



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART II **E+W**

#### CONSERVATION AREAS

##### *Control of demolition*

#### 74 **Control of demolition in conservation areas.** **E+W**

(1) A building in a conservation area<sup>[F1]</sup> in Wales] shall not be demolished without the consent of the appropriate authority (in this Act referred to as “conservation area consent”).

[<sup>F2</sup>(1A) Subsection (1) is subject to section 33(1) of the Planning Act 2008 (exclusion of requirement for other consents for development for which development consent required).]

(2) The appropriate authority for the purposes of this section is—

- (a) in relation to applications for consent made by local planning authorities, the Secretary of State; and
- (b) in relation to other applications for consent, the local planning authority or the Secretary of State.

[<sup>F3</sup>( 2A ) Sections 56, 66(1) and 90(2) to (4) have effect in relation to buildings in conservation areas in England as they have effect in relation to listed buildings, subject to such exceptions and modifications as may be prescribed by regulations.]

(3) Sections 7 to 26, 28, 32 to 46, 56, 62 to 65, 66(1), 82(2) to (4), [<sup>F4</sup>82A to 82D][<sup>F5</sup>, 88E]and 90(2) to (4) have effect in relation to buildings in conservation areas<sup>[F6]</sup> in Wales] as they have effect in relation to listed buildings subject to such exceptions and modifications as may be prescribed by regulations.

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- (4) <sup>F7</sup>Regulations made under subsection (3)] may make different provision—
- (a) in relation to applications made by local planning authorities, and
  - (b) in relation to other applications.

#### Textual Amendments

- F1** Words in s. 74(1) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 12(2)**; S.I. 2013/2227, art. 2(m); for transitional provisions (2.10.2013) see The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**
- F2** S. 74(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), ss. 36, 241(8), **Sch. 2 para. 41** (with s. 226), S.I. 2010/101, **art. 2** (with art. 6)
- F3** S. 74(2A) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 12(3)**; S.I. 2013/2227, art. 2(m); for transitional provisions (2.10.2013) see The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**
- F4** Words in s. 74(3) substituted (7.6.2006) by The Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006 (S.I. 2006/1281), **art. 6**
- F5** Word in s. 74(3) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 20**
- F6** Words in s. 74(3) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 12(4)**; S.I. 2013/2227, art. 2(m); for transitional provisions (2.10.2013) see The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**
- F7** Words in s. 74(4) substituted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 12(5)**; S.I. 2013/2227, art. 2(m); for transitional provisions (2.10.2013) see The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**

#### Modifications etc. (not altering text)

- C1** Chs. I, II (ss. 1-26) and IV (ss. 38-44) of Pt. I, ss. 54-56, 59-61, 66, 68-72, 74-76 and 88: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(b)**; S.I. 1993/2762, **art.3**.  
S. 74 restricted (1.10.1994) by S.I. 1994/1771, **art. 5(5)**  
S. 74 excluded (18.12.1996) by 1996 c. 61, s. 12, **Sch. 7 para. 1(4)**  
S. 74 applied (18.12.1996) by 1996 c. 61, s. 13, **Sch. 8 para. 1(5)**
- C2** S. 74 excluded (22.7.2008) by Crossrail Act 2008 (c. 18), s. 16(1), **Sch. 9 para. 1(4)**
- C3** S. 74(1)(2A)(3)(4) transitional provisions for effects of 2003 c. 24, s. 63 Sch. 17 para. 12 (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**
- C4** S. 74(2) modified (W.) (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 5 para. 1** (with regs. 1(3), 45)

## 75 Cases in which s. 74 does not apply. **E+W**

- (1) Section 74 does not apply to—
- (a) listed buildings;
  - (b) ecclesiastical buildings which are for the time being used for ecclesiastical purposes;
  - (c) buildings for the time being included in the schedule of monuments compiled and maintained under section 1 of the <sup>M1</sup>Ancient Monuments and Archaeological Areas Act 1979; or
  - (d) buildings in relation to which a direction under subsection (2) is for the time being in force.

