



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART III

PLANNING CONTROL

Planning permission

12 Meaning of “development” and “new development”

- (1) In this Act, except where the context otherwise requires, “development”, subject to the following provisions of this section, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
- (2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land, that is to say:—
 - (a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building and (in either case) are not works for making good war damage;
 - (b) the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road ;
 - (c) the carrying out by a local authority or statutory undertaker of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
 - (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
 - (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

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- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Minister under this section, the use thereof for any other purpose of the same class.
- (3) For the avoidance of doubt it is hereby declared that for the purposes of this section—
- (a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part thereof which is so used;
 - (b) the deposit of refuse or waste materials on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if either the superficial area of the deposit is thereby extended, or the height of the deposit is thereby extended and exceeds the level of the land adjoining the site.
- (4) Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.
- (5) In this Act “new development” means any development other than development of a class specified in Part I or Part II of the Third Schedule to this Act; and the provisions of Part III of that Schedule shall have effect for the purposes of Parts I and II thereof.

13 Development requiring planning permission

- (1) Subject to the provisions of this section, planning permission is required for the carrying out of any development of land.
- (2) Where on the first day of July, nineteen hundred and forty-eight (in this Act referred to as “the appointed day”), land was being used temporarily for a purpose other than the purpose for which it was normally used, planning permission is not required for the resumption of the use of the land for the last-mentioned purpose.
- (3) Where on the appointed day land was normally used for one purpose and was also used on occasions, whether at regular intervals or not, for another purpose, planning permission is not required in respect of the use of the land for that other purpose on similar occasions.
- (4) Where land was unoccupied on the appointed day, but had before that day been occupied at some time on or after the seventh day of January, nineteen hundred and thirty-seven, planning permission is not required in respect of the use of the land for the purpose for which it was last used before the appointed day.
- (5) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of the use of the land for the purpose for which it was normally used before the permission was granted.
- (6) In determining, for the purposes of subsections (2) and (4) of this section respectively, what were the purposes for which land was normally used or last used, no account shall be taken of any use of the land begun in contravention of previous planning control; and in determining, for the purposes of the last preceding subsection, what were the purposes for which land was normally used before the grant of planning permission, no

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account shall be taken of any use of the land begun in contravention of the provisions of this Part of this Act or in contravention of previous planning control.

- (7) Notwithstanding anything in subsections (2) to (4) of this section, the use of land as a caravan site shall not, by virtue of any of those subsections, be treated as a use for which planning permission is not required, unless the land was so used on one occasion at least during the period of two years ending with the ninth day of March, nineteen hundred and sixty.
- (8) Where by a development order planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is the normal use of that land, unless the last-mentioned use was begun in contravention of the provisions of this Part of this Act or in contravention of previous planning control.
- (9) Where an enforcement notice has been served in respect of any development of land, planning permission is not required for the use of that land for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.
- (10) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if—
 - (a) it was 'begun in contravention of the provisions of Part III of the Act of 1947, or
 - (b) at the material time the land was subject to a resolution to prepare a planning scheme, and the use was begun otherwise than in accordance with permission granted in that behalf by or under the interim development order, or
 - (c) at the material time the land was subject to a planning scheme, and the use was begun otherwise than in conformity with the provisions of the scheme or of permission granted thereunder.

In this subsection "planning scheme" means a scheme under the Town and Country Planning Act, 1932, or any enactment repealed by that Act, and "interim development order" means an order made under subsection (1) of section ten of that Act.

14 Development orders

- (1) The Minister shall by order (in this Act referred to as a "development order") provide for the granting of planning permission.
- (2) A development order may either—
 - (a) itself grant planning permission for development specified in the order, or for development of any class so specified, or
 - (b) in respect of development for which planning permission is not granted by the order itself, provide for the granting of planning permission by the local planning authority (or, in the cases hereinafter provided, by the Minister) on an application in that behalf made to the local planning authority in accordance with the provisions of the order.
- (3) A development order may be made either as a general order applicable (subject to such exceptions as may be specified therein) to all land, or as a special order applicable only to such land as may be so specified.

