



Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 2

CONTROL OF WORKS AFFECTING LISTED BUILDINGS

Right of owner of listed building to require purchase of interest

PROSPECTIVE

109 Purchase notice where consent is refused, granted subject to conditions, modified or revoked

- (1) This section applies where—
 - (a) on an application for listed building consent, consent is refused or is granted subject to conditions, or
 - (b) an order under section 107 modifies or revokes listed building consent.
- (2) If an owner of the listed building to which the application or order relates claims—
 - (a) that the first set of conditions is met in relation to the building, and
 - (b) that the first and second sets of conditions are met in relation to any associated land,the owner may serve a purchase notice on the planning authority in whose area the listed building is situated.
- (3) A purchase notice is a notice requiring the planning authority to purchase the owner's interest in the listed building and associated land.
- (4) The first set of conditions is—

Status: This version of this provision is prospective.

*Changes to legislation: There are currently no known outstanding effects for the
 Historic Environment (Wales) Act 2023, Section 109. (See end of Document for details)*

- (a) that the listed building and associated land in respect of which the notice is served are unusable in their existing state,
 - (b) in a case where listed building consent has been granted subject to conditions or has been modified by the imposition of conditions, that the building and land cannot be made usable by carrying out the works to which the consent relates in accordance with the conditions, and
 - (c) in any case, that the building and land cannot be made usable by carrying out any other works for which listed building consent has been granted or for which the planning authority or the Welsh Ministers have undertaken to grant listed building consent.
- (5) The second set of conditions is—
- (a) that the use of the associated land is substantially inseparable from the use of the listed building, and
 - (b) that the associated land ought to be treated, together with the building, as a single holding.
- (6) In this section and Schedule 9—
- “associated land” (*“tir cysylltiedig”*), in relation to a listed building, means land which—
- (a) includes, adjoins or is adjacent to the building, and
 - (b) is owned with the building;
- “usable” (*“defnyddiadwy”*), in relation to a listed building or associated land, means capable of reasonably beneficial use.
- (7) In determining whether a listed building and associated land are usable in their existing state, a prospective use of the building or land must be ignored if it would involve—
- (a) carrying out works requiring listed building consent which has not been granted and which neither a planning authority nor the Welsh Ministers have undertaken to grant, or
 - (b) carrying out development for which planning permission has not been granted and for which neither a planning authority nor the Welsh Ministers have undertaken to grant permission.
- (8) A listed building is not unusable in its existing state if—
- (a) the existing state of the building was caused by a breach of section 88 (requirement for works to be authorised) or of a condition subject to which listed building consent has been granted, and
 - (b) the building could be made usable by taking steps that are or could be required by an enforcement notice under section 123.

Commencement Information

II S. 109 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

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