



Town and Country Planning Act 1968

1968 CHAPTER 72

PART II

ENFORCEMENT OF PLANNING CONTROL

Established use

17 Certification of established use.

- (1) For the purposes of this Part of this Act, a use of land is established if—
- it was begun before the beginning of 1964 without planning permission in that behalf and has continued since the end of 1963 ; or
 - it was begun before the beginning of 1964 under a planning permission in that behalf granted subject to conditions or limitations, which either have never been complied with or have not been complied with since the end of 1963 ; or
 - it was begun after the end of 1963 as the result of a change of use not requiring planning permission and there has been, since the end of 1963, no change of use requiring planning permission.

- (2) Where a person having an interest in land claims that a particular use of it has become established, he may apply to the local planning authority for a certificate (in this Act referred to as an " established use certificate ") to that effect:

Provided that no such application may be made in respect of the use of land as a single dwelling-house, or of any use not subsisting at the time of the application.

- (3) An established use certificate may be granted (either by the local planning authority or, under section 18 below, by the Minister)—
- either for the whole of the land specified in the application, or for a part of it; or
 - in the case of an application specifying two or more uses, either for all those uses or for some one or more of them.
- (4) On an application to them under this section., the local planning authority shall, if and so far as they are satisfied that the applicant's claim is made out, grant to him an

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established use certificate accordingly; and if and so far as they are not so satisfied, they shall refuse the application.

- (5) Where an application is made to a local planning authority for an established use certificate, then unless within such period as may be prescribed by a development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the authority give notice to the applicant of their decision on the application, then, for the purposes of section 18(2) below, the application shall be deemed to be refused.
- (6) Schedule 2 to this Act shall have effect with respect to established use certificates and applications therefor and to appeals under section 18 below.
- (7) An established use certificate shall, as respects any matters stated therein, be conclusive for the purposes of an appeal to the Minister against an enforcement notice served in respect of any land to which the certificate relates, but only where the notice is served after the date of the application on which the certificate was granted.
- (8) If any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for an established use certificate or on an appeal arising out of such an application,—
 - (a) knowingly or recklessly makes a statement which is false in a material particular ; or
 - (b) with intent to deceive, produces, furnishes, sends or otherwise makes use of any document which is false in a material particular ; or
 - (c) with intent to deceive, withholds any material information,
 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

18 Grant of certificate by Minister on referred application or appeal against refusal.

- (1) The Minister may give directions requiring applications for established use certificates to be referred to him instead of being dealt with by local planning authorities; and, on any such application being referred to him in accordance with such directions, section 17(4) above shall apply in relation to the Minister as it applies in relation to the local planning authority in the case of an application determined by them.
- (2) Where an application is made to a local planning authority for an established use certificate and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Minister; and on any such appeal the Minister shall—
 - (a) if and so far as he is satisfied that the authority's refusal is not well-founded, grant to the appellant an established use certificate accordingly or, as the case may be, modify the certificate granted by the authority on the application; and
 - (b) if and so far as he is satisfied that the authority's refusal is well-founded, dismiss the appeal.
- (3) On an application referred to him under subsection (1) above or on an appeal to him under subsection (2) above, the Minister may, in respect of any use of land for which an established use certificate is not granted (either by him or by the local planning authority), grant planning permission for that use or, as the case may be, for the continuance of that use without complying with some condition subject to which a previous planning permission was granted.

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- (4) Before determining an application or appeal under this section the Minister shall, if either the applicant or appellant (as the case may be) or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (5) The decision of the Minister on an application referred to him, or on an appeal, under this section shall be final.
- (6) In the case of any use of land for which the Minister has power to grant planning permission under this section, the applicant or appellant shall be deemed to have made an application for such planning permission; and any planning permission so granted shall be treated as granted on the said application.