



Town and Country Planning Act 1932

1932 CHAPTER 48

Powers as to matters not finally dealt with by Scheme.

16 Power to permit building operations pending the coming into operation of a general development order.

- (1) Where the provisions of a scheme prohibit or restrict building operations on any land pending the coming into operation of a general development order, a person, who, before such an order comes into operation with respect to that land, desires to commence thereon any building operations which would contravene any such temporary prohibition or restriction may, in accordance with such directions, if any, as may be contained in the scheme, apply to the responsible authority for their consent to the carrying out of the operations specified in the application.
- (2) The responsible authority shall, in deciding any such application, have regard to any injury likely to be caused to the applicant by the refusal of the application, as well as to any public advantage likely to result from the maintenance of the prohibition or restriction, pending the coming into operation of a general development order, and may, if they are satisfied that the proposed operations will not contravene any permanent provisions of the scheme, grant the application unconditionally, or subject to such conditions as they think proper to impose :

Provided that, where the authority have power under this subsection to grant an application, they shall not refuse that application unless they are satisfied that other land suitable for such building operations as are specified in the application is available on reasonable terms and either—

- (a) that the operations would involve danger or injury to health by reason of the lack of roads, sewers, water supply or any public services and that the provision of the necessary services would be premature, or likely to involve excessive expenditure of public money; or
 - (b) that the operations would be likely seriously to injure the amenity of the locality.
- (3) Any person aggrieved by the refusal of any such application as aforesaid, or by any conditions imposed by the responsible authority, may within twenty-eight days from

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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 may dismiss or allow the appeal, either unconditionally, or subject to such conditions as he thinks proper to impose.

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.