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STATUTORY INSTRUMENTS

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**1995 No. 419**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (General  
Development Procedure) Order 1995**

*Made* - - - - 22nd February 1995  
*Laid before Parliament* 6th March 1995  
*Coming into force* - - 3rd June 1995

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4), and 333(7) of, and paragraphs 5, 6, 7(6) and 8(6) of Schedule 1 to, the Town and Country Planning Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Order—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Town and Country Planning (General Development Procedure) Order 1995 and shall come into force on 3rd June 1995.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Town and Country Planning Act 1990;

“building” includes any structure or erection, and any part of a building, as defined in this article, but does not include plant or machinery or any structure in the nature of plant or machinery;

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“environmental information” and “environmental statement” have the same meanings respectively as in regulation 2 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988(2) (interpretation);

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(1) 1990 c. 8; sections 65 and 71(1), (2) and (2A) were substituted by section 16 of the Planning and Compensation Act 1991 (c. 34); sections 69, 71(4), 74(2), 77(4), 79(4), 188, 196(4) and paragraph 8(6) of Schedule 1 were amended by paragraphs 13, 15, 17, 18, 19, 30, 33 and 53(5) of Schedule 7 to the 1991 Act respectively; section 74(1A) was inserted, section 78 was amended, and section 193 was substituted, by sections 19(1), 17(2) and 10(1) of the 1991 Act respectively.

(2) S.I. 1988/1199, amended by S.I. 1990/367, 1992/1494, 1994/677.

“erection”, in relation to buildings as defined in this article, includes extension, alteration, or re-erection;

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

“landscaping” means the treatment of land (other than buildings) being the site or part of the site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out of gardens or courts, and the provision of other amenity features;

“by local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“outline planning permission” means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

“proposed highway” has the same meaning as in section 329 of the Highways Act 1980<sup>(3)</sup> (further provision as to interpretation);

“1988 Regulations” means the Town and Country Planning (Applications) Regulations 1988<sup>(4)</sup>;

“reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application, namely—

- (a) siting,
- (b) design,
- (c) external appearance,
- (d) means of access,
- (e) the landscaping of the site;

“by site display” means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“special road” means a highway or proposed highway which is a special road in accordance with section 16 of the Highways Act 1980 (general provisions as to special roads);

“trunk road” means a highway or proposed highway which is a trunk road by virtue of sections 10(1) or 19 of the Highways Act 1980<sup>(5)</sup> (general provisions as to trunk roads, and certain special roads and other highways to become trunk roads) or any other enactment or any instrument made under any enactment.

## Application

2.—(1) This Order applies to all land in England and Wales, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this

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(3) 1980 c. 66.

(4) S.I. 1988/1812.

(5) 1980 c. 66; section 19 was amended by section 21(1) of the New Roads and Street Works Act 1991 (c. 22).

Order shall apply to that land only to such extent and subject to such modifications as may be specified in the special development order.

(2) Nothing in this Order shall apply to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).

### **Applications for outline planning permission**

3.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of one month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

### **Applications for approval of reserved matters**

4. An application for approval of reserved matters—

- (a) shall be made in writing to the local planning authority and shall give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;
- (b) shall include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline planning permission; and
- (c) except where the authority indicate that a lesser number is required, shall be accompanied by three copies of the application and the plans and drawings submitted with it.

### **General provisions relating to applications**

5.—(1) Any application made under regulation 3 of the 1988 Regulations (applications for planning permission) or article 4 above, shall be made—

- (a) where the application relates to land in Greater London or a metropolitan county, to the local planning authority;
- (b) where the application relates to land in neither Greater London nor a metropolitan county and—
  - (i) that land is in a National Park, or
  - (ii) the application relates to a county matter,to the county planning authority;
- (c) in any other case, to the district planning authority<sup>(6)</sup>.

(2) When the local planning authority with whom an application has to be lodged receive—

- (a) in the case of an application made under paragraph (1) of regulation 3 of the 1988 Regulations, the form of application required by that paragraph, together with the certificate or other documents required by article 7;

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(6) For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

- (b) in the case of an application made under regulation 3(3) of the 1988 Regulations, sufficient information to enable the authority to identify the previous grant of planning permission, together with the certificate or other documents required by article 7;
- (c) in the case of an application made under article 4 above, the documents and information required by that article,

and the fee, if any, required to be paid in respect of the application<sup>(7)</sup>, the authority shall as soon as is reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Part 1 of Schedule 1 hereto.

