



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART IV

#### ADDITIONAL CONTROL IN SPECIAL CASES

##### *Buildings of special architectural or historic interest*

#### **54 Lists of buildings of special architectural or historic interest**

- (1) For the purposes of this Act and with a view to the guidance of local planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.
- (2) In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also—
  - (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
  - (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.
- (3) Before compiling or approving, with or without modifications, any list under this section, or amending any list thereunder the Secretary of State shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.
- (4) As soon as may be after any list has been compiled or approved under this section, or any amendments of such a list have been made, a copy of so much of the list as relates to any county borough, London borough or county district, or of so much of the amendments as relates thereto, as the case may be, certified by or on behalf of

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

the Secretary of State to be a true copy thereof, shall be deposited with the clerk of the council of that borough or district, and also, where that council is not the local planning authority, with the clerk of the local planning authority.

- (5) A copy of anything required by subsection (4) of this section to be deposited with the clerk of a London borough shall be deposited also with the clerk of the Greater London Council.
- (6) Any copy deposited under subsection (4) of this section shall be registered in the register of local land charges in such manner as may be prescribed by rules made for the purposes of this section under section 15(6) of the Land Charges Act 1925 by the proper officer of the council of the county borough, London borough or county district.
- (7) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the council of the county borough, London borough or county district in whose area the building is situated, on being informed of the fact by the Secretary of State, shall serve a notice in the prescribed form on every owner and occupier of the building, stating that the building has been included in, or excluded from, the list, as the case may be.
- (8) The Secretary of State shall keep available for public inspection, free of charge at reasonable hours and at a convenient place, copies of all lists and amendments of lists compiled, approved or made by him under this section ; and every authority with whose clerk copies of any list or amendments are deposited under this section shall similarly keep available copies of so much of any such list or amendment as relates to buildings within their area.
- (9) In this Act " listed building" means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and, for the purposes of the provisions of this Act relating to listed buildings and building preservation notices, any object or structure fixed to a building, or forming part of the land and comprised within the curtilage of a building, shall be treated as part of the building.
- (10) Every building which immediately before 1st January 1969 was subject to a building preservation order under Part III of the Act of 1962 but was not then included in a list compiled or approved under section 32 of that Act, shall be deemed to be a listed building; but the Secretary of State may at any time direct, in the case of any building, that this subsection shall no longer apply to it and the council of the county borough, London borough or county district in whose area the building is situated, on being notified of the Secretary of State's direction, shall give notice of it to the owner and occupier of the building.
- (11) Before giving a direction under subsection (10) of this section in relation to a building, the Secretary of State shall consult with the local planning authority and with the owner and the occupier of the building.

## **55 Control of works for demolition, alteration or extension of listed buildings**

- (1) Subject to this Part of this Act, if a person executes or causes to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

historic interest, and the works are not authorised under this Part of this Act, he shall be guilty of an offence.

- (2) Works for the demolition of a listed building, or for its alteration or extension, are authorised under this Part of this Act only if—
- (a) the local planning authority or the Secretary of State have granted written consent (in this Act referred to as "listed building consent") for the execution of the works and the works are executed in accordance with the terms of the consent and of any conditions attached to the consent under section 56 of this Act; and
  - (b) in the case of demolition, notice of the proposal to execute the works has been given to the Royal Commission and thereafter either—
    - (i) for a period of at least one month following the grant of listed building consent, and before the commencement of the works, reasonable access to the building has been made available to members or officers of the Commission for the purpose of recording it; or
    - (ii) the Commission have, by their Secretary or other officer of theirs with authority to act on the Commission's behalf for the purposes of this section, stated in writing that they have completed their recording of the building or that they do not wish to record it.
- (3) In subsection (2) of this section "the Royal Commission" means, in relation to England, the Royal Commission on Historical Monuments (England) and, in relation to Wales, the Royal Commission on Ancient and Historical Monuments (Wales and Monmouthshire); but the Secretary of State may, in relation to either England or Wales, or both, by order provide that the said subsection shall, in the case of works executed or to be executed on or after such date as may be specified in the order, have effect with the substitution for the reference to the Royal Commission of a reference to such other body as may be so specified.
- (4) Without prejudice to subsection (1) of this section, if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent under section 56 of this Act, he shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding £250, or both; or
  - (b) on conviction on indictment to imprisonment for a term not exceeding twelve months or a fine, or both;
- and, in determining the amount of any fine to be imposed on a person convicted on indictment, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.
- (6) In proceedings for an offence under this section it shall be a defence to prove that the works were urgently necessary in the interests of safety or health, or for the preservation of the building, and that notice in writing of the need for the works was given to the local planning authority as soon as reasonably practicable.

## **56 Provisions supplementary to s.55**

- (1) Section 55 of this Act shall not apply to works for the demolition, alteration or extension of—

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes or would be so used but for the works; or
- (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments ; or
- (c) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment.

For the purposes of this subsection, a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

- (2) Where, on an application in that behalf, planning permission is granted, or has been granted since the end of 1968, and—

- (a) the development for which the permission is or was granted includes the carrying out of any works for the alteration or extension of a listed building; and
- (b) the planning permission or any condition subject to which it is or was granted is or was so framed as expressly to authorise the execution of the works (describing them),

the planning permission shall operate as listed building consent in respect of those works but, except as provided by this subsection, the grant of planning permission for any development shall not make it unnecessary for such consent to be obtained in respect of any works to which section 55 of this Act applies.