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- (4) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.
- (5) Without prejudice to the generality of the last preceding subsection.—
 - (a) where planning permission is granted by a development order for the erection, extension or alteration of any buildings, the order may require the approval of the local planning authority to be obtained with respect to the design or external appearance of the buildings;
 - (b) where planning permission is granted by a development order for development of a specified class, the order may enable the Minister or the local planning authority to direct that the permission shall not apply either in relation to development in a particular area or in relation to any particular development.
- (6) Any provision of a development order whereby permission is granted for the use of land for any purpose on a limited number of days in a period specified in that provision shall (without prejudice to the generality of references in this Act to limitations) be taken to be a provision granting permission for the use of land for any purpose subject to the limitation that the land shall not be used for any one purpose in pursuance of that provision on more than that number of days in that period.
- (7) For the purpose of enabling development to be carried out in accordance with planning permission, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment to which this subsection applies, or any regulations, orders or byelaws made at any time under any such enactment, shall not apply to any development specified in the order, or shall apply thereto subject to such modifications as may be so specified.
- (8) The last preceding subsection applies—
 - (a) to any enactment passed before the sixth day of August, nineteen hundred and forty-seven (being the date of the passing of the Act of 1947), and
 - (b) to any enactment contained in the Highways Act, 1959, being an enactment which re-enacts (with or without modifications) any such enactment as is mentioned in the preceding paragraph.

15 Publication of notices of applications for planning permission

- (1) An application for planning permission for development of any class to which this section applies—
 - (a) shall not be entertained by the local planning authority unless it is accompanied by a copy of a notice of the application, in such form as may be prescribed by a development order, and by such evidence as may be so prescribed that the notice has been published in a local newspaper circulating in the locality in which the land to which the application relates is situated; and
 - (b) shall not be determined by the local planning authority before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which the notice was published as mentioned in the preceding paragraph.
- (2) Any such notice as is mentioned in paragraph (a) of the preceding subsection shall (in addition to any other matters required to be contained therein) name a place within the locality where a copy of the application, and of all plans and other documents

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submitted therewith, will be open to inspection by the public at all reasonable hours during such period (not being less than twenty-one days, beginning with the date of publication of the notice) as may be specified in the notice.

- (3) Provision may be made by a development order for designating the classes of development to which this section applies, and this section shall apply accordingly to any class of development which is for the time being so designated.

16 Notification of applications for planning permission to owners and agricultural tenants

- (1) Without prejudice to the last preceding section, a local planning authority shall not entertain any application for planning permission unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—
- (a) a certificate stating that, in respect of every part of the land to which the application relates, the applicant is either the estate owner in respect of the fee simple or is entitled to a tenancy thereof;
 - (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
 - (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of the service of each such notice) and that he does not know the names and addresses of the remainder of those persons ;
 - (d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) of this subsection, and that he does not know the names and addresses of any of the persons mentioned in paragraph (b) of this subsection.
- (2) Any such certificate as is mentioned in paragraph (c) or paragraph (d) of the preceding subsection shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (b) of the preceding subsection) been published in a local newspaper circulating in the locality in which the land in question is situated.
- (3) In addition to any other matters required to be contained in a certificate issued for the purposes of this section, every such certificate shall contain one or other of the following statements, that is to say—
- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding;
 - (b) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the

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application relates, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

- (4) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of subsection (1) of this section, or by a certificate containing a statement in accordance with paragraph (b) of the last preceding subsection, the local planning authority shall not determine the application before the end of the period of twenty-one days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later.
- (5) If any person issues any certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.
- (6) Any certificate issued for the purposes of this section shall be in such form as may be prescribed by a development order; and any reference in any provision of this section to the requisite notice, where a form of notice is prescribed by a development order for the purposes of that provision, is a reference to a notice in that form.
- (7) In this and the next following section “owner”, in relation to any land, means a person who is for the time being the estate owner in respect of the fee simple thereof or is entitled to a tenancy thereof granted or extended for a term of years certain of which not less than ten years remain unexpired, and “agricultural holding” has the same meaning as in the Agricultural Holdings Act, 1948.

