



Planning and Compensation Act 1991

1991 CHAPTER 34

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

Control over development

16 Notice etc. of applications for planning permission.

- (1) For sections 65 to 68 of the principal Act (publicity for applications for planning permission) there is substituted—

“65 Notice etc. of applications for planning permission.

- (1) A development order may make provision requiring—
- (a) notice to be given of any application for planning permission, and
 - (b) any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used,
- and provide for publicising such applications and for the form, content and service of such notices and certificates.
- (2) Provision shall be made by a development order for the purpose of securing that, in the case of any application for planning permission, any person (other than the applicant) who on such date as may be prescribed by the order is an owner of the land to which the application relates, or a tenant of any agricultural holding any part of which is comprised in that land, is given notice of the application in such manner as may be required by the order.
- (3) A development order may require an applicant for planning permission to certify, in such form as may be prescribed by the order, or to provide evidence, that any requirements of the order have been satisfied.

*Changes to legislation: There are currently no known outstanding effects for the
 Planning and Compensation Act 1991, Section 16. (See end of Document for details)*

- (4) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (5) A local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of this section have been satisfied.
- (6) If any person—
- (a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or
 - (b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,
- he shall be guilty of an offence.
- (7) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) In this section—
- “agricultural holding” has the same meaning as in the ^{M1}Agricultural Holdings Act 1986; and
- “owner” in relation to any land means any person who—
- (a) is the estate owner in respect of the fee simple;
 - (b) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired; or
 - (c) in the case of such applications as may be prescribed by a development order, is entitled to an interest in any mineral so prescribed,
- and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.
- (9) Notwithstanding section 127 of the ^{M2}Magistrates’ Courts Act 1980, a magistrates’ court may try an information in respect of an offence under this section whenever laid.”
- (2) For section 71(1) and (2) there is substituted—
- “(1) A development order may provide that a local planning authority shall not determine an application for planning permission before the end of such period as may be prescribed.
- (2) A development order may require a local planning authority—
- (a) to take into account in determining such an application such representations, made within such period, as may be prescribed; and
 - (b) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.
- (2A) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.”

Changes to legislation: There are currently no known outstanding effects for the
Planning and Compensation Act 1991, Section 16. (See end of Document for details)

Commencement Information

- II** S. 16 wholly in force; s. 16 not in force at Royal Assent see s. 84(2); s. 16 in force for certain purposes at 25.11.1991 by S.I. 1991/2728, **art. 2**; s. 16 in force at 17.7.1992 insofar as not already in force by S.I. 1992/1491, **art. 2**

Marginal Citations

- M1** 1986 c. 5.
M2 1980 c. 43.

Changes to legislation:

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 16.