- (3) In considering whether to grant planning permission for development which consists in or includes works for the alteration or extension of a listed building, and in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.
- (4) Without prejudice to subsection (1) of section 29 of this Act, the conditions which may under that subsection be attached to a grant of planning permission shall, in the case of such development as is referred to in subsection (2) of this section, include conditions with respect to—
- (a) the preservation of particular features of the building, either as part of it or after severance therefrom;
  - (b) the making good, after the works are completed, of any damage caused to the building by the works;
  - (c) the reconstruction of the building or any part of it following the execution of any works, with the use of original materials so far as practicable and with such alterations of the interior of the building as may be specified in the conditions.
- (5) Listed building consent may be granted either unconditionally or subject to conditions, which may include such conditions as are mentioned in subsection (4) of this section.
- (6) Part I of Schedule 11 to this Act shall have effect with respect to applications to local planning authorities for listed building consent, the reference of such applications to the Secretary of State and appeals against decisions on such applications ; and Part II of that Schedule shall have effect with respect to the revocation of listed building consent by a local planning authority or the Secretary of State.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## **57 Acts causing or likely to result in damage to listed buildings**

- (1) Where a building, not being a building excluded by section 56(1) of this Act from the operation of section 55, is included in a list compiled or approved under section 54 of this Act, then, if any person who, but for this section, would be entitled to do so, does or permits the doing of any act which causes or is likely to result in damage to the building (other than an act for the execution of excepted works) and he does or permits it with the intention of causing such damage, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (2) In subsection (1) of this section " excepted works " means works authorised by planning permission granted or deemed to be granted in pursuance of an application under this Act and works for which listed building consent has been given under this Act.
- (3) Where a person convicted of an offence under this section fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £20 for each day on which the failure continues.

## **58 Building preservation notice in respect of building not listed**

- (1) If it appears to the local planning authority, in the case of a building in their area which is not a listed building, that it is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as such, they may (subject to subsection (2) of this section) serve on the owner and occupier of the building a notice (in this section referred to as a " building preservation notice ")—
  - (a) stating that the building appears to them to be of special architectural or historic interest and that they have requested the Secretary of State to consider including it in a list compiled or approved under section 54 of this Act; and
  - (b) explaining the effect of subsections (3) and (4) of this section.
- (2) A building preservation notice shall not be served in respect of an excepted building, that is to say—
  - (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes; or
  - (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments ; or
  - (c) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment.

For the purposes of this subsection, a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.

- (3) A building preservation notice shall come into force as soon as it has been served on both the owner and occupier of the building to which it relates and shall remain in force for six months from the date when it is served or, as the case may be, last served; but it shall cease to be in force if, before the expiration of that period, the Secretary of State either includes the building in a list compiled or approved under section 54 of this Act or notifies the local planning authority in writing that he does not intend to do so.
- (4) While a building preservation notice is in force with respect to a building, the provisions of this Act (other than section 57) shall have effect in relation to it as if the

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

building were a listed building; and if the notice ceases to be in force (otherwise than by reason of the building being included in a list compiled or approved under the said section 54) the provisions of Part III of Schedule 11 to this Act shall have effect with respect to things done or occurring under the notice or with reference to the building being treated as listed.

- (5) If, following the service of a building preservation notice, the Secretary of State notifies the local planning authority that he does not propose to include the building in a list compiled or approved under section 54 of this Act, the authority—
- (a) shall forthwith give notice of the Secretary of State's decision to the owner and occupier of the building; and
  - (b) shall not, within the period of twelve months beginning with the date of the Secretary of State's notification, serve another such notice in respect of the said building.

### *Trees*

#### **59 Planning permission to include appropriate provision for preservation and planting of trees**

It shall be the duty of the local planning authority—

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
- (b) to make such orders under section 60 of this Act as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

#### **60 Tree preservation orders**

- (1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order (in this Act referred to as a " tree preservation order ") with respect to such trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—
- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
  - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
  - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act falling within subsection (2) of this section, subject to such adaptations and modifications as may be specified in the order.
- (2) References in this Act to provisions thereof falling within this subsection are references to—

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (a) the provisions of Part III of this Act relating to planning permission and to applications for planning permission, except sections 25, 26, 27, 28, 29(2) to (6), 34(2), 38, 39, 41 to 44 and 47 to 49 of this Act; and
  - (b) such of the provisions of Part IX of this Act as are therein stated to be provisions falling within this subsection;
  - (c) section 270 of this Act.
- (3) A tree preservation order may be made so as to apply, in relation to trees to be planted pursuant to any such conditions as are mentioned in section 59(a) of this Act, as from the time when those trees are planted.
- (4) Except as provided under subsection (5)(c) of this section and in section 61 of this Act, a tree preservation order shall not take effect until it is confirmed by the Secretary of State, and the Secretary of State may confirm any such order either without modification or subject to such modifications as he considers expedient.
- (5) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and the regulations may (without prejudice to the generality of this subsection) make provision as follows—
  - (a) that, before a tree preservation order is submitted to the Secretary of State for confirmation, notice of the making of the order shall be given to the owners and occupiers of land affected by the order and to such other persons, if any, as may be specified in the regulations;
  - (b) that objections and representations with respect to the order, if duly made in accordance with the regulations, shall be considered before the order is confirmed by the Secretary of State ;
  - (c) that, if no objections or representations are so made, or if any so made are withdrawn, the order, instead of requiring the confirmation of the Secretary of State in accordance with subsection (4) of this section, may be confirmed (but without any modification), as an unopposed order, by the authority who made it; and
  - (d) that copies of the order, when confirmed by the Secretary of State or the authority, shall be served on such persons as may be specified in the regulations.
- (6) Without prejudice to any other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.
- (7) In relation to land in respect of which the Forestry Commissioners have made advances under section 4 of the Forestry Act 1967 or in respect of which there is in force a forestry dedication covenant entered into with the Commissioners under section 5 of that Act, a tree preservation order may be made only if—
  - (a) there is not in force in respect of the land a plan of operations or other working plan approved by the Commissioners under such a covenant; and
  - (b) the Commissioners consent to the making of the order.
- (8) Where a tree preservation order is made in respect of land to which subsection (7) of this section applies, the order shall not have effect so as to prohibit, or to require

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

any consent for, the cutting down of a tree in accordance with a plan of operations or other working plan approved by the Forestry Commissioner and for the time being in force, under such a covenant as is mentioned in that subsection or under a woodlands scheme made under the powers contained in the said Act of 1967.

- (9) In the preceding provisions of this section references to provisions of the Forestry Act 1967 include references to the corresponding provisions (replaced by that Act) in the Forestry Acts 1919 to 1951.
- (10) The preceding provisions of this section shall have effect subject to the provisions—
- (a) of section 2(4) of the Opencast Coal Act 1958 (land comprised in an authorisation under that Act which is affected by a tree preservation order); and
  - (b) of section 15 of the Forestry Act 1967 (licences under that Act to fell trees comprised in a tree preservation order).

