 - (b) with section 97(1) modified by the substitution of the following for paragraph (a)—
 - “(a) that power to control the demolition of the building is not necessary in the interests of preserving the character or appearance of the conservation area in which it is situated” ,

and

 - (c) with the omission from section 97(5) of paragraphs (b) and (c).
- 3 Section 172 of the Act of 1971 (compensation) shall have effect on the revocation or modification as mentioned in subsection (1) of that section of any listed building consent granted in respect of the building ; and section 190 of the Act and Schedule 19 thereto (listed building purchase notices) shall have effect where listed

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building consent in respect of the building is refused, granted subject to conditions, revoked or modified as mentioned in subsection (1) of the said section 190.

- 4 If the building is Crown land, section 266(1)(b) of the Act of 1971 shall have effect with respect to the application of any provision thereto by virtue of this Part of this Schedule.

PART II

SUPPLEMENTARY

- 5 On the confirmation by the Secretary of State of any direction made under subsection (2) of section 8 of this Act by a local planning authority other than the council of a county borough, or the making by any such local planning authority of a direction under subsection (5) of that section, a copy of the direction certified by the clerk to the authority to be a true copy, together with a similarly certified copy of the confirmation in the case of a direction under the said subsection (2), shall be deposited by the authority as follows—

- (a) in the case of a direction made by a county council or a joint planning board, with the clerk to the council of any county district in which any building to which the direction relates is situated,
- (b) in the case of a direction made by the Greater London Council, with the clerk to the council of any London borough in which any building to which the direction relates is situated, and
- (c) in the case of a direction made by the council of a London borough, with the clerk of the Greater London Council.

- 6 (1) On the confirmation by the Secretary of State of any direction under subsection (2) of the said section 8, or the making of any direction under subsection (5) of that section, the direction and confirmation or, as the case may be, the direction shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this paragraph under section 15(6) of the Land Charges Act 1925, by the proper officer of the council of every county borough, county district or London borough in which any building to which the direction relates is situated.

- (2) Every local authority with whom a copy of any direction is deposited under paragraph 5 above shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing particulars of any building in their area to which the direction relates.

- 7 A local planning authority making a direction under subsection (2) of the said section 8 containing such a declaration as is mentioned in subsection (4) of that section shall forthwith serve on every person who is an owner or occupier of any building to which the direction relates a notice stating that the direction has been made and explaining its effect, and, on being notified by the Secretary of State of his decision with respect to confirmation of the direction, shall forthwith notify every such person of the decision ; and where any direction under the said subsection (2) not containing such a declaration is confirmed by the Secretary of State, or a direction is made under subsection (5) of the said section 8, the local planning authority making the direction shall forthwith serve on every person who is an owner or occupier of any building affected by the direction a notice stating that the direction has been made and confirmed or, as the case may be, made, and (unless it is a direction under the said subsection (5)) explaining its effect.

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- 8 (1) If a direction under subsection (2) of the said section 8 containing such a declaration as is mentioned in subsection (4) of that section ceases to be in force as respects any building by virtue of paragraph (a), (b) or (c) of subsection (6) of that section, then, subject to a claim in that behalf being made to the local planning authority within the time and in the manner prescribed by regulations under the Act of 1971, any person who at the time when the direction was made had an interest in the building shall be entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the direction.
- (2) The loss or damage in respect of which compensation is payable under sub-paragraph (1) above shall include a sum payable in respect of a breach of contract caused by the necessity of countermanding any works to the building on account of the direction being in force with respect thereto.
- 9 (1) The following provisions of this paragraph shall have effect where any direction under subsection (2) of the said section 8 ceases to be in force as respects any building, but, in the case of sub-paragraph (4), not where the direction ceases to be in force by reason of the building becoming a listed building.
- (2) The fact that the direction has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 55 or 98 of the Act of 1971 committed by him with respect to the building while the direction was in force.
- (3) Any proceedings on or arising out of an application for listed building consent made while the direction was in force shall lapse, and any listed building consent granted with respect to the building while the direction was in force shall also lapse.
- (4) Any listed building enforcement notice served by the local planning authority while the direction was in force shall cease to have effect, and any proceedings thereon under sections 96 and 97 of the Act of 1971 shall lapse, but section 99(1) and (2) of that Act shall continue to have effect as respects any expenses incurred by the local authority, owner or occupier as therein mentioned and with respect to any sums paid on account of such expenses.