Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 4

DEVELOPMENT CONTROL

Miscellaneous

49   Development to include certain internal operations

(1) In the principal Act in section 55 (meaning of development) after subsection (2) there are inserted the following subsections—

   "(2A) The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

   (2B) The development order may make different provision for different purposes."

(2) This subsection applies if—

   (a)   section 55(2) of the principal Act is disapplied in respect of any operations by virtue of a development order under section 55(2A) of that Act,

   (b)   at the date the development order comes into force a certificate under section 192 of the principal Act (certificate of lawfulness of proposed use or development) is in force in respect of the operations, and

   (c)   before that date no such operations have been begun.

(3) If subsection (2) applies the certificate under section 192 of the principal Act is of no effect.

(4) A development order made for the purposes of section 55(2A) of the principal Act does not affect any operations begun before it is made.

Commencement Information

I1   S. 49 in force at 6.8.2004 for specified purposes by S.I. 2004/2097, **art. 2**

I2   S. 49 in force at 10.5.2006 for E. so far as not already in force by S.I. 2006/1061, **art. 2(b)**

I3   S. 49 in force at 22.6.2015 for W. so far as not already in force by S.I. 2015/340, **art. 2(a)**

Changes to legislation:
Planning and Compulsory Purchase Act 2004, Section 49 is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– specified provision(s) amendment to earlier commencing SI 2006/1061 art. 4 by S.I. 2010/321 art. 3
– specified provision(s) amendment to earlier commencing SI 2007/1369 art. 3 by S.I. 2010/321 art. 4

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 15A-15LH and cross-heading substituted for s. 15-37 and cross-heading by 2023 c. 55 Sch. 7
– s. 38(2A) substituted for s. 38(2)(3) by 2023 c. 55 s. 92(3)
– s. 38(5A)-(5C) inserted by 2023 c. 55 s. 93(2)
– s. 38(9A) substituted for s. 38(9) by 2023 c. 55 s. 92(4)
– s. 38(9B) inserted by 2023 c. 55 s. 93(4)
– s. 38B(A1) inserted by 2023 c. 55 s. 98(2)
– s. 38B(2B)(2C) inserted by 2023 c. 55 s. 98(3)
– s. 38C(5)(d)(i)-(iii) and word substituted for words by 2023 c. 55 s. 99(2)
– s. 39(1)(ba) inserted by 2023 c. 55 Sch. 8 para. 21(b)
– s. 39A and cross-heading inserted by 2023 c. 55 s. 100
– s. 45(A1) inserted by 2011 c. 20 Sch. 8 para. 14(2)
– s. 113(1)(bb)-(bd) inserted by 2023 c. 55 Sch. 8 para. 23(2)(a)
– s. 113(9)(f)(g) inserted by 2023 c. 55 Sch. 8 para. 23(3)(c)
– s. 113(13) inserted by 2023 c. 55 Sch. 8 para. 23(5)
– s. 122(5)(za)(zb) inserted by 2023 c. 55 Sch. 8 para. 25(a)
– Sch. A2 para. 11(2)(da) inserted by 2023 c. 55 s. 99(3)(b)
– Sch. A1 para. 2(1A) inserted by 2023 c. 55 Sch. 8 para. 26(3)(b)
– Sch. A1 para. 6(1A) inserted by 2023 c. 55 Sch. 8 para. 26(7)(b)
– Sch. A1 para. 7ZC(1A) inserted by 2023 c. 55 Sch. 8 para. 26(11)(b)
– Sch. A1 para. 7C(1A) inserted by 2023 c. 55 Sch. 8 para. 26(14)(b)
– Sch. A1 para. 8(7A) inserted by 2023 c. 55 Sch. 8 para. 26(16)(g)
– Sch. A1 para. 1 substituted by 2023 c. 55 Sch. 8 para. 26(2)
– Sch. A1 para. 2(4) substituted by 2023 c. 55 Sch. 8 para. 26(3)(c)
– Sch. A1 para. 3(1) substituted by 2023 c. 55 Sch. 8 para. 26(4)(a)
– Sch. A1 para. 5 substituted by 2023 c. 55 Sch. 8 para. 26(6)
– Sch. A1 para. 6(4) substituted by 2023 c. 55 Sch. 8 para. 26(7)(c)
– Sch. A1 para. 7(1) substituted by 2023 c. 55 Sch. 8 para. 26(8)(a)
– Sch. A1 para. 7ZB substituted by 2023 c. 55 Sch. 8 para. 26(10)
– Sch. A1 para. 7ZC(4) substituted by 2023 c. 55 Sch. 8 para. 26(11)(c)
– Sch. A1 para. 7ZD(1) substituted by 2023 c. 55 Sch. 8 para. 26(12)(a)
– Sch. A1 para. 7B substituted by 2023 c. 55 Sch. 8 para. 26(13)
– Sch. A1 para. 7C(4) substituted by 2023 c. 55 Sch. 8 para. 26(14)(c)
– Sch. A1 para. 7D(1) substituted by 2023 c. 55 Sch. 8 para. 26(15)(a)
– Sch. A1 para. 10 substituted by 2023 c. 55 Sch. 8 para. 26(18)
– Sch. A2 para. 11(2)(ca) substituted for Sch. A2 para. 11(2)(c) by 2023 c. 55 s. 99(3)(a)
– Sch. A1 para. 7ZA word substituted by 2023 c. 55 Sch. 8 para. 26(9)
– Sch. A1 para. 8(2)(a) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(ii)

- – Sch. A1 para. 8(3)(b) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(c)
- – Sch. A1 para. 8(6) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(e)
- – Sch. A1 para. 8(7) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(iii)
- – Sch. A1 para. 9 word substituted by 2023 c. 55 Sch. 8 para. 26(17)
- – Sch. A1 para. 13(1) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(iii)
- – Sch. A1 para. 13(2) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(b)
- – Sch. A1 para. 13(3) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(c)
- – Sch. A1 para. 13(1) words inserted by 2023 c. 55 Sch. 8 para. 26(20)(a)(ii)
- – Sch. A1 para. 3(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(4)(b)
- – Sch. A1 para. 7(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(8)(b)
- – Sch. A1 para. 7ZD(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(12)(b)
- – Sch. A1 para. 7D(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(15)(b)
- – Sch. A1 para. 2(1) words substituted by 2023 c. 55 Sch. 8 para. 26(3)(a)
- – Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(i)
- – Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(ii)
- – Sch. A1 para. 4 words substituted by 2023 c. 55 Sch. 8 para. 26(5)
- – Sch. A1 para. 6(1) words substituted by 2023 c. 55 Sch. 8 para. 26(7)(a)
- – Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(i)
- – Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(ii)
- – Sch. A1 para. 7ZC(1) words substituted by 2023 c. 55 Sch. 8 para. 26(11)(a)
- – Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(i)
- – Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(ii)
- – Sch. A1 para. 7C(1) words substituted by 2023 c. 55 Sch. 8 para. 26(14)(a)
- – Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(i)
- – Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(ii)
- – Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(i)
- – Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(ii)
- – Sch. A1 para. 8(2) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(i)
- – Sch. A1 para. 8(2)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(iii)
- – Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(i)
- – Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(ii)
- – Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(iii)
- – Sch. A1 para. 8(7)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(i)
- – Sch. A1 para. 8(7)(b) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(ii)
- – Sch. A1 para. 11 words substituted by 2023 c. 55 Sch. 8 para. 26(19)
- – Sch. A1 para. 13(1) words substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(i)