17 Determination by local planning authorities of applications for planning permission

- (1) Subject to the provisions of sections fifteen and sixteen of this Act, and to the following provisions of this Part of this Act, where an application is made to a local planning authority for planning permission, that authority, in dealing with the application, shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations, and—
 - (a) may grant planning permission, either unconditionally or subject to such conditions as they think fit, or
 - (b) may refuse planning permission.
- (2) In determining any application for planning permission for development of a class to which section fifteen of this Act applies, the local planning authority shall take into account any representations relating to that application which are received by them before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which notice of the application was published as mentioned in subsection (1) of that section.
- (3) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph id) of subsection (1) of the last preceding section, or by a certificate containing a statement in accordance with paragraph (b) of subsection (3) of that section, the local planning authority—

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- (a) in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period mentioned in subsection (4) of that section, by any person who satisfies them that he is an owner of any land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land, and
 - (b) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the preceding paragraph.
- (4) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority having power to issue a site licence for that land, consult the local authority having that power.
- (5) In this section “site licence ” means a licence under Part I of the Caravan Sites and Control of Development Act, 1960, authorising the use of land as a caravan site.

18 Conditional grant of planning permission

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

19 Supplementary provisions as to applications for planning permission

- (1) Any application to a local planning authority for planning permission shall be made in such manner as may be prescribed by regulations under this Act, and shall include such particulars, and be verified by such evidence, as may be required by the regulations or by any directions given by the local planning authority thereunder.
- (2) Subject to the provisions of subsections (2) to (4) of section seventeen of this Act, provision may be made by a development order for regulating the manner in which

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applications for planning permission to develop land are to be dealt with by local planning authorities, and in particular—

- (a) for enabling the Minister (or, in the case of development falling within the next following subsection, the Minister of Transport) to give directions restricting the grant of planning permission by the local planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;
- (b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order, or by directions given by the Minister thereunder, to grant planning permission for development which does not accord with the provisions of the development plan;
- (c) for requiring the local planning authority, before granting or refusing planning permission for any development, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;
- (d) for requiring the local planning authority to give to any applicant for planning permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;
- (e) for requiring the local planning authority to give to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for planning permission made to the authority, including information as to the manner in which any such application has been dealt with.

(3) The reference in paragraph id) of the last preceding subsection to development falling within this subsection is a reference to any development affecting trunk roads, or affecting any road which—

- (a) is comprised in the route of a special road to be provided by the Minister of Transport in accordance with a scheme under 'the provisions of Part II of the Highways Act, 1959, relating to special roads, and has not for the time being been transferred to him, or
- (b) has been or is to be provided by that Minister in pursuance of an order under the provisions of Part II of that Act relating to trunk roads and special roads, and has not for the time being been transferred to any other highway authority.

(4) Every local planning authority shall keep, in such manner as may be prescribed by a development order, a register containing such information as may be so prescribed with respect to applications for planning permission made to that authority, including information as to the manner in which such applications have been dealt with.

(5) Every register kept under the last preceding subsection shall be available for inspection by the public at all reasonable hours.

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

(1) An application for planning permission may relate to buildings or works constructed or carried out, or a use of land instituted, before the date of the application, whether—

- (a) the buildings or works were constructed or carried out, or the use instituted, without planning permission or in accordance with planning permission granted for a limited period, or

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- (b) the application is for permission to retain the buildings or works, or continue the use of the land, without complying with some condition subject to which a previous planning permission was granted.
- (2) Any power to grant planning permission to develop land under this Act shall include power to grant planning permission for the retention on land of buildings or works constructed or carried out, or for the continuance of a use of land instituted, as mentioned in the preceding subsection; and references in this Act to planning permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly:
- Provided that this subsection shall not affect the construction of section fifteen, of subsection (2) of section seventeen or of Part VI of this Act.
- (3) Any planning permission granted in accordance with the last preceding subsection may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or (in the case of buildings or works constructed or a use instituted in accordance with planning permission granted for a limited period) so as to take effect from the end of that period, as the case may be.

