

## **THE CONSERVATION AREAS (APPLICATION OF SECTION 74 OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990) DIRECTION 2015**

The Secretary of State for Communities and Local Government, in exercise of powers conferred on him by section 75(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, hereby directs local planning authorities as follows:

### **Citation, commencement and application**

1. This Direction may be cited as the Conservation Areas (application of section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990) Direction 2015 and comes into force on 15 April 2015.
2. This Direction applies in relation to England only.

### **Interpretation**

3. In this Direction:

“the Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990;

“forestry” means the growing of a utilisable crop of timber;

“pre-1925 tombstone” means a monument or memorial to a deceased person which was erected before 1 January 1925;

“the principal Act” means the Town and Country Planning Act 1990.

### **Buildings to which section 74 of the Act does not apply**

4. Section 74 of the Act shall not apply to the following descriptions of buildings:
  - (a) any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement) or any part of such a building, other than a pre-1925 tombstone;
  - (b) any gate, wall, fence or means of enclosure which is less than one metre high which abuts on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case;
  - (c) any building erected since 1 January 1914 and in use, or last used, for the purposes of agriculture or forestry;
  - (d) any building required to be demolished by virtue of an order made under section 102 of the principal Act;
  - (e) any building required to be demolished by virtue of any provision of an agreement made under section 106 of the principal Act;
  - (f) any building in respect of which the provisions of an enforcement notice issued under section 172 of the principal Act or sections 38 or 46 of the Act require its demolition, in whole or part, however expressed;

(g) any building required to be demolished by virtue of a condition of a planning permission granted under section 70 or section 177(1) of the principal Act;

(h) any building required to be demolished by virtue of a notice served under section 215 of the principal Act;

(i) any building to which a demolition order made under Part 9 of the Housing Act 1985 applies;

(j) any building included in a compulsory purchase order made under the provisions of Part 9 of the Housing Act 1985 and confirmed by the Secretary of State;

(k) a building closed for regular public worship (within the meaning of the Mission and Pastoral Measure 2011) where demolition is in pursuance of a pastoral scheme (within the meaning of that Measure) or other scheme made under Part 6 of that Measure.

Signed by authority of the Secretary of State for Communities and Local Government

**Explanatory Note:** Under section 196D of the Town and Country Planning Act 1990, certain buildings are excluded from the definition of “relevant demolition”, including those to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of a direction of the Secretary of State under section 75 of that Act. Paragraph 31 of Department of the Environment, Transport and the Regions Circular 01/2001 contained a direction that section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to certain descriptions of buildings. This Direction replicates paragraph 31 and updates paragraph 4(k), so that the application of section 74 and the definition of ‘relevant demolition’ remain unaltered following the revocation of Circular 01/2001 by *Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015*.