## **61 Provisional tree preservation orders**

- (1) If it appears to a local planning authority that a tree preservation order proposed to be made by that authority should take effect immediately without previous confirmation, they may include in the order as made by them a direction that this section shall apply to the order.
- (2) Notwithstanding section 60(4) of this Act, an order which contains such a direction shall take effect provisionally on such date as may be specified therein and shall continue in force by virtue of this section until—
- (a) the expiration of a period of six months beginning with the date on which the order was made; or
  - (b) the date on which the order is confirmed or, in the case of an order which can be confirmed only by the Secretary of State, on which he notifies the authority who made the order that he does not propose to confirm it,
- whichever first occurs.
- (3) Provision shall be made by regulations under this Act for securing—
- (a) that the notices to be given of the making of a tree preservation order containing a direction under this section shall include a statement of the effect of the direction; and
  - (b) that where the Secretary of State, in the case of an order which can be confirmed only by him, within the period of six months referred to in subsection (2) of this section, notifies the authority that he does not propose to confirm the order, copies of that notice shall be served on the owners and occupiers of the land to which the order related.

## **62 Replacement of trees**

- (1) If any tree in respect of which a tree preservation order is for the time being in force, other than a tree to which the order applies as part of a woodland, is removed or destroyed in contravention of the order or is removed or destroyed or dies at a time when its cutting down is authorised only by virtue of the provisions of section 60(6) of this Act relating to trees which are dying or dead or have become dangerous, it shall be the duty of the owner of the land, unless on his application the local planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.



---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (2) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.
- (3) The duty imposed by subsection (1) of this section on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 103 of this Act and not otherwise.

### *Advertisements*

## **63 Control of advertisements**

- (1) Subject to the provisions of this section, provision shall be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety.
- (2) Without prejudice to the generality of subsection (1) of this section, any such regulations may provide—
  - (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed, and the manner in which they are to be affixed to the land;
  - (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations ;
  - (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions of this Act falling within section 60(2) thereof, subject to such adaptations and modifications as may be specified in the regulations;
  - (d) for the constitution, for the purposes of the regulations of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.
- (3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control, being either rural areas or areas other than rural areas which appear to the Secretary of State to require special protection on grounds of amenity; and, without prejudice to the generality of the preceding provisions of this subsection, the regulations may prohibit the display in any such area of all advertisements except advertisements of such classes (if any) as may be specified in the regulations.
- (4) Areas of special control for the purposes of regulations under this section may be defined by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations.
- (5) Where the Secretary of State is authorised by the regulations to make or approve any such order as is mentioned in subsection (4) of this section, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed by the regulations, for the consideration of objections duly made thereto, and for the holding of such inquiries or other hearings as may be so prescribed, before the order is made or approved.
- (6) Regulations made under this section may be made so as to apply to advertisements which are being displayed on the date on which the regulations come into force, or

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

to the use for the display of the advertisements of any site which was being used for that purpose on that date; but any regulations made in accordance with this subsection shall provide for exempting therefrom—

- (a) the continued display of any such advertisement; and
- (b) the continued use for the display of advertisements of any such site,

during such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations.

- (7) Without prejudice to the generality of the powers conferred by the preceding provisions of this section, regulations made for the purposes of this section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall be to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Secretary of State; and subsection (2) of section 50 of this Act shall apply to any tribunal so constituted as it applies to any tribunal constituted in accordance with subsection (1) of that section.

#### **64 Application for planning permission not needed for advertisements complying with regulations**

Where the display of advertisements in accordance with regulations made under section 63 of this Act involves development of land, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under Part III of this Act.

#### *Waste land*

#### **65 Proper maintenance of waste land**

- (1) If it appears to a local planning authority that the amenity of any part of their area, or of any adjoining area, is seriously injured by the condition of any garden, vacant site or other open land in their area, then, subject to any directions given by the Secretary of State, the authority may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.
- (2) Subject to the provisions of Part V of this Act, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

#### *Industrial development*

#### **66 Meaning of "industrial building"**

- (1) In this Part of this Act " industrial building" means a building used or designed for use—
- (a) for the carrying on of any process for or incidental to any of the following purposes, that is to say—
    - (i) the making of any article or of part of any article; or

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (ii) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, or breaking up or demolition, of any article; or
    - (iii) without prejudice to the preceding sub-paragraphs, the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine ;
  - (b) for the carrying on of scientific research,  
being a process or research carried on in the course of a trade or business.
- (2) For the purposes of subsection (1) of this section, premises which—
  - (a) are used or designed for use for providing services or facilities ancillary to the use of other premises for the carrying on of any such process or research as is mentioned in that subsection; and
  - (b) are or are to be comprised in the same building or the same curtilage as those other premises,shall themselves be treated as used or designed for use for the carrying on of such a process or, as the case may be, of such research.
- (3) In this section—
  - " article " means an article of any description, including a ship or vessel;
  - " building " includes a part of a building;
  - " scientific research " means any activity in the fields of natural or applied science for the extension of knowledge.

## **67 Industrial development certificates**

- (1) Subject to the provisions of this section and of section 68 of this Act, an application to the local planning authority for permission to develop land by—
  - (a) the erection thereon of an industrial building of one of the prescribed classes ;  
or
  - (b) a change of use whereby premises, not being an industrial building of one of the prescribed classes, will become such an industrial building,shall be of no effect unless a certificate (in this Act referred to as an " industrial development certificate ") is issued under this section by the Secretary of State, certifying that the development in question can be carried out consistently with the proper distribution of industry, and a copy of the certificate is furnished to the local planning authority together with the application.
- (2) Subject to subsection (5) of this section, an industrial development certificate shall be required for the purposes of an application for planning permission made as mentioned in section 32(1) of this Act if the circumstances are such that, in accordance with subsection (1) of this section, such a certificate would have been required if the application had been for planning permission to construct the building, or to institute the use of land, which the application seeks permission to retain or continue or (as the case may be) seeks permission to retain or continue without complying with a condition previously imposed, and the provisions of this section shall have effect in relation to that application accordingly.
- (3) In considering whether any development for which an industrial development certificate is applied for can be carried out; consistently with the proper distribution of industry, the Secretary of State shall have particular regard to the need for providing appropriate employment in development areas,

