



Town and Country Planning Act 1971

1971 CHAPTER 78

PART III

GENERAL PLANNING CONTROL

Determination by local planning authorities of applications for planning permission

29 Determination of applications

- (1) Subject to the provisions of sections 26 to 28 of this Act, and to the following provisions of this Act, where an application is made to a local planning authority for planning permission, that authority, in dealing with the application, shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations, and—
 - (a) subject to sections 41, 42, 70 and 77 to 80 of this Act, may grant planning permission, either unconditionally or subject to such conditions as they think fit; or
 - (b) may refuse planning permission.
- (2) In determining any application for planning permission for development of a class to which section 26 of this Act applies, the local planning authority shall take into account any representations relating to that application which are received by them before the end of the period of twenty-one days beginning with the date of the application.
- (3) Where an application for planning permission is accompanied by such a certificate as is mentioned in subsection (1)(b), (c) or (d) of section 27 of this Act, or by a certificate containing a statement in accordance with subsection (3) (b) of that section, the local planning authority—
 - (a) in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period mentioned in subsection (4) of that section, by any person who satisfies them that he is an owner of any land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land; and

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- (b) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the preceding paragraph.
- (4) In determining any application for planning permission to which section 28 of this Act applies, the local planning authority shall take into account any representations relating to the application which are received by them before the periods mentioned in subsection (3) of that section have elapsed.
- (5) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority having power to issue a site licence for that land, consult the local authority having that power.
- (6) In this section " site licence " means a licence under Part I of the Caravan Sites and Control of Development Act 1960 authorising the use of land as a caravan site and "owner" and "agricultural holding" have the same meanings as in section 27 of this Act. .

30 Conditional grant of planning permission

- (1) Without prejudice to the generality of section 29(1) of this Act, conditions may be imposed on the grant of planning permission thereunder—
 - (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;
 - (b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.
- (2) Any planning permission granted subject to such a condition as is mentioned in subsection (1)(b) of this section is in this Act referred to as "planning permission granted for a limited period".
- (3) Where—
 - (a) planning permission is granted for development consisting of or including the carrying out of building or other operations subject to a condition that the operations shall be commenced not later than a time specified in the condition (not being a condition attached to the planning permission by or under section 41 or 42 of this Act); and
 - (b) any building or other operations are commenced after the time so specified, the commencement and carrying out of those operations do not constitute development for which that permission was granted.

31 Directions etc. as to method of dealing with applications

- (1) Subject to the provisions of section 29(2) to (5) of this Act, provision may be made by a development order for regulating the manner in which applications for planning permission to develop land are to be dealt with by local planning authorities, and in particular—

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- (a) for enabling the Secretary of State to give directions restricting the grant of planning permission by the local planning authority, either indefinitely or during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;
 - (b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order, or by directions given by the Secretary of State thereunder, to grant planning permission for development which does not accord with the provisions of the development plan;
 - (c) for requiring the local planning authority, before granting or refusing planning permission for any development, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Secretary of State thereunder ;
 - (d) for requiring the local planning authority to give to any applicant for planning permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;
 - (e) for requiring the local planning authority to give to the Secretary of State, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for planning permission made to the authority, including information as to the manner in which any such application has been dealt with.
- (2) The Secretary of State may give directions to local planning authorities with respect to the matters which they are to take into consideration in determining an application to which section 28 of this Act applies and with respect to the consultations which such authorities are to undertake before determining any such application.
- (3) Different directions may under subsection (2) of this section be given to different local planning authorities; and any such directions may require an authority—
- (a) before determining an application to consult such persons or bodies of persons as the Secretary of State may specify, being persons or bodies appearing to him to be competent to give advice in relation to the development or description of development to which the directions have reference;
 - (b) to supply to any person or body, whom they are required by the directions to consult, specified documents or information enabling the body to form an opinion on which to base their advice;
 - (c) to establish committees, consisting either of members of the authority or of other persons, or of both, to advise the authority in relation to the determination of any application referred to in subsection (2) of this section.

32 Permission to retain buildings or works or continue use of land

- (1) An application for planning permission may relate to buildings or works constructed or carried out, or a use of land instituted, before the date of the application, whether—
- (a) the buildings or works were constructed or earned out, or the use instituted, without planning permission or in accordance with planning permission granted for a limited period; or
 - (b) the application is for permission to retain the buildings or works, or continue the use of the land, without complying with some condition subject to which a previous planning permission was granted.

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- (2) Any power to grant planning permission to develop land under this Act shall include power to grant planning permission for the retention on land of buildings or works constructed or carried out, or for the continuance of a use of land instituted, as mentioned in subsection (1) of this section; and references in this Act to planning permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly:

Provided that this subsection shall not affect the construction of section 26, 28, 29(2) or (4) or 59, of sections 66 to 86 or of Part VII of this Act.

- (3) Any planning permission granted in accordance with subsection (2) of this section may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or (in the case of buildings or works constructed or a use instituted in accordance with planning permission granted for a limited period) so as to take effect from the end of that period, as the case may be.

33 Provisions as to effect of planning permission

- (1) Without prejudice to the provisions of this Part of this Act as to the duration, revocation or modification of planning permission, any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested therein.
- (2) Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

34 Registers of applications and decisions

- (1) Every local planning authority shall keep, in such manner as may be prescribed by a development order, a register containing such information as may be so prescribed with respect to applications for planning permission made to that authority, including information as to the manner in which such applications have been dealt with.
- (2) A development order may make provision for the register to be kept in two or more parts, each part containing such information relating to applications for planning permission made to the authority as may be prescribed by the order, and may also make provision—
- (a) for a specified part of the register to contain copies of applications and of any plans or drawings submitted therewith; and
 - (b) for the entry relating to any application, and every thing relating thereto, to be removed from that part of the register when the application (including any appeal arising out of it) has been finally disposed of, without prejudice to the inclusion- of any different entry relating thereto in another part of the register.
- (3) Every register kept under this section shall be available for inspection by the public at all reasonable hours.