



Town and Country Planning Act 1968

1968 CHAPTER 72

PART VI

MISCELLANEOUS CHANGES IN PLANNING LAW

Duration of planning permission

65 Limit of duration of planning permissions past and future.

- (1) Subject to the provisions of this section, every planning permission granted or deemed to have been granted before the commencement of this section shall, if the development to which it relates has not been begun before the beginning of 1968, be deemed to have been granted subject to a condition that the development must be begun not later than the expiration of five years beginning with the said commencement.
- (2) Subject to the provisions of this section, every planning permission granted or deemed to be granted after the commencement of this section shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—
 - (a) five years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted ; or
 - (b) such other period (whether longer or shorter) beginning with the said date as the authority concerned with the terms of the planning permission may direct, being a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.
- (3) If after the commencement of this section planning permission is granted without the condition required by subsection (2) above, it shall be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the expiration of five years beginning with the date of the grant.
- (4) Nothing in this section applies—
 - (a) to any outline planning permission, as defined by section 66 below;

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- (b) to any planning permission granted by a development order;
- (c) to any planning permission which was granted or deemed to be granted, before the commencement of this section, subject to an express condition that the development to which it relates should be begun, or be completed, not later than a specified date or within a specified period;
- (d) to any planning permission granted for a limited period (within the meaning of section 18 of the principal Act); or
- (e) to any planning permission granted under section 20 of the principal Act on an application relating to buildings or works completed, or a use of land instituted, before the date of the application.

66 Outline planning permissions.

- (1) In this section and section 65 above, " outline planning permission " means planning permission granted, in accordance with the provisions of a development order, with the reservation for subsequent approval by the local planning authority or the Minister of matters (referred to in this section as " reserved matters ") not particularised in the application.
- (2) Subject to the provisions of this section, where before the commencement of this section outline planning permission has been granted for development consisting in or including the carrying out of building or other operations, and the development has not been begun before the beginning of 1968, that planning permission shall be deemed to have been granted subject to conditions to the following effect:—
 - (a) that, in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the commencement of this section ; and
 - (b) that the development to which the permission relates must be begun not later than whichever is the later of the following dates,—
 - (i) the expiration of five years from the date of the commencement of this section ; or
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (3) Subsection (2) above shall not apply to a planning permission granted before the commencement of this section subject to an express condition that the development to which it relates should be begun, or be completed, or that application for approval of any reserved matter should be made, not later than a specified date or within a specified period.
- (4) Subject to the provisions of this section, where outline planning permission is granted after the commencement of this section for such development as is referred to in subsection (2) above, it shall be granted subject to conditions to the following effect:—
 - (a) that, in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission ; and
 - (b) that the development to which the permission relates must be begun not later than whichever is the later of the following dates,—
 - (i) the expiration of five years from the date of the grant of outline planning permission ; or

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- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (5) If after the commencement of this section outline planning permission is granted without the conditions required by subsection (4) above, it shall be deemed to have been granted subject to those conditions.
- (6) The authority concerned with the terms of an outline planning permission may, in applying subsection (4) above, substitute, or direct that there be substituted, for the periods of three years, five years or two years referred to in that subsection such other periods respectively (whether longer or shorter) as they consider appropriate.
- (7) The said authority may, in applying the said subsection, specify, or direct that there be specified, separate periods under paragraph (a) of the subsection in relation to separate parts of the development to which the planning permission relates ; and, if they do so, the condition required by paragraph (b) of the subsection shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.
- (8) In considering whether to exercise their powers under subsections (6) and (7) above, the said authority shall have regard to the provisions of the development plan and to any other material considerations.

67 Provisions supplementary to ss.65 and 66.

- (1) For the purposes of sections 65 and 66 above, development shall be taken to be begun on the earliest date on which any specified operation (as defined in section 64(3) of the Land Commission Act 1967) comprised in the development begins to be carried out.
- (2) The authority referred to in section 65(2)(b) and section 66(6) above is the local planning authority or the Minister, in the case of planning permission granted by them, and—
 - (a) in the case of planning permission granted by an order under section 28 of the principal Act (requirement of discontinuance of use of land or alteration or removal of buildings or works) is the local planning authority making the order or, where the Minister in confirming the order exercises his powers under section 28(5) of that Act, the Minister ;
 - (b) in the case of planning permission under section 41 of the principal Act (grant by direction of a government department) is the department on whose direction planning permission is deemed to be granted.
- (3) For the purposes of section 66(2) and (4) above, a reserved matter shall be treated as finally approved when an application for approval is granted or, in a case where the application is made to the local planning authority and there is an appeal to the Minister against the authority's decision on the application and the Minister grants the approval, on the date of the determination of the appeal.
- (4) Where after the commencement of sections 65 and 66 above a local planning authority grant planning permission, the fact that any of the conditions of the permission are required by this Act to be imposed, or are deemed by this Act to be imposed, shall not prevent the conditions being the subject of an appeal under section 23 of the principal Act against the decision of the authority.

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- (5) Section 18(3) of the principal Act (planning permission not to be taken as authorising operations carried out after the time limited in that behalf by the permission) shall not have effect in relation to a planning permission having conditions attached to it by or under section 65(1), (2) or (3) or section 66(2), (4) or (5) above; but in the case of such a planning permission (whether outline or other),—
- (a) development carried out after the date by which the conditions of the permission require it to be carried out shall be treated as not authorised by the permission; and
 - (b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.
- (6) Compensation under Part VI of the principal Act shall not be payable in respect of the application to any planning permission of any of the conditions referred to in sections 65 and 66 of this Act.
- (7) The said conditions shall be disregarded for the purposes—
- (a) of section 123 of the principal Act (compensation for planning decisions restricting development);
 - (b) of section 129 of that Act (right of landowner to serve purchase notice, where he claims that the land has become incapable of reasonably beneficial use on account of the refusal of planning permission or the imposition of conditions); and
 - (c) of section 170 of that Act (compensation of statutory undertakers in respect of certain planning decisions).

68 Termination of planning permission by reference to time limit.

- (1) The following provisions of this section shall have effect where, by virtue of section 65 or 66 above, a planning permission (whether granted before or after the commencement of those sections) is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period and that development has been begun within that period but the period has elapsed without the development having been completed.
- (2) If the local planning authority are of opinion that the development will not be completed within a reasonable period, they may serve a notice (hereafter in this section referred to as a "completion notice") stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice, being a period of not less than twelve months after the notice takes effect.
- (3) A completion notice—
- (a) shall be served on the owner and occupier of the land and on any other person who in the opinion of the local planning authority will be affected by the notice; and
 - (b) shall take effect only if and when it is confirmed by the Minister, who may in confirming it substitute some longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.
- (4) If, within such period as may be specified in a completion notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served

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so requires, the Minister before confirming the notice shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

- (5) If a completion notice takes effect, the planning permission therein referred to shall at the expiration of the period specified in the notice, whether the original period specified under subsection (2) above or a longer period substituted by the Minister under subsection (3) above, be invalid except so far as it authorises any development carried out thereunder up to the end of that period.
- (6) The local planning authority may withdraw a completion notice at any time before the expiration of the period specified therein as the period at the expiration of which the planning permission is to cease to have effect; and if they do so they shall forthwith give notice of the withdrawal to every person who was served with the completion notice.