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (4) An industrial development certificate shall not be required for the extension of an industrial building if the extension, taken by itself, would not be an industrial building of one of the prescribed classes, but (subject to the provisions of section 68 of this Act) an industrial development certificate shall be required for the extension of any building if the extension, taken by itself, would be such an industrial building.
- (5) An industrial development certificate shall not be required for the purposes of an application for planning permission to retain a building or continue a use of land after the end of any period specified in, or otherwise without complying with, a condition subject to which a previous planning permission was granted if the condition in question is not one subject to which the previous planning permission was granted in accordance with the provisions of section 70 of this Act or subject to which that planning permission is by virtue of that section deemed to have been granted.
- (6) The preceding provisions of this section shall have effect without prejudice to any provisions for restricting the granting of planning permission by local planning authorities which are included in a development order by virtue of section 31(1) of this Act.
- (7) In this section—

" the prescribed classes " means such classes or descriptions of industrial buildings as may be prescribed by regulations made for the purposes of this section by the Secretary of State;

" development area " means any area for the time being specified as such under section 15 of the Industrial Development Act 1966, and subsection (6) of that section (which provides for references to a development area in certain provisions to have effect as if certain localities outside that area were included therein) shall apply to any such reference in this section;

and any reference to an application made as mentioned in section 32(1) of this Act includes a reference to an application which by virtue of section 88(7) or 95(6) of this Act is deemed to have been made for such planning permission as is mentioned in the said section 88(7) or, as the case may be, the said section 95(6).

## **68 Exemption of certain classes of development**

- (1) Notwithstanding anything in section 67 of this Act, but subject to section 69 of this Act, an industrial development certificate shall not be required if the industrial floor space to be created by the development in question (in this section referred to as " the proposed development"), together with any other industrial floor space created or to be created by any related development, does not exceed 5,000 square feet, excluding, where an industrial development certificate has been issued in respect of any related development, any floor space created or to be created by that development or by development carried out, or for which planning permission has been granted, before the issue of that certificate.
- (2) Regulations made for the purposes of section 67 of this Act by the Secretary of State may direct that no industrial development certificate shall be required in respect of the erection, in any area prescribed by or under the regulations, of industrial buildings of any such class or description as may be so prescribed, or in respect of a change of use whereby premises in any such area, not being an industrial building of a class or description so prescribed, will become an industrial building of such a class or description.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (3) In this section " industrial floor space " means floor space comprised in an industrial building or industrial buildings of any of the prescribed classes.
- (4) For the purposes of subsection (1) of this section development shall, in relation to an application for planning permission (in this section referred to as " the relevant application "), be taken to be " related development" if—
- (a) it related, or is to relate, to the same building as that to which the proposed development is to relate (in this subsection referred to as the " relevant building"); or
  - (b) it related, or is to relate, to a building which is, or is to be, contiguous or adjacent to the relevant building, and it was, or is to be, development comprised in, or for the purposes of, the same scheme or project or for the purposes of the same undertaking as the proposed development,
- and (in either case) it fulfils one or other of the conditions mentioned in subsection (5) of this section.
- (5) The said conditions are—
- (a) that it is development for which, before the date of the relevant application, planning permission has been granted by a planning decision made on or after 1st April 1960;
  - (b) that it is development which has been initiated on or after 1st April 1960 but before the date of the relevant application and is not development for which planning permission has been granted by a planning decision made on or after 1st April 1960;
  - (c) that it is development in respect of which an application to the local planning authority for planning permission either is pending on the date of the relevant application or is made on that date.
- (6) For the purposes of subsection (5)(c) of this section, an application is pending on a particular date if—
- (a) it is made before that date and not withdrawn ; and
  - (b) no planning decision on that application has been made before that date.
- (7) In subsection (4) of this section and in this subsection "building" does not include a part of a building; and any reference in subsection (4) of this section to development relating to a building is a reference to the erection, extension, alteration or re-erection of the building or a change of use of the whole or part of the building.
- (8) In this section " the prescribed classes " has the same meaning as in section 67 of this Act.

## **69 Power to vary exemption limit as to industrial floor space**

- (1) The Secretary of State may by order direct that subsection (1) of section 68 of this Act shall be amended by substituting, for the number of square feet specified in the subsection as originally enacted or as previously amended under this subsection, such number of square feet as may be specified in the order being not less than 1,000 square feet.
- (2) Any amendment made by an order under this section may be made so as to have effect either in relation to the whole of England and Wales or in relation only to a part of England and Wales specified in the order.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (3) Any amendment made by such an order shall have effect—
  - (a) in relation to applications for planning permission relating to land in any area to which the order applies which are made on or after the date on which the order comes into operation; and
  - (b) in relation to applications relating to land in such an area which have been made before that date, other than any application on which a planning decision has been made before that date.
- (4) Where in accordance with subsection (3) of this section an amendment made by such an order has effect in relation to an application for planning permission made before the date on which the order comes into operation, so much of section 67(1) of this Act as requires a copy of an industrial development certificate to be furnished to the local planning authority together with the application shall have effect in relation to that application with the substitution, for the words " together with the application " , of the words " as soon as practicable after the certificate is issued "
- (5) In this section any reference to land in any area to which an order under this section applies shall be construed as a reference to land of which any part is in that area.