21 Supplementary provisions as to effect of planning permission

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

Minister's powers in relation to planning applications and decisions

22 Reference of planning applications to Minister

- (1) The Minister may give directions requiring applications for planning permission to be referred to him instead of being dealt with by local planning authorities.
- (2) A direction under this section—
(a) may be given either to a particular local planning authority or to local planning authorities generally, and
(b) may relate either to a particular application or to applications of a class specified in the direction.
- (3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.
- (4) Subject to the next following subsection, where an application for planning permission is referred to the Minister under this section, the following provisions of this Act, that is to say, subsection (1) of section fifteen, section sixteen, subsections (1) to (3) of section seventeen and subsection (1) of section eighteen, shall apply, with any necessary modifications, as they apply to an application for planning permission which falls to be determined by the local planning authority.

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- (5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (6) The decision of the Minister on any application referred to him under this section shall be final.

23 Appeals against planning decisions

- (1) Where an application is made to a local planning authority for planning permission to develop land, or for any approval of that authority required under a development order, and that permission or approval is refused by that authority or is granted by them subject to conditions, the applicant, if he is aggrieved by their decision, may by notice under this section appeal to the Minister.
- (2) Any notice under this section shall be served within such time (not being less than twenty-eight days from the date of notification of the decision to which it relates) and in such manner as may be prescribed by a development order.
- (3) The Minister shall not be required to entertain an appeal under this section in respect of an application for planning permission to develop land if it appears to him that planning permission for that development could not have been granted by the local planning authority, or could not have been granted by them otherwise than subject to the conditions imposed by them, having regard to the provisions of subsection (1) of section seventeen, of subsection (1) of section eighteen and of section thirty-eight of this Act, and of the development order, and to any directions given under that order.
- (4) Where an appeal is brought under this section from a decision of a local planning authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the local planning authority, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance.
- (5) Before determining an appeal under this section, the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (6) Subject to the last preceding subsection, the following provisions of this Act, that is to say, section sixteen, subsections (1) and (3) of section seventeen, and subsection (1) of section eighteen, shall apply, with any necessary modifications, in relation to an appeal to the Minister under this section as they apply in relation to an application for planning permission which falls to be determined by the local planning authority.
- (7) The decision of the Minister on any appeal under this section shall be final.

24 Appeal in default of planning decision

Where an application is made to a local planning authority for planning permission, or for any approval of that authority required under a development order, then unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority either—

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- (a) give notice to the applicant of their decision on the application, or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under section twenty-two of this Act,

the provisions of the last preceding section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority, and as if notification of their decision had been received by the applicant at the end of the period prescribed by the development order, or at the end of the said extended period, as the case may be.

25 Review of planning decisions where compensation claimed

- (1) The provisions of this and the next following section shall have effect where, in accordance with the provisions of Part VI of this Act, one or more claims for compensation in respect of a planning decision have been transmitted to the Minister, and the claim, or (if there is more than one) one or more of the claims, has not been withdrawn.
- (2) If, in the case of a planning decision of the local planning authority, it appears to the Minister that, if the application for permission to develop the land in question had been referred to him for determination, he would have made a decision more favourable to the applicant, the Minister may give a direction substituting that decision for the decision of the local planning authority.
- (3) If, in any case, it appears to the Minister that planning permission could properly be granted (either unconditionally or subject to certain conditions) for some development of the land in question other than the development to which the application for planning permission related, the Minister may give a direction that the provisions of this Act shall have effect in relation to that application and to the planning decision—
 - (a) as if the application had included an application for permission for that other development, and the decision had included the grant of planning permission (unconditionally or subject to the said conditions, as the case may be) for that development, or
 - (b) as if the decision had been a decision of the Minister and had included an undertaking to grant planning permission (unconditionally or subject to the said conditions, as the case may be) for that development,
as may be specified in the direction.
- (4) The reference in subsection (2) of this section to a decision more favourable to the applicant shall be construed—
 - (a) in relation to a refusal of permission, as a reference to a decision granting the permission, either unconditionally or subject to conditions, and either in respect of the whole of the land to which the application for permission related or in respect of part of that land, and
 - (b) in relation to a grant of permission subject to conditions, as a reference to a decision granting the permission applied for unconditionally or subject to less stringent conditions.

