



Town and Country Planning Act 1932

1932 CHAPTER 48

Interim Development of Land.

10 Interim development orders.

- (1) The Minister shall make a general order with respect to the interim development of land within the areas to which resolutions to prepare or adopt a scheme apply and may make special orders with respect to the interim development of any such land in any particular area.

For the purposes of this section the expression "interim development" means development between the date on which the resolution takes effect, and the date of the coming into operation of the scheme.

- (2) An order made under the preceding subsection (in this Act referred to as "an interim development order") may itself permit the development of land either unconditionally or subject to any condition specified in the order, or may empower any authority so specified to permit the development of land in accordance with the terms of the order.
- (3) Where an application for permission to develop land is made to the specified authority in manner provided by the order, the authority may, subject to the terms of the order, grant the application unconditionally or subject to such conditions as they think proper to impose, or may refuse the application, and they shall be deemed to have granted the application unconditionally unless within two months from the receipt thereof, or within such longer period as the applicant may agree in writing to allow, they give notice to him that they have decided to the contrary, stating their reasons for so doing:

Provided that—

- (a) an application for permission to erect a new building on the site of an existing building, or on the site of a building which was standing within two years before the date on which a resolution takes effect, if made before or within two years after the destruction or demolition of that previous building, or within twelve months after the date on which the resolution takes effect, whichever period last expires, shall not be refused and conditions shall not be imposed, if the effect of the refusal or imposition of conditions would be to render it impossible for the applicant to erect a building having a cubic content above

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the level of the ground as great as that of the previous building or, in the case of a previous building used for business or industry, to erect a building having as great a cubic content above the level of the ground and as great a superficial area on the ground floor as those of the previous building, except where either—

- (i) the new building would not conform with a provision proposed to be inserted in the scheme for fixing, in relation to any street or proposed street, a line beyond which no building in that street or proposed street may project; or
 - (ii) it is proposed to include the site of the new building or part thereof in an area to be reserved by the scheme for a purpose the carrying out of which in the future would necessitate the removal or the alteration of the new building;
- (b) an application for permission to use any building which is erected in substitution for an existing building, or other such previous building as aforesaid, and is commenced within two years after the destruction or demolition of the previous building, for any purpose of the same or similar character as that for which the previous building was last used before its destruction or demolition shall not be refused unless such a use would be of a noxious or otherwise offensive character.
- (4) In any case where an application under the last preceding subsection is refused or is granted subject to conditions, the authority may, if they think fit, make a contribution, the payment of which shall not be unreasonably delayed, towards any damage or expense which the applicant shows to their satisfaction that he is likely to suffer by reason of their decision.
- (5) An applicant who is aggrieved by the refusal of the authority to consent to his application, or by any conditions imposed by them, may within twenty-eight days from the date on which he received notice of the decision of the authority, or such longer period as the Minister may allow, appeal to the Minister, and the Minister, after taking into consideration any offer by the authority to make a contribution under the last preceding subsection, may dismiss or allow the appeal, either unconditionally or subject to such conditions as he thinks proper to impose, but the Minister, before deciding any such appeal, shall, if either the appellant or the authority so desire, afford them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

The decision of the Minister on an appeal under this subsection shall be final and shall have effect as if it were a decision of the authority.

- (6) Where an appeal to the Minister under the last preceding subsection is dismissed on the ground only that the land to which the appeal relates, though otherwise suitable for immediate development, ought to be reserved by the scheme for a public open space, and the Minister is satisfied that, if the appeal had been allowed, the development for which permission was sought would have taken place within a reasonable period, the appellant, if he is entitled to dispose of the fee simple of the land with vacant possession, may, by notice in writing given to the authority within six months from the date of the Minister's decision, require the authority to purchase the land at a price to be agreed, or in default of agreement to be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the authority shall purchase the land accordingly.

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- (7) Where expenditure is necessarily incurred on buildings or works in order to comply with a condition confirmed or imposed by the Minister on an appeal to him under this section, and the condition was confirmed or imposed in anticipation of the reservation of land for a public purpose or the execution of works under the scheme, then, if the scheme as proposed to be approved by the Minister does not contain a provision for such reservation or execution of works, and the Minister, on representations made to him, is satisfied that the expenditure which has been so incurred is wholly or partly abortive on that account, the scheme shall provide that the person by whom the expenditure was incurred shall be entitled, if he makes a claim in that behalf within twelve months from the date on which the scheme comes into operation, to recover as compensation from the responsible authority so much of that expenditure as is abortive.
- (8) An interim development order may empower any authority specified in the order, with the consent of the Minister, to suspend the operation of any enactments contained in local Acts and of any orders, byelaws or regulations, under whatever authority made, where it is expedient in order to promote the development permitted by or under the order.
- (9) The foregoing provisions of this section shall not apply in any case where the scheme for the preparation or adoption of which a resolution has taken effect is a supplementary scheme or a scheme varying an existing scheme.