

Planning (Listed Buildings and Conservation Areas) Act 1990

1 Listing of buildings of special architectural or historic interest

(1) For the purposes of this Act and with a view to the guidance of local planning authorities in the performance of their functions under this Act and the principal Act in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by the Historic Buildings and Monuments Commission for England (in this Act referred to as "the Commission") or by other persons or bodies of persons, and may amend any list so compiled or approved.

(2) The Secretary of State shall not approve any list compiled by the Commission if the list contains any building situated outside England.

(3) In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also--

- (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
- (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.

(4) Before compiling, approving (with or without modifications) or amending any list under this section [in relation to buildings which are situated in England] the Secretary of State shall consult--

- (a) *in relation to buildings which are situated in England*, with the Commission; and
- (b) with such other persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

[(4A) Section 2A makes provision about consultation on amendments of any list under this section to include or exclude a building which is situated in Wales.]

(5) In this Act "listed building" means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act--

- (a) any object or structure fixed to the building;
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,

shall[, subject to subsection (5A)(a),] be treated as part of the building.

[(5A) In a list compiled or approved under this section, an entry for a building situated in England may provide--

- (a) that an object or structure mentioned in subsection (5)(a) or (b) is not to be treated as part of the building for the purposes of this Act;
- (b) that any part or feature of the building is not of special architectural or historic interest.]

(6) Schedule 1 shall have effect for the purpose of making provision as to the treatment as listed buildings of certain buildings formerly subject to building preservation orders.

Initial Commencement: 24 August 1990

Extent This Act does not extend to Scotland: see s 94(3).

Amendment

Sub-s (4): words "in relation to buildings which are situated in England" in square brackets inserted, in relation to Wales, by the Historic Environment (Wales) Act 2016, s 26(1)(a)(i).

Date in force: to be appointed: see the Historic Environment (Wales) Act 2016, s 41(3).

Sub-s (4): in para (a) words "in relation to buildings which are situated in England," in italics repealed, in relation to Wales, by the Historic Environment (Wales) Act 2016, s 26(1)(a)(ii).

Date in force: to be appointed: see the Historic Environment (Wales) Act 2016, s 41(3).

Sub-s (4A): inserted, in relation to Wales, by the Historic Environment (Wales) Act 2016, s 26(1)(b).

Date in force: to be appointed: see the Historic Environment (Wales) Act 2016, s 41(3).

Sub-s (5): words ", subject to subsection (5A)(a)," in square brackets inserted by the Enterprise and Regulatory Reform Act 2013, s 63, Sch 17, paras 7, 8(1), (2).

Date in force (for the purposes of enabling the exercise of any power to make provision by regulations, rules or order made by statutory instrument): 25 April 2013: see the Enterprise and Regulatory Reform Act 2013, s 103(1)(i).

Date in force (for remaining purposes): 25 June 2013: see the Enterprise and Regulatory Reform Act 2013, s 103(2)(f); for transitional provision see s 63, Sch 17, para 20 thereto.

Sub-s (5A): inserted by the Enterprise and Regulatory Reform Act 2013, s 63, Sch 17, paras 7, 8(1), (3).

Date in force (for the purposes of enabling the exercise of any power to make provision by regulations, rules or order made by statutory instrument): 25 April 2013: see the Enterprise and Regulatory Reform Act 2013, s 103(1)(i).

Date in force (for remaining purposes): 25 June 2013: see the Enterprise and Regulatory Reform Act 2013, s 103(2)(f); for transitional provision see s 63, Sch 17, para 20 thereto.