26 Supplementary provisions as to review of planning decisions

- (1) Before giving a direction under the last preceding section, the Minister shall give notice in writing of his proposed direction to the local planning authority to whose decision that direction relates, and to any person who made, and has not since

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withdrawn, a claim for compensation in respect of that decision; and, if so required by the local planning authority or by any such person, shall afford to each of them an opportunity to appear before, and be heard by, a person appointed by the Minister for the purpose.

- (2) In giving any direction under the last preceding section, the Minister shall have regard to the provisions of the development plan for the area in which the land in question is situated, in so far as those provisions are material to the development of that land, and shall also have regard to the local circumstances affecting the proposed development, including the use which prevails generally in the case of contiguous or adjacent land, and to any other material considerations.
- (3) Where the Minister gives a direction under the last preceding section, he shall give notice of the direction to the local planning authority to whose decision the direction relates, and to every person (if any) who made, and has not since withdrawn, a claim for compensation in respect of that decision.

Revocation or modification of planning permission

27 Power to revoke or modify planning permission

- (1) If it appears to the local planning authority, having regard to the development plan and to any other material considerations, that it is expedient to revoke or modify any permission to develop land granted on an application made under this Part of this Act, the authority, subject to the following provisions of this section, may by order revoke or modify the permission to such extent as (having regard to those matters) they consider expedient.
- (2) An order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where a local planning authority submit an order to the Minister for his confirmation under this section, the authority shall serve notice on the owner and on the occupier of the land affected and on any other person who in their opinion will be affected by the order; and if within such period as may be specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person, and to the local planning authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (4) The power conferred by this section to revoke or modify permission to develop land may be exercised—
 - (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
 - (b) where the permission relates to a change of the use of any land, at any time before the change has taken place;

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

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Additional powers of control

28 Orders requiring discontinuance of use or alteration or removal of buildings or works

- (1) If it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), regard being had to the development plan and to any other material considerations.—
 - (a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance of a use of land, or
 - (b) that any buildings or works should be altered or removed,

the local planning authority may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be so specified to be taken for the alteration or removal of the buildings or works, as the case may be.
- (2) An order under this section may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be specified in the order; and the provisions of the last preceding section shall apply in relation to any planning permission granted by an order under this section as they apply in relation to planning permission granted by the local planning authority on an application made under this Part of this Act.
- (3) The power conferred by the last preceding subsection shall include power, by an order under this section, to grant planning permission, subject to such conditions as may be specified in the order.—
 - (a) for the retention, on the land to which the order relates, of buildings or works constructed or carried out before the date on which the order was submitted to the Minister, or
 - (b) for the continuance of a use of that land instituted before that date;

and subsection (3) of section twenty of this Act shall apply to planning permission granted by virtue of this subsection as it applies to planning permission granted in accordance with subsection (2) of that section.
- (4) An order under this section shall not take effect unless it is confirmed by the Minister, either without modification or subject to such modifications as he considers expedient.
- (5) The power of the Minister under this section to confirm an order subject to modifications shall include power—
 - (a) to modify any provision of the order granting planning permission, as mentioned in subsection (2) or subsection (3) of this section ;
 - (b) to include in the order any grant of planning permission which might have been included in the order as submitted to the Minister.
- (6) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

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- (7) Where an order under this section has been confirmed by the Minister, the local planning authority shall serve a copy of the order on the owner and occupier of the land to which the order relates.
- (8) Where the requirements of an order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

