

Conservation area consent for demolition

The general provision of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 brings the demolition of unlisted buildings in conservation areas under planning control.

By direction contained in Circular 01/2001 'Arrangements for handling heritage applications' the Secretary of State has directed that Section 74 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 where abutting 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 IX of the Housing Act 1985 applies;
- (j) any building included in a compulsory purchase order made under the provisions of Part IX of the Housing Act

1985 and confirmed by the Secretary of State;

(k) a redundant building (within the meaning of the Pastoral Measure 1983) where demolition is in pursuance of a pastoral or redundancy scheme (within the meaning of that Measure).

For the purposes of the above

- '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.