

NOTICE THAT A BUILDING HAS BECOME LISTED

IMPORTANT ---- This communication affects YOUR PROPERTY

Planning Act (Northern Ireland) 2011
Buildings of special architectural or historic interest

Chief Executive
Belfast City Council
Belfast City Hall
Belfast
BT1 5GS

NOTICE IS HEREBY GIVEN that the building known as Gate Screen and railings, including pillars, at Colenso Parade, Botanic Gardens,

situate in Belfast, BT9 5AN,

has been included in the list of buildings of special architectural or historic interest in that area, compiled by the Department for Communities under section 80 of the Planning Act (Northern Ireland) 2011 on 26th March 2024.

Dated 26th March 2024


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Authorised Officer

For Explanatory Note see over

EXPLANATORY NOTE

Listing of buildings of special architectural or historic interest

This notice is addressed to you as owner or occupier of the building named, which has been included in one of the lists of buildings of special architectural or historic interest prepared under section 80 of the Planning Act (Northern Ireland) 2011 (the "Act") by the Department for Communities ("the Department"). The lists are compiled by the Department as a statutory duty, on the advice of a committee of people including architects and historians interested in historic buildings --- the Historic Buildings Council.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or to the interior) which would affect its character. In that event you will need to seek "listed building consent", that is to say, the consent of the council to the work you wish to do. Certain buildings are exempt from this requirement, notably ecclesiastical buildings in use for the time being for ecclesiastical purposes.

You should however note that it is an offence under section 85(1) of the Act to carry out any of those works without obtaining listed building consent. It is also an offence under section 85(5) to fail to comply with any condition attached to a listed building consent. A conviction for an offence could result in a fine, imprisonment or both.

Where works which are urgently necessary in the interests of safety or of health or for the preservation of the buildings are carried out without consent it is a defence to prove that ---

- (a) it was not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter;
- (b) the works carried out were limited to the minimum measures immediately necessary; and

(c) notice in writing justifying in detail the carrying out of the works was given to the council as soon as reasonably practicable. (section 85(7) of the Act).

Your attention is drawn to section 80(7) of the Act which provides that objects or structures described in that section within the curtilage of a listed building are entitled to the same protection as the building.

There is no right of appeal as such against the listing of a building but if the council should refuse consent for the carrying out of any proposed works, or grant it subject to condition, section 96 of the Act provides a right of appeal to the Planning Appeals Commission. You are not precluded at any time from writing to the Department claiming that the building should cease to be listed on the ground that it is not in fact of special architectural or historic interest; and any such claim, with the evidence supporting it, will be carefully considered.

If at any time you propose to take any action which may affect the character of your building, you should refer to the provisions of Chapter 1 Part 4 of the Act and the Planning (Listed Buildings) Regulations (Northern Ireland) 2015. Further details can be obtained from your council.