29 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 the next following subsection, 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—
 - (a) the provisions of this Part of this Act relating to planning permission and to applications for planning permission, except sections fifteen and sixteen, subsections (2) to (5) of section seventeen, subsection (1) of section nineteen and sections twenty-five and twenty-six of this Act, and
 - (b) such of the provisions of Part VIII of this Act as are therein stated to be provisions falling within this subsection.
- (3) A tree preservation order shall not be made in relation to any land in respect of which a forestry dedication covenant is in force under the Forestry Act, 1947, or in respect of which advances have been made by the Forestry Commissioners under the Forestry Acts, 1919 to 1947.
- (4) A tree preservation order shall not take effect until it is confirmed by the Minister, and the Minister 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, subject to the next following subsection, such regulations shall, in particular, make provision for securing—
 - (a) that notice of the submission of any such order to the Minister shall be given to the owners and occupiers of land affected by the order;

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- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
 - (c) that copies of the order, when confirmed by the Minister, shall be served on the owners and occupiers of the land to which it relates.
- (6) If it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations ; but any order so confirmed shall cease to have effect at the end of two months from the date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.
- (7) 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.
- (8) The preceding provisions of this section shall have effect subject to the provisions—
 - (a) of section thirteen of the Forestry Act, 1951 (which relates to licences under that Act to fell trees comprised in a tree preservation order), and
 - (b) of subsection (4) of section two of the Opencast Coal Act, 1958 (which relates to land comprised in an authorisation under that Act which is affected by a tree preservation order).

30 Building preservation orders

- (1) Subject to the provisions of this and the next following section, if it appears to a local planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in their area, they may for that purpose make an order (in this Act referred to as a “building preservation order ”) restricting the demolition, alteration or extension of the building.
- (2) A building preservation order shall not be made in respect of—
 - (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 Minister of Works under any such enactment,and a building preservation order shall not be made so as to affect the powers of the Minister of Works under any such enactment.
- (3) A building preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.
- (4) A local planning authority shall not make a building preservation order, and the Minister shall not confirm such an order, unless satisfied that the execution of the works specified in the order would seriously affect the character of the building.
- (5) Provision may be made by a building preservation order—

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- (a) for requiring the consent of the local planning authority to be obtained for the execution of works of any description specified in the order, and
- (b) for applying, in relation to such consent and to applications for such consent, any of the provisions of this Act falling within subsection (2) of the last preceding section, subject to such adaptations and modifications as may be specified in the order.

31 Supplementary provisions as to building preservation orders

- (1) Provision may be made by regulations under this Act with respect to the form of building preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and, subject to the next following subsection, such regulations shall, in particular, make provision for securing—
 - (a) that notice of the submission of any such order to the Minister shall be given to the owner and any occupier of the building affected by the order ;
 - (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister ; and
 - (c) that a copy of the order, when confirmed by the Minister, shall be served on the owner and any occupier of the building to which it relates.
- (2) If it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations ; but any order so confirmed shall cease to have effect at the end of two months from the date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.
- (3) Nothing in any building preservation order shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice in writing of the proposed execution of the works is given, as soon as may be after the necessity for the works arises, to the authority by whom the order was made.
- (4) The powers conferred on a local planning authority by the last preceding section to make a building preservation order may be exercised also by the council of the county district in which the building to which the order relates is situated; and references in this Act to local planning authorities shall, in relation to those powers, be construed as including references to the council of a county district.

32 Lists of buildings of special architectural or historic interest

- (1) 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 Minister 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) 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 or county district, or of so much of the amendments as relates thereto, as the case may be, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited with the clerk of the council of that borough or

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district, and also, where that council is not the local planning authority, with the clerk of the local planning authority.

- (3) Any such copy 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 subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.
- (4) 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 Minister shall serve a notice 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.
- (5) Before compiling or approving, with or without modifications, any list under this section, or amending any list thereunder, the Minister 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 and historic interest.