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- (2) The Secretary of State may direct that section 74 shall not apply to any description of buildings specified in the direction.
- (3) A direction under subsection (2) may be given either to an individual local planning authority exercising functions under that section or to local planning authorities generally.
- (4) The Secretary of State may vary or revoke a direction under subsection (2) by a further direction under that subsection.
- (5) For the purposes of subsection (1)(b), 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.
- (6) For the purposes of sections 7 to 9 as they apply by virtue of section 74(3) a building shall be taken to be used for the time being for ecclesiastical purposes if it would be so used but for the works in question.
- (7) The Secretary of State may by order provide for restricting or excluding the operation of subsection (1)(b) in such cases as may be specified in the order.
- (8) An order under subsection (7) may—
  - (a) make provision for buildings generally, for descriptions of building or for particular buildings;
  - (b) make different provision for buildings in different areas, for buildings of different religious faiths or denominations or according to the use made of the building;
  - (c) make such provision in relation to a part of a building (including, in particular, an object or structure falling to be treated as part of the building by virtue of section 1(5)) as may be made in relation to a building and make different provision for different parts of the same building;
  - (d) make different provision with respect to works of different descriptions or according to the extent of the works;
  - (e) make such consequential adaptations or modifications of the operation of any other provision of this Act or the principal Act, or of any instrument made under either of those Acts, as appear to the Secretary of State to be appropriate.
- (9) Regulations under this Act may provide that subsections (5) to (8) shall have effect subject to such exceptions and modifications as may be prescribed, and any such regulations may make different provision—
  - (a) in relation to applications made by local planning authorities, and
  - (b) in relation to other applications.
- (10) Any proceedings on or arising out of an application for conservation area consent made while section 74 applies to a building shall lapse if it ceases to apply to it, and any such consent granted with respect to the building shall also lapse.
- (11) The fact that [<sup>F8</sup>section 74] has ceased to apply to a building shall not affect the liability of any person to be prosecuted and punished for an offence under section 9 or 43 [<sup>F9</sup>or section 196D of the principal Act (offence of failing to obtain, or comply with, planning permission for demolition of unlisted etc building in conservation area in England)] committed with respect to the building while [<sup>F8</sup>section 74] did apply to it.

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#### Textual Amendments

- F8** Words in s. 75(11) substituted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\)](#), [Sch. 17 para. 13\(a\)](#); S.I. 2013/2227, art. 2(m); for transitional provisions (2.10.2013) see [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), [5\(4\)\(b\)](#)
- F9** Words in s. 75(11) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\)](#), [Sch. 17 para. 13\(b\)](#); S.I. 2013/2227, art. 2(m); for transitional provisions (2.10.2013) see [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), [5\(4\)\(b\)](#)

#### Modifications etc. (not altering text)

- C5** Chs. I, II (ss. 1-26) and IV (ss. 38-44) of Pt. I, ss. 54-56, 59-61, 66, 68-72, 74-76 and 88: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(b\)](#); S.I. 1993/2762, [art.3](#).
- C6** S. 75(1)(5)(6) applied (Isles of Scilly) (with modifications) (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), arts. 1(1), 3, [Sch. 1](#) (with art. 1(2))
- C7** S. 75(1)(b) excluded (1.1.2019) by [The Ecclesiastical Exemption \(Listed Buildings and Conservation Areas\) \(Wales\) Order 2018 \(S.I. 2018/1087\)](#), arts. 1(1), [5](#) (with art. 1(2)(3))

#### Marginal Citations

- M1** [1979 c.46](#).

## 76 Urgent works to preserve <sup>F10</sup> ... buildings in conservation areas. **E+W**

- (1) If it appears to the Secretary of State that the preservation of a building in a conservation area is important for maintaining the character or appearance of that area, he may direct that section 54 shall apply to it as it applies to listed buildings.
- (2) The Secretary of State shall consult the Commission before giving a direction under subsection (1) in respect of a building in England.

#### Textual Amendments

- F10** Word in s. 76 heading omitted (21.5.2016) by virtue of [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), [ss. 30\(5\)](#), [41\(2\)](#)

#### Modifications etc. (not altering text)

- C8** Chs. I, II (ss. 1-26) and IV (ss. 38-44) of Pt. I, ss. 54-56, 59-61, 66, 68-72, 74-76 and 88: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(b\)](#); S.I. 1993/2762, [art.3](#).

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Control of demolition is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A)(1B) inserted by 2023 c. 55 s. 105(2)
- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 16(2A) inserted by 2023 c. 55 s. 102(3)
- s. 17(4) inserted by 2023 c. 55 s. 124(4)
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 44AA-44AC inserted by 2023 c. 55 s. 103(2)
- s. 46(1A) inserted by 2023 c. 55 s. 103(8)(a)
- s. 46(3A) inserted by 2023 c. 55 s. 103(8)(c)
- s. 49(1) s. 49 renumbered as s. 49(1) by 2023 asc 3 Sch. 13 para. 127(b)
- s. 49(2) inserted by 2023 asc 3 Sch. 13 para. 127(c)
- s. 54(8) inserted by 2023 c. 55 s. 104(2)(c)
- s. 55(2A) inserted by 2023 c. 55 s. 104(3)(a)
- s. 55(5H)(5I) inserted by 2023 c. 55 s. 104(3)(f)
- s. 55(5BA) inserted by 2023 c. 55 s. 104(3)(d)
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 66(1A) inserted by 2023 c. 55 s. 102(4)(a)
- s. 66(2A) inserted by 2023 c. 55 s. 102(4)(b)
- s. 66(5) inserted by 2023 asc 3 Sch. 13 para. 136
- s. 82A(2)(fza) inserted by 2023 c. 55 s. 103(9)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 88(3ZA) inserted by 2023 c. 55 s. 103(10)(a)
- s. 88B(1ZA) inserted by 2023 c. 55 s. 103(11)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 89(1ZC) inserted by 2023 c. 55 s. 124(5)(b)
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 2 para. 4A inserted by 2023 c. 55 s. 103(12)(b)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)