## **70 Restrictions or conditions attached to certificates**

- (1) An industrial development certificate in respect of any development may be issued subject to such restrictions on the making of an application for planning permission for that development (whether as to the period within which, or the persons by whom, such an application may be made, or otherwise) as the Secretary of State considers appropriate having regard to the proper distribution of industry; and where an industrial development certificate in respect of any development is issued subject to any such restrictions, and an application for planning permission for that development is made which does not comply with those restrictions, the provisions of section 67 of this Act shall apply in relation to that application as if no such certificate had been issued.
- (2) Without prejudice to subsection (1) of this section, an industrial development certificate may be issued either unconditionally or subject to such conditions as the Secretary of State considers appropriate having regard to the proper distribution of industry; and any reference in this section to conditions attached to an industrial development certificate is a reference to conditions subject to which such a certificate is issued.
- (3) Without prejudice to the generality of subsection (2) of this section, conditions may be attached to an industrial development certificate—
  - (a) for requiring the removal of any building or the discontinuance of any use of land to which the certificate relates 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 ;
  - (b) restricting the amount of office floor space (as defined in section 85 of this Act) to be contained in any building to which the certificate relates, or precluding it from containing any office floor space (as so defined);
 and conditions of the kind mentioned in paragraph (b) of this subsection may be framed so as to apply (either or both) to the building as originally erected or as subsequently extended or altered.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (4) In so far as any of the conditions attached to an industrial development certificate are of such a description that (apart from this section) they could not have been imposed under this Act this Act shall apply in relation to any application for planning permission for the purposes of which that certificate is required, and to any planning permission granted on such an application, as if the powers conferred by this Act included power to impose conditions of that description.
- (5) Where conditions are attached to an industrial development certificate, and, on an application for planning permission for the purposes of which that certificate is required, planning permission is granted, the authority granting the permission shall grant it subject to those conditions, with or without other conditions.
- (6) Planning permission to which subsection (5) of this section applies shall not be invalid by reason only that the requirements of that subsection are not complied with; but where any such planning permission is granted without complying with the requirements of that subsection the planning permission shall be deemed to have been granted subject to the conditions attached to the industrial development certificate, or (if any other conditions were imposed by the authority granting the permission) to have been granted subject to the conditions attached to the certificate in addition to the other conditions.

## **71 Provisions as to conditions imposed under s.70**

- (1) This section applies to any condition subject to which planning permission is granted in accordance with the provisions of section 70 of this Act, or subject to which planning permission is by virtue of that section deemed to have been granted, whether it is a condition which could have been imposed apart from that section or not.
- (2) If the planning permission is or was granted by the local planning authority, the Secretary of State shall not be required to entertain an appeal under section 36 of this Act from the decision of the local planning authority, in so far as that decision relates or related to any condition to which this section applies.
- (3) If any condition imposed by an authority granting planning permission is inconsistent with any condition to which this section applies, the last-mentioned condition shall prevail so far as it is inconsistent with the condition so imposed.
- (4) Where on an application made as mentioned in section 32(1) of this Act (as modified by section 67 of this Act) planning permission is granted (either unconditionally or subject to conditions) for a building to be retained, or a use of a building to be continued, without complying with a condition to which this section applies (that condition being one subject to which a previous planning permission was granted or is deemed to have been granted), nothing in section 70 of this Act or in the foregoing provisions Of this section shall be construed as preventing the subsequent planning permission from operating so as to extinguish or modify that condition, as the case may be.

## **72 Provision for cases where certificate withheld**

- (1) Where such an application as is mentioned in subsection (1) or (2) of section 67 of this Act is, by virtue of those subsections, of no effect by reason that the requirements of those subsections are not fulfilled, the local planning authority shall consider whether, if those requirements had been fulfilled, they would nevertheless have refused the

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

permission sought by the application, either in respect of the whole or in respect of part of the land to which the application relates; and if they are of the opinion that they would so have refused that permission, they shall serve on the applicant a notice in writing to that effect.

- (2) Where a notice is served under subsection (1) of this section in respect of the whole or part of any land, it shall operate, for the purposes of sections 38 and 39 of this Act, as if the application for planning permission had been an effective application and the notice had been a planning decision of the local planning authority refusing that permission in respect of that land or that part thereof, as the case may be; and the provisions of those sections (if in those circumstances they would have been applicable) shall have effect accordingly.

### *Office development*

## **73 Meaning of "office premises"**

- (1) Subject to the provisions of this section, in these provisions " office premises" means premises falling within either of the following descriptions, that is to say—
- (a) premises whose sole or principal use is to be use as an office or for office purposes;
  - (b) premises to be occupied together with premises falling within the preceding paragraph and to be so occupied wholly or mainly for the purposes of the activities to be carried on in the last-mentioned premises.
- (2) Where, in relation to an application for planning permission for the erection of a building, or in relation to a grant of such planning permission, it falls to be determined, for the purposes of subsection (1) of this section, what is to be the sole or principal use of any premises to be contained in the building, regard shall be had—
- (a) in the case of an application for planning permission, to the proposed use (as indicated in the application) of the building or of different parts of the building; and
  - (b) in the case of a grant of planning permission, to the purposes specified in the planning permission as those for which the building, or different parts of the building, may be used.
- (3) Where, in relation to an application for planning permission for the extension or alteration of a building, or in relation to a grant of such planning permission, it falls to be determined, for the purposes of subsection (1) of this section, what is to be the sole or principal use of any premises which are to be added to the building or altered within it (in this subsection referred to as " the new premises " ), regard shall be had—
- (a) in the case of an application for planning permission, to the proposed use (as indicated in the application) of the new premises; and
  - (b) in the case of a grant of planning permission, to the purposes specified in the planning permission as those for which the new premises may be used.
- (4) For the purposes of the application of these provisions in relation to development in so far as it consists of a change in the use of land " office premises " (subject to the following provisions of this section) means premises falling within either of the following descriptions, that is to say—
- (a) premises whose sole or principal use is as an office or for office purposes;



---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (b) premises occupied together with premises falling within the preceding paragraph and so occupied wholly or mainly for the purposes of the activities carried on in the last-mentioned premises;
- and for the purposes of paragraph (a) of this subsection any question as to sole or principal use, in relation to premises contained in a building, shall be determined by reference to those premises alone and not by reference to the building taken as a whole.
- (5) In this section " office purposes " includes the purposes of administration, clerical work, handling money, telephone and telegraph operating and the operation of computers, and " clerical work " includes writing, book-keeping, sorting papers, filing, typing, duplicating, punching cards or tapes, machine calculating, drawing and the editorial preparation of matter for publication.
- (6) The Secretary of State may by order provide that premises of any description specified in the order, or premises used or to be used for any purposes so specified, shall not be office premises for the purposes of these provisions.
- (7) In this section, in sections 74 to 86 of this Act and in Schedule 12 to this Act " these provisions " means the provisions of this section, of those sections, of that Schedule and of Schedule 13 to this Act.