33 Effect of inclusion of building in a list under s.32

- (1) Subject to the provisions of this section, so long as a building, not being—
 - (a) a building to which a building preservation order applies, or
 - (b) a building of a description specified in subsection (2) of section thirty of this Act,is included in a list compiled or approved under the last preceding section, no person shall execute, or cause or permit to be executed, any works for the demolition of the building, or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the local planning authority.
- (2) Nothing in the preceding subsection shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice in writing thereof has been given to the local planning authority as soon as may be after the necessity for the works arises.
- (3) Where a local planning authority receive notice of any proposed works under this section, they shall as soon as may be send a copy of the notice to the Minister, and, except where the authority is the council of a county borough, to the council of the county district in which the building to which the notice relates is situated, and in either case to such other persons or bodies of persons as may be specified by directions of the Minister either generally or with respect to the building in question.

34 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 Minister to be expedient in the interests of amenity or public safety.
- (2) Without prejudice to the generality of the preceding subsection, any such regulations may provide—

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- (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 subsection (2) of section twenty-nine 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 Minister 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 either by reference to provisions included in that behalf in development plans or by means of orders made or approved by the Minister in accordance with the provisions of the regulations.
- (5) Where the Minister is authorised by the regulations to make or approve any such order as is mentioned in the last preceding subsection, 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 to the use for the display of 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.

35**Applications for planning permission not needed for advertisements complying with regulations**

Where the display of advertisements in accordance with regulations made under the last preceding section 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 the preceding provisions of this Part of this Act.

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36 Proper maintenance of waste land, etc.

- (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 Minister, 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 IV 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.

37 Agreements regulating development or use of land

- (1) A local planning authority may, with the approval of the Minister, enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement; and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.
- (2) An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that person in respect of that land, as if the local planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.
- (3) Nothing in this section or in any agreement made thereunder shall be construed—
 - (a) as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Minister as to the provisions to be included in such a plan, or
 - (b) as requiring the exercise of any such powers otherwise than as mentioned in the preceding paragraph.
- (4) The power of a local planning authority to make agreements under this section may be exercised also—
 - (a) in relation to land in a county district, by the council of that district;
 - (b) in relation to land in the area of a joint planning board, by the council of the county or county borough in which the land is situated,and references in this section to a local planning authority shall be construed accordingly.

Special provisions as to industrial development

38 Industrial development certificates

- (1) Subject to the provisions of this and the next following section, an application to the local planning authority for permission to develop land by—

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- (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 Board of Trade, 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) 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 Board of Trade shall have particular regard to the need for providing appropriate employment in development districts.
- (3) 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 the next following section) 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.
- (4) 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 nineteen of this Act.
- (5) Nothing in section twenty of this Act shall be construed as requiring an industrial development certificate on an application for permission for the retention on land of an industrial building or for the continuance of any use of land.
- (6) In this and the next following section “the prescribed classes” means such classes of industrial buildings as may be prescribed by regulations made for the purposes of this section by the Board of Trade, “development district” has the meaning assigned to it by subsection (2) of section one of the Local Employment Act, 1960, and subsection (4) of that section (which provides for treating certain areas not forming part of a development district as forming part of such a district) shall apply as if this section were included among the provisions of that Act referred to in that subsection.

39 Exemption of certain classes of development

- (1) Notwithstanding anything in the last preceding section, an industrial development certificate shall not be required if the industrial floor space to be created by the development in question, together with any other industrial floor space created or to be created by any related development, does not exceed five thousand 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 the last preceding section by the Board of Trade 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 as may be so prescribed, or in respect of a change of use whereby

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premises in any such area, not being an industrial building of a class so prescribed, will become an industrial building of such a class.

- (3) In this section “industrial floor space ” means floor space comprised in an industrial building or industrial buildings of any of the prescribed classes, and “related development” means development relating to the same building or another building in the same group, being development which has been carried out on or after the first day of April, nineteen hundred and sixty, or for which planning permission has been granted since that date; an4 in this subsection “group ” means a group of contiguous or adjacent buildings used as parts of a single undertaking, and any reference to development relating to a building is a reference to the erection, extension, alteration or re-erection of the building or to a change of use of the whole or part of the building.

