



Enterprise and Regulatory Reform Act 2013: Changes to heritage planning

Significant changes to Conservation Areas are set to be made under the Enterprise and Regulatory Reform Act, which received Royal Assent on 25 April.

The changes (contained in Part 5, section 63 of and Schedule 17 to the new Act under the general heading: Reduction of legislative burdens (<http://www.legislation.gov.uk/ukpga/2013/24/part/5/crossheading/heritage-planning-etc/enacted>) aim to reduce red tape and remove the separate consent regime for demolition of unlisted buildings in conservation areas.

When they come into force, the changes will take effect as amendments to relevant sections of the Town and Country Planning Act 1990 (TCPA) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA).

The changes will apply in England only and will come into force on the 1st October 2013.

Conservation Area Consent

The need to obtain Conservation Area Consent for the demolition of an unlisted building in a conservation area in England will be removed.

Instead, such works will require planning permission. The need to obtain the consent of the local planning authority will therefore remain, but it will no longer be necessary to make two applications (one for planning permission and one for Conservation Area Consent) for a scheme involving the demolition and replacement of a building in a conservation area.

Impact on the Planning Portal application service

To introduce the change to abolish Conservation Area Consent as a separate consent regime and merge with planning permission, we have needed to review the existing forms and process.

All of the existing Conservation Area forms will be retained (see list below) and users will continue to use these forms when applying for relevant demolition in a conservation area:

- Scenario 010 - Conservation Area
- Scenario 002 - Householder and Conservation Area
- Scenario 007 - Full and Conservation Area

Minor amendments will be required to ensure the forms reflect planning legislation only and full details of the changes are provided below.

Due to the short timescales, the Portal may not be able to introduce these changes on the 1st October, but we are doing everything we can to meet this date. However, we will ensure the paper forms are updated and available for the 1st October.

If we are unable to deliver the online changes on the 1st October we will publish a notice on the Portal informing applicants that the online forms are in the process of being updated. DCLG will publish further guidance to the LPAs if this date is not achievable.

Please note: LPAs need to be mindful to treat any applications made on or after 1 October as planning applications and not as applications for Conservation Area Consent (eg entering them on the planning register).

Scenario 010 - Demolition in a Conservation Area

Title

The title of the application form will be amended

From: Application for conservation area consent for demolition in a conservation area. Planning (Listed Buildings and Conservation Areas) Act 1990.

To: Application for planning permission for relevant demolition in a conservation area. Town and Country Planning Act 1990.

Ownership Certificates and Agricultural Land Declaration

The Ownership Certificates in Scenario 010 which references 'Regulation 6 of the Planning (Listed Buildings and Conservation Areas)...' will be removed and replaced with the combined Ownership Certificates and Agricultural Land Declaration referencing 'Town and Country Planning...'. Currently available in Scenario 001 householder, 004 Full etc.

Checklist

The checklist will be updated with the combined Ownership and Agricultural planning application requirement:

The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D – as applicable) and Article 12 Certificate (Agricultural Holdings).

Scenario 002 - Householder and Demolition in a Conservation Area

Title

The title of the application form will be amended

From: Householder Application for Planning Permission for works or extension to a dwelling and conservation area consent. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas Act) 1990.

To: Householder Application for Planning Permission for works or extension to a dwelling and for relevant demolition of an unlisted building in a conservation area. Town and Country Planning Act 1990

Ownership Certificates and Agricultural Land Declaration

The certificates headings will be amended to remove references to 'Regulation 6 of the Planning (Listed Buildings and Conservation Areas)...'.

Scenario 007 - Full and Demolition in a Conservation Area

Title

The title of the application form will be amended

From: Application for Planning Permission and conservation area consent for demolition in a conservation area. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas Act) 1990.

To: Application for Planning Permission and for relevant demolition of an unlisted building in a conservation area. Town and Country Planning Act 1990

Ownership Certificates and Agricultural Land Declaration

The certificates headings will be amended to remove references to 'Regulation 6 of the Planning (Listed Buildings and Conservation Areas)...'.

Fees

Applications for planning permission for relevant demolition in a conservation area will continue to be Exempt.

The fee exemption on the Portal calculator currently states 'Conservation Area Consent'. The will be amended to 'Applications relating to relevant demolition of unlisted etc buildings in conservation areas'.