



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART II

CONSERVATION AREAS

Designation

69 Designation of conservation areas

- (1) Every local planning authority—
 - (a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and
 - (b) shall designate those areas as conservation areas.
- (2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.
- (3) The Secretary of State may from time to time determine that any part of a local planning authority's area which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area.
- (4) The designation of any area as a conservation area shall be a local land charge.

70 Designation of conservation areas: supplementary provisions

- (1) The functions of a local planning authority under section 69 and this section shall also be exercisable in Greater London by the Commission.

Status: This is the original version (as it was originally enacted).

- (2) Before making a determination under section 69 the Commission shall consult the council of each London borough of which any part is included in the area to which the proposed determination relates.
- (3) Before making a determination under section 69(3) the Secretary of State shall consult the local planning authority.
- (4) Before designating any area in Greater London as a conservation area the Commission shall obtain the consent of the Secretary of State.
- (5) A local planning authority shall give notice of the designation of any part of their area as a conservation area under section 69(1) or (2) and of any variation or cancellation of any such designation—
 - (a) to the Secretary of State; and
 - (b) if it affects an area in England and the designation or, as the case may be, the variation or cancellation was not made by the Commission, to the Commission.
- (6) The Secretary of State shall give notice of the designation of any part of the area of a local planning authority as a conservation area under section 69(3) and of any variation or cancellation of any such designation—
 - (a) to the authority; and
 - (b) if it affects an area in England, to the Commission.
- (7) A notice under subsection (5) or (6) shall contain sufficient particulars to identify the area affected.
- (8) Notice of any such designation, variation or cancellation as is mentioned in subsection (5) or (6), with particulars of its effect, shall be published in the London Gazette and in at least one newspaper circulating in the area of the local planning authority, by that authority or, as the case may be, the Secretary of State.

General duties of planning authorities

71 Formulation and publication of proposals for preservation and enhancement of conservation areas

- (1) It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.
- (2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.
- (3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

72 General duty as respects conservation areas in exercise of planning functions

- (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- (2) The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953.

73 Publicity for applications affecting conservation areas

- (1) Where an application for planning permission for any development of land is made to a local planning authority and the development would, in the opinion of the authority, affect the character or appearance of a conservation area, subsections (2) to (7) of section 67 shall apply as they apply in the circumstances mentioned in subsection (1) of that section.
- (2) Subsection (3) of section 63 of the principal Act (references to applications for planning permission to include applications for permission to retain existing works and uses) does not apply to the construction of this section.

Control of demolition

74 Control of demolition in conservation areas

- (1) A building in a conservation area shall not be demolished without the consent of the appropriate authority (in this Act referred to as “conservation area consent”).
- (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.
- (3) Sections 7 to 26, 28, 32 to 46, 56, 62 to 65, 66(1), 82(2) to (4), 83(1)(b),(3) and (4) and 90(2) to (4) have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings subject to such exceptions and modifications as may be prescribed by regulations.
- (4) Any such regulations may make different provision—
- (a) in relation to applications made by local planning authorities, and
 - (b) in relation to other applications.

75 Cases in which s. 74 does not apply

- (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 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.
- (2) The Secretary of State may direct that section 74 shall not apply to any description of buildings specified in the direction.

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- (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 that section 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 committed with respect to the building while that section did apply to it.

76 Urgent works to preserve unoccupied buildings in conservation areas

- (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.

Grants

77 Grants and loans for preservation or enhancement of conservation areas

- (1) If in the opinion of the Commission any relevant expenditure has made or will make a significant contribution towards the preservation or enhancement of the character or appearance of any conservation area situated in England or any part of such an area, they may make grants or loans for the purposes of defraying the whole or part of that expenditure.
- (2) If in the opinion of the Secretary of State any relevant expenditure has made or will make a significant contribution towards the preservation or enhancement of the character or appearance of any conservation area situated in Wales or any part of such an area, he may make grants or loans for the purposes of defraying the whole or part of that expenditure.
- (3) Expenditure is relevant for the purposes of subsection (1) or (2) if it has been or is to be incurred in or in connection with, or with a view to the promotion of, such preservation or enhancement as is mentioned in that subsection.
- (4) A grant or loan under this section may be made subject to such conditions as the Commission or, as the case may be, the Secretary of State may think fit to impose.
- (5) Any loan under subsection (1) shall be made on such terms as to repayment, payment of interest and otherwise as the Commission may determine.
- (6) Any loan under subsection (2) shall be made on such terms as to repayment, payment of interest and otherwise as the Secretary of State may with the approval of the Treasury determine.
- (7) Unless the making of a grant or loan under this section appears to the Secretary of State to be a matter of immediate urgency, before making the grant or loan, the Secretary of State shall consult the Historic Buildings Council for Wales as to its making and the conditions subject to which it should be made.
- (8) The Secretary of State may pay such remuneration and allowances as he may with the approval of the Treasury determine to any member of the Historic Buildings Council for Wales by whom services are rendered in connection with any question as to the exercise of his powers under this section.
- (9) If any such member is also a member of the House of Commons, those payments shall extend only to allowances in respect of travelling and subsistence expenses, and any other expenses necessarily incurred by him in connection with those services.