#### **74 Office development permits**

- (1) Subject to these provisions, an application to the local planning authority for planning permission to carry out, on land within an area to which these provisions apply, any development to which these provisions apply, that is to say, any development of land which consists of or includes—
- (a) the erection of a building containing office premises ; or
  - (b) the extension or alteration of a building by the addition of, or the conversion of premises into, office premises; or
  - (c) a change of use whereby premises which are not office premises become office premises,
- shall be of no effect unless a permit (in these provisions referred to as an " office development permit ") in respect of that development is issued under these provisions by the Secretary of State, and a copy of the permit is furnished to the local planning authority together with the application.
- (2) An office development permit shall be required for the purposes of an application for planning permission made as mentioned in section 32(1) of this Act if the circumstances are such that, in accordance with subsection (1) of this section, such a permit would have been required if the application had been for planning permission to construct or carry out the building or works, or to institute the use of land, which the application seeks permission to retain or continue or (as the case may be) seeks permission to retain or continue without complying with a condition previously imposed, and subsections (1) and (3) of this section shall have effect in relation to that application accordingly.
- (3) In exercising his discretion to issue or withhold office development permits, the Secretary of State shall have particular regard to the need for promoting the better distribution of employment in Great Britain.
- (4) The areas to which these provisions apply are—
- (a) the metropolitan region ;

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (b) any area in Great Britain outside the metropolitan region which is for the time being designated for the purposes of this paragraph by an order made by the Secretary of State:

Provided that the Secretary of State may at any time by order direct that the metropolitan region, or a part of that region specified in the order, shall cease to be, or to be included in, an area to which these provisions apply.

## **75 Exemption by reference to office floor space**

- (1) Notwithstanding anything in section 74 of this Act, an office development permit shall not be required for the purposes of an application for planning permission to carry out any development (in this section referred to as "the proposed development") if the office floor space to be created by the proposed development, together with any office floor space created or to be created by any related development, does not exceed the prescribed exemption limit.
- (2) For the purposes of subsection (1) of this section development shall, in relation to an application for planning permission (in this section referred to as "the relevant application"), be taken to be "related development" if—
  - (a) it related, or is to relate, to the same building as that to which the proposed development is to relate (in this subsection referred to as the "relevant building"); or
  - (b) it related, or is to relate, to a building which is, or is to be, contiguous or adjacent to the relevant building, and it was, or is to be, development comprised in, or for the purposes of, the same scheme or project or for the purposes of the same undertaking as the proposed development,
 and (in either case) it fulfils one or other of the conditions mentioned in subsection (3) or (4) of this section, as the case may be, and is not excluded by subsection (5) or (6) of this section.
- (3) The said conditions, in relation to land within the metropolitan region, are—
  - (a) that it is development for which, before the date of the relevant application, planning permission has been granted by a planning decision made on or after 5th November 1964 (whether before or after the passing of this Act);
  - (b) that it is development (not falling within the preceding paragraph) which has (whether before or after the passing of this Act) been initiated on or after 5th November 1964 but before the date of the relevant application and is not development for which planning permission was granted by a planning decision made before 5th November 1964;
  - (c) that it is development in respect of which an application to the local planning authority for planning permission either is pending on the date of the relevant application or is made on that date.
- (4) The said conditions, in relation to land within an area to which these provisions apply outside the metropolitan region, are—
  - (a) that it is development for which, before the date of the relevant application, planning permission has been granted by a planning decision made on or after the specified date;
  - (b) that it is development (not falling within the preceding paragraph) which has been initiated on or after the specified date but before the date of the relevant application and is not development for which planning permission

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

was (whether before or after the passing of this Act) granted by a planning decision made before the specified date;

- (c) that it is development in respect of which an application to the local planning authority for planning permission either is pending on the date of the relevant application or is made on that date,

and in this subsection " the specified date " in relation to an area, means such date (not being earlier than the date on which the order comes into operation) as may be specified in the order designating that area as an area to which these provisions apply.

- (5) Where, before the date of the relevant application, an office development permit has been issued in respect of development which, apart from this subsection, would be related development for the purposes of subsection (1) of this section—

- (a) the development in respect of which the permit was issued; and  
(b) any other development which was carried out before the issue of that permit, or for which planning permission was granted by a planning decision made before the issue of that permit,

shall not be taken to be related development for those purposes.

- (6) Development in respect of which there has been issued by the Secretary of State an industrial development certificate with conditions attached to it by virtue of section 70(3)(b) of this Act shall not be taken to be related development for the purposes of subsection (1) of this section.

- (7) In this section " the prescribed exemption limit", subject to subsection (8) of this section, means 3,000 square feet; any reference to development relating to a building is a reference to development consisting of or including the erection, extension or alteration of the building or a change of use of the whole or part of the building; and any reference to an application pending on a particular date is a reference to an application made before that date and not withdrawn, where no planning decision on that application has been made before that date.

- (8) The Secretary of State may by order direct that such number of square feet (whether greater or less than 3,000 but not less than 1,000) as may be specified in the order shall be the prescribed exemption limit for the purposes of this section, either generally or in relation to any particular area to which these provisions apply in accordance with section 74(4) of this Act or in relation to any particular part of such an area.

## **76 Mixed industrial and office development**

- (1) Subject to subsection (2) of this section and to paragraph 3 of Schedule 12 to this Act, these provisions shall have effect without prejudice to the operation of sections 67 and 68 of this Act; and, where these provisions and those sections are applicable to the same application for planning permission, the requirements of both must be complied with.

- (2) Compliance with section 74(1) of this Act shall not be required in respect of an application for planning permission for the development of land in any manner specified in section 67(1) of this Act if—

- (a) no office premises will result from the development except such as are comprised within the curtilage of an industrial building and are used or designed for use for providing services or facilities ancillary to the use of other premises in the same building or curtilage; and

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (b) there has been issued by the Secretary of State and furnished to the local planning authority with the application a copy of an industrial development certificate with conditions attached to it by virtue of section 70(3)(b) of this Act.