40 Provision for cases where industrial development certificate withheld

- (1) Where such an application as is mentioned in subsection (1) of section thirty-eight of this Act is, by virtue of that subsection, of no effect by reason that the requirements of that subsection are not fulfilled, the local planning authority shall consider whether, if those requirements had been fulfilled, they would nevertheless have refused the 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 the preceding subsection in respect of the whole or part of any land, it shall operate, for the purposes of sections twenty-five and twenty-six 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.

Special provisions as to local authorities and statutory undertakers

41 Deemed planning permission

- (1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority, or by statutory undertakers not being a local authority, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the directions.
- (2) The provisions of this Act (except Parts VI and XI thereof) shall apply in relation to any planning permission deemed to be granted by virtue of directions under this section as if it had been granted by the Minister on an application referred to him under section twenty-two of this Act.
- (3) For the purposes of this section development shall be taken to be authorised by a government department if—
- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment;
 - (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;

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- (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;
- (d) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable ; or
- (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants,

and references in this section to the authorisation of a government department shall be construed accordingly.

42 Application of planning control to local planning authorities

- (1) In relation to land of local planning authorities, and to the development by local authorities of land in respect of which they are the local planning authorities, the provisions of this Part of this Act, other than sections fifteen and sixteen, subsections (2) and (3) of section seventeen, and sections twenty-five and twenty-six thereof, shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act.
- (2) Subject to the provisions of the last preceding section, any such regulations may in particular provide for securing—
 - (a) that any application by such an authority for planning permission to develop such land, or for any other consent required in relation to such land under this Part of this Act, shall be made to the Minister and not to the local planning authority;
 - (b) that any order or notice authorised to be made or served under this Part of this Act in relation to such land shall be made or served by the Minister and not by that authority.
- (3) Sections fifteen and sixteen and subsections (2) and (3) of section seventeen of this Act shall apply, with the necessary modifications, in relation to applications made to the Minister in pursuance of regulations made for the purposes of subsection (1) of this section, as they apply in relation to applications for planning permission which fall to be determined by the local planning authority.

Supplementary provisions

43 Applications to determine whether planning permission required

- (1) If any person who proposes to carry out any operations on land, or to make any change in the use of land, wishes to have it determined whether the carrying out of those operations, or the making of that change, would constitute or involve development of the land, and, if so, whether an application for planning permission in respect thereof is required under this Part of this Act, having regard to the provisions of the development order, he may, either as part of an application for planning permission, or without any such application, apply to the local planning authority to determine that question.
- (2) The provisions of section fourteen, subsection (1) of section seventeen, subsections (2), (4) and (5) of section nineteen, and sections twenty-two to twenty-four of this Act shall, subject to any necessary modifications, apply in relation to any application under

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this section, and to the determination thereof, as they apply in relation to applications for planning permission and to the determination of such applications.

44 Appeal to independent tribunal

- (1) Provision may be made by a development order for securing that, in the case of decisions of a local planning authority of such classes as may be prescribed by the order, being decisions relating to the design or external appearance of buildings or other similar matters, any appeal under section twenty-three of this Act shall lie to an independent tribunal constituted in accordance with the provisions of that order, instead of being an appeal to the Minister; and in relation to any such appeal the provisions of that section (except, in subsection (6) thereof, the references to section sixteen and to subsection (3) of section seventeen of this Act) and the provisions of section twenty-four of this Act shall apply, subject to such adaptations and modifications as may be specified in the order, as they apply in relation to appeals to the Minister under the said section twenty-three.
- (2) Without prejudice to the generality of the powers conferred by section thirty-four of this Act, regulations made for the purposes of that section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall lie to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Minister.
- (3) If any tribunal is constituted in accordance with the preceding provisions of this section, the Minister may pay to the chairman and members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.