78 Recovery of grants under s. 77

- (1) This section applies to any grant under section 77 made on terms that it shall be recoverable under this section.
- (2) A grant shall only be regarded as made on those terms if before or on making the grant the grantor gives the grantee notice in writing—

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- (a) summarising the effect of this section; and
 - (b) if the grant is made for the purpose of defraying the whole or part of expenditure in relation to any particular property (“the grant property”), specifying the recovery period.
- (3) In this section “the recovery period” means the period, beginning with the day on which the grant is made and ending not more than ten years after that day, during which the grant is to be recoverable in accordance with subsection (4).
- (4) If during the recovery period the grantee disposes of the interest which was held by him in the grant property on the day on which the grant was made or any part of that interest by way of sale or exchange or lease for a term of not less than 21 years, the grantor may recover the amount of the grant, or such part of it as the grantor thinks fit, from the grantee.
- (5) If the grantee gives the whole of that interest to any person (whether directly or indirectly, but otherwise than by will) subsection (4) shall have effect as if the donee were the grantee.
- (6) If the grantee gives part of that interest to any person (whether directly or indirectly, but otherwise than by will) subsection (4) shall have effect as if any disposal or part disposal of that interest by the donee were a disposal by the grantee.
- (7) If any condition imposed on the making of a grant to which this section applies is contravened or not complied with, the grantor may recover the amount of the grant, or such part of it as he thinks fit, from the grantee.
- (8) Nothing in this section entitles a grantor to recover amounts in the aggregate exceeding the amount of the grant (for example by virtue of a breach of more than one condition or disposals of several parts of an interest in the grant property).

Town schemes

79 Town scheme agreements

- (1) The Commission and one or more local authorities in England, or the Secretary of State and one or more local authorities in Wales, may enter an agreement (in this Act referred to as a “town scheme agreement”) that a specified sum of money shall be set aside for a specified period of years for the purpose of making grants for the repair of buildings which are—
- (a) included in a list compiled for the purposes of such an agreement by the parties to the agreement, or by them and other such authorities, or
 - (b) shown on a map prepared for those purposes by the parties, or by them and such other authorities.
- (2) Before such a list is compiled or such a map is prepared by the Secretary of State and any local authorities as respects any buildings in Wales they shall consult the Historic Buildings Council for Wales.
- (3) In this section “local authority” means—
- (a) a county council;
 - (b) a district council;
 - (c) in relation to any building situated within the Broads, the Broads Authority;

- (d) a London borough council or the Common Council of the City of London;
- (e) the Council of the Isles of Scilly.

80 Grants for repairing of buildings in town schemes

- (1) The Commission may make grants for the purpose of defraying the whole or part of any expenditure incurred or to be incurred in the repair of any building which—
 - (a) is the subject of a town scheme agreement;
 - (b) is situated in a conservation area in England; and
 - (c) appears to the Commission to be of architectural or historic interest.
- (2) The Secretary of State may make grants for the purpose of defraying the whole or part of any expenditure incurred or to be incurred in the repair of any building which—
 - (a) is the subject of a town scheme agreement;
 - (b) is situated in a conservation area in Wales; and
 - (c) appears to him to be of architectural or historic interest.
- (3) A grant under this section may be made subject to conditions imposed by the Commission or, as the case may be, the Secretary of State for such purposes as the Commission or, as the case may be, the Secretary of State thinks fit.
- (4) Unless the making of a grant under this section appears to the Secretary of State to be a matter of immediate urgency, before he makes such a grant he may consult with the Historic Buildings Council for Wales as to the making of the grant and as to the conditions subject to which it should be made.
- (5) The Commission or the Secretary of State may—
 - (a) pay any grant under this section to any authority which is a party to a town scheme agreement; and
 - (b) make arrangements with any such authority for the way in which the agreement is to be carried out.
- (6) Those arrangements may include such arrangements for the offer and payment of grants under this section as the parties may agree.
- (7) Section 78(4) to (8) shall apply to a grant under this section as it applies to a grant under that section, but taking the recovery period to be three years beginning with the day on which the grant is made.