## **77 Restrictions or conditions attached to office development permits**

- (1) An office development permit in respect of any development may be issued subject to such restrictions on the making of an application for planning permission for that development (whether as to the period within which, or the persons by whom, such an application may be made, or otherwise) as the Secretary of State considers appropriate in the exercise of his discretion as mentioned in section 74(3) of this Act; and, where an office development permit in respect of any development is issued subject to any such restrictions, and an application for planning permission for that development is made which does not comply with those restrictions, these provisions shall apply in relation to that application as if no such permit had been issued.
- (2) Without prejudice to subsection (1) of this section, an office development permit may be issued either unconditionally or subject to such conditions as the Secretary of State considers appropriate in the exercise of his discretion as mentioned in section 74(3) of this Act; and any reference in these provisions to conditions attached to an office development permit is a reference to conditions subject to which such a permit is issued.
- (3) In so far as any of the conditions attached to an office development permit are of such a description that (apart from this section) they could not have been imposed under this Act, this Act shall apply in relation to any application for planning permission for the purposes of which that permit is required, and to any planning permission granted on such an application, as if the powers conferred by this Act included power to impose conditions of that description.
- (4) Where conditions are attached to an office development permit, and, on an application for planning permission for the purposes of which that permit is required, planning permission is granted, the authority granting the permission shall grant it subject to those conditions, with or without other conditions.
- (5) Planning permission to which subsection (4) of this section applies shall not be invalid by reason only that the requirements of that subsection are not complied with; but where any such planning permission is granted without complying with the requirements of that subsection the planning permission shall be deemed to have been granted subject to the conditions attached to the office development permit, or (if any other conditions were imposed by the authority granting the permission) to have been granted subject to the conditions attached to the permit in addition to the other conditions.

## **78 Planning permission for erection of building where no office development permit required**

- (1) The provisions of this section shall, subject to subsection (4) of this section, have effect with respect to any planning permission for the erection of a building on land which is within a controlled area when the planning permission is granted and was also within such an area when the application for planning permission was made.
- (2) If the case is the following, that is to say—

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (a) either the proposed erection of the building is not development to which these provisions apply or it is such development but no office development permit is required for it; and
- (b) the building will have a floor space of twice or more than twice, the prescribed exemption limit,

the planning permission for the erection of the building shall be granted subject to the condition specified in subsection (3) of this section (in addition to any other conditions imposed by the authority granting the permission).

- (3) The said condition is that the use of the building, whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds the prescribed exemption limit.
- (4) In the following two cases this section shall not apply—
  - (a) where the planning permission is in respect of a building which is wholly residential; and
  - (b) where the planning permission is subject to conditions by virtue of section 70(5) or (6) of this Act and those conditions either restrict the office floor space which the building may contain or preclude it from containing any office floor space.

## **79 Planning permission for alteration or extension of building where no office development permit required**

- (1) The provisions of this section shall, subject to subsection (4) of this section, have effect with respect to any planning permission for the alteration or extension of a building on land which is within a controlled area when the planning permission is granted and was also within such an area when the application for planning permission was made, but shall have effect only in the case of a building erected under a planning permission granted on or after 1st April 1969.
- (2) If the case is the following, that is to say—
  - (a) either the erection of the building was not development to which these provisions (or Part I of the Act of 1965) applied, or it was such development but no office development permit was required for it; and
  - (b) either the proposed alteration or extension is not development to which these provisions apply or it is such development but no office development permit is required for it; and
  - (c) there will result from the proposed alteration or extension a building with an aggregate floor space of twice, or more than twice, the prescribed exemption limit,

the planning permission for the alteration or extension shall be granted subject to the condition specified in subsection (3) of this section (in addition to any other conditions imposed by the authority granting the permission).

- (3) The said condition is that the use of the building as altered or extended, or as subsequently further altered or extended, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds the prescribed exemption limit.
- (4) In the following two cases this section shall not apply—

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (a) where the planning permission is in respect of a building which, after its alteration or extension, will be wholly residential; and
- (b) where the planning permission is subject to conditions by virtue of section 70(5) or (6) of this Act and those conditions either restrict the office floor space which the building as extended or altered may contain or preclude it from containing any office floor space.

## **80 Planning permission for erection of two or more buildings where no office development permit required**

- (1) The provisions of this section shall have effect with respect to any planning permission for development involving the erection of two or more buildings on land which is within a controlled area when the planning permission is granted and was also within such an area when the application for planning permission was made, except in a case where all the buildings are exempt from this section.
- (2) Any one of the said buildings shall be exempt from this section if—
  - (a) it is wholly residential; or
  - (b) the planning permission is subject to conditions by virtue of section 70(5) or (6) of this Act and those conditions either restrict the office floor space which the building may contain or preclude it from containing any office floor space.
- (3) If the aggregate floor space of the buildings proposed to be erected (leaving out of account any which are exempt from this section) is twice, or more than twice, the prescribed exemption limit, and either the erection of the buildings is not development to which these provisions apply or it is such development but no office development permit is required for it, the planning permission shall be granted subject to the condition specified in subsection (4) of this section (in addition to any other conditions imposed by the authority granting the permission).
- (4) The said condition is that the use of each one of the buildings (excluding any which are exempt from this section) shall be restricted so that (whether in consequence of "a change of use or otherwise) it does not at any time contain office premises having an aggregate floor space which exceeds the limit for that building specified in the condition, which limit shall (subject to subsection (5) of this section) be a floor space bearing such proportion to the building's total floor space as the prescribed exemption limit bears to the aggregate floor space of all the buildings (excluding any which are exempt from this section) for whose erection the planning permission is granted.
- (5) The authority granting the planning permission may in doing so specify in the said condition, as it applies to any building, a limit differing from the one provided by subsection (4) of this section, but not so that the total of the limits for all the buildings to which the condition applies exceeds the prescribed exemption limit.
- (6) If after the grant of the planning permission a further application for planning permission is made in respect of all or any of the buildings to which the condition specified in subsection (4) of this section applies, and the further application involves a departure from the terms of the said condition as applying to any building, the application shall be subject to section 74(1) of this Act notwithstanding anything in these provisions exempting development from the requirements of that section in particular cases.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## **81 Provisions supplementary to ss.78 to 80**

- (1) Any planning permission with respect to which section 78, 79 or 80 of this Act has effect shall not be invalid by reason only that the requirements of section 78(2), 79(2) or 80(3) of this Act, as the case may be, are not complied with; but in that case the planning permission shall be deemed to have been granted subject to the condition specified in section 78(3), 79(3) or 80(4) of this Act, as the case may be, or (if any other conditions are imposed by the authority granting the permission) to have been granted subject to the condition so specified in addition to the other conditions, and references in those sections to a condition imposed thereunder shall be construed accordingly as including references to a condition deemed to be imposed.
- (2) In sections 78, 79 and 80 of this Act—
  - " controlled area " means an area to which these provisions apply, or, as respects any time before the commencement of this Act, Part I of the Act of 1965 applied;
  - " the prescribed exemption limit " means that number of square feet which, at the time when the planning permission in question is granted, is for the purposes of section 75 of this Act the prescribed exemption limit in relation to the land to which the planning permission relates, whether—
    - (a) by virtue of subsection (7) of that section, or
    - (b) if an order under subsection (8) of that section is for the time being in force and applies to the area, or part of an area, in which that land is situated, by virtue of that order;
  - " wholly residential " in relation to a building, means for use exclusively as a dwellinghouse or comprising only units of accommodation for such use.

## **82 Provisions as to conditions imposed or implied in pursuance of these provisions**

- (1) This section applies to any condition subject to which planning permission is granted in accordance with these provisions or subject to which planning permission is by virtue of these provisions deemed to have been granted, whether or not it is a condition which could have been imposed apart from these provisions.
- (2) If the planning permission is or was granted by the local planning authority, the Secretary of State shall not be required to entertain an appeal under section 36 of this Act from the decision of the local planning authority, in so far as that decision relates or related to any condition to which this section applies.
- (3) Where planning permission is granted subject to a condition to which this section applies, and it appears to the authority granting the permission that the condition could have been imposed apart from these provisions and would have been imposed if these provisions had not been enacted, the decision granting the permission may include a certificate to that effect; and, where such a certificate is included in a decision of the local planning authority—
  - (a) the Secretary of State shall not be required to entertain an appeal from the decision in so far as it includes the certificate; but
  - (b) subject to the preceding paragraph, section 36 of this Act shall have effect in relation to the certificate as it has effect in relation to any other part of the decision.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (4) If any condition imposed by an authority granting planning permission is inconsistent with any condition to which this section applies, the last-mentioned condition shall prevail in so far as it is inconsistent with the condition so imposed.
- (5) Where on an application made as mentioned in section 32(1) of this Act (as modified by section 74(2) of this Act) planning permission is granted (either unconditionally or subject to conditions) for a building to be retained, or a use of a building to be continued, without complying with a condition to which this section applies (that condition being one subject to which a previous planning permission was granted or is deemed to have been granted), nothing in sections 77 to 81 of this Act or in the preceding provisions of this section shall be construed as preventing the subsequent planning permission from operating so as to extinguish or modify that condition, as the case may be.

### **83 Development in metropolitan region: planning permission granted before passing of Act of 1965**

Schedule 12 to this Act shall have effect as respects planning permission granted before 5th August 1965 (the date of the passing of the Act of 1965) in the cases mentioned in that Schedule.

### **84 Annual report**

As soon as may be after the end of March in each year the Secretary of State shall prepare a report on the performance of his functions under these provisions, and shall lay the report before Parliament.

### **85 Interpretation of these provisions**

- (1) In these provisions—
- " the Act of 1965 " means the Control of Office and Industrial Development Act 1965 ;
  - " building " includes any structure;
  - " building contract " means a contract (other than a lease) which is made in relation to land whereby a person undertakes to erect or extend a building on that land in the course of the carrying on by him of a business consisting wholly or mainly of the execution of building operations, or of building operations and engineering operations;
  - " erection ", in relation to a building, includes re-erection ;
  - " the metropolitan region ", subject to subsection (2) of this section, means Greater London together with the areas specified in Schedule 13 to this Act;
  - " premises " means a part of a building;
  - " these provisions " has the meaning assigned to it by section 73(7) of this Act.
- (2) For the purposes of these provisions—
- (a) land shall be taken to be, and at all material times to have been, in Greater London if it is in the area which constituted Greater London on 1st April 1965 ;
  - (b) land shall be taken to be, and at all material times to have been, in an area specified by name in Schedule 13 to this Act if it is in the area bearing that name on 1st April 1965 as that area was constituted on that date.



---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (3) In these provisions " office floor space" means gross floor space comprised in office premises; and for the purposes of these provisions the amount of any such space shall be ascertained by external measurement of that space, whether the office premises in question are or are to be bounded (wholly or partly) by external walls of a building or not.
- (4) In these provisions any reference to the granting of planning permission for the carrying out of any development of land is a reference to the granting of planning permission for that development—
  - (a) either in respect of that land taken by itself or in respect of that land together with other land; and
  - (b) either on an ordinary application or on an outline application (that is to say, an application for planning permission subject to subsequent approval on any matters).
- (5) In these provisions any reference to a building containing office premises includes a reference to a building of which every part consists or is to consist of office premises; and in these provisions any reference to the addition of office premises includes a reference to the addition of office premises together with other premises.
- (6) In these provisions any reference to land in Greater London, within the metropolitan region, or within any other area to which these provisions apply or, as respects any time before the commencement of this Act, the Act of 1965 applied, shall be construed as a reference to land of which any part is within the area in question.
- (7) In these provisions any reference to an application made as mentioned in section 32(1) of this Act includes a reference to an application which by virtue of section 88(7) or 95(6) of this Act is deemed to have been made for such planning permission as is mentioned in the said section 88(7) or, as the case may be, the said section 95(6).

## **86 Temporary operation of these provisions**

- (1) Unless Parliament otherwise determines, these provisions (other than this section) shall cease to have effect at the end of the period of seven years beginning with 5th August 1965.
- (2) Where immediately before the end of that period any planning permission has effect subject to a condition subject to which the planning permission is by virtue of these provisions deemed to have been granted, the planning permission shall, as from the end of that period, have effect free from that condition.
- (3) Where immediately before the end of that period any planning permission has effect subject to a condition imposed by the authority granting the permission in circumstances where that authority was required by these provisions to impose that condition, then unless the condition is the subject of a certificate under section 82(3) of this Act, the planning permission shall, as from the end of that period, have effect free from that condition.
- (4) An enforcement notice to which paragraph 4 of Schedule 12 to this Act applies shall not operate so as to prevent or restrict the doing of anything after the end of that period.
- (5) Subject to the preceding provisions of this section, at the end of that period section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if these provisions had, as from the end of that period, been repealed by another Act.