(3) Where an application is made to a county planning authority in accordance with paragraph (1), that authority shall, as soon as practicable, send a copy of the application and of any accompanying plans and drawings to the district planning authority, if any.

(4) Where, after sending an acknowledgement as required by paragraph (2) of this article, the local planning authority consider that the application is invalid by reason of a failure to comply with the requirements of regulation 3 of the 1988 Regulations or article 4 above or any other statutory requirement, they shall as soon as reasonably practicable notify the applicant that his application is invalid.

(5) In this article, “county matter” has the meaning given to that expression in paragraph 1(1) of Schedule 1 to the Act<sup>(8)</sup> (local planning authorities — distribution of functions).

### **Notice of applications for planning permission**

6.—(1) Subject to paragraph (2), an applicant for planning permission shall give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant,—

- (a) by serving the notice on every such person whose name and address is known to him; and
- (b) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement after the prescribed date.

(2) In the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations, instead of giving notice in the manner provided for by paragraph (1), the applicant shall give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant,—

- (a) by serving the notice on every such person whom the applicant knows to be such a person and whose name and address is known to him;
- (b) by local advertisement after the prescribed date; and
- (c) by site display in at least one place in every parish or community within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than seven days in the period of 21 days immediately preceding the making of the application to the local planning authority.

(3) The notice required by paragraph (2)(c) shall (in addition to any other matters required to be contained in it) name a place within the area of the local planning authority to whom the application is made where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice.

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(7) Fees are prescribed by regulations made under section 303 of the Act; S.I. 1989/193, amended by S.I. 1990/2473, 1991/2735, 1992/1817, 1992/3052, 1993/3170.

(8) Paragraph 1(1) of Schedule 1 was amended by paragraph 13 of Schedule 1 to the Planning and Compensation Act 1991 (c. 34).

(4) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of seven days referred to in paragraph (2)(c) has elapsed, he shall be treated as having complied with the requirements of that paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement.

- (a) (5) (a) The date prescribed for the purposes of section 65(2) of the Act (notice etc. of applications for planning permission), and the “prescribed date” for the purposes of this article, is the day 21 days before the date of the application;
- (b) The applications prescribed for the purposes of paragraph (c) of the definition of “owner” in section 65(8) of the Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.
- (6) In this article—

“minerals applications” mean applications for planning permission for development consisting of the winning and working of minerals;

“requisite notice” means notice in the appropriate form set out in Part 1 of Schedule 2 to this Order or in a form substantially to the like effect; and

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which an application relates.

#### **Certificates in relation to notice of applications for planning permission**

7.—(1) Where an application for planning permission is made, the applicant shall certify, in the appropriate form prescribed in Part 2 of Schedule 2 to this Order or in a form substantially to the like effect, that the requirements of article 6 have been satisfied.

(2) If an applicant has cause to rely on paragraph (4) of article 6, the certificate must state the relevant circumstances.

#### **Publicity for applications for planning permission**

8.—(1) An application for planning permission shall be publicised by the local planning authority to which the application is made in the manner prescribed by this article.

- (2) In the case of an application for planning permission for development which—
- (a) is the subject of an E.A. Schedule 1 or E.A. Schedule 2 application accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part III of the Wildlife and Countryside Act 1981<sup>(9)</sup> (public rights of way) applies,

the application shall be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) shall be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days, and
- (b) by local advertisement.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application shall be publicised by giving requisite notice—

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(9) 1981 c. 69, to which there are amendments not relevant to this Order.

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or
- (ii) by serving the notice on any adjoining owner or occupier,
- and
- (b) by local advertisement.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application shall be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or
- (b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority shall be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) In this article—

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates;

“E.A. Schedule 1 application” and “E.A. Schedule 2 application” have the same meanings as “Schedule 1 application” and “Schedule 2 application” respectively in regulation 2 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988<sup>(10)</sup> (interpretation);

“major development” means development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

“requisite notice” means notice in the appropriate form set out in Schedule 3 to this Order or in a form substantially to the like effect;

“waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials.

### **Applications for planning permission referred to the Secretary of State and appeals to the Secretary of State**

**9.—(1)** Articles 6 and 7 apply to any appeal to the Secretary of State under section 78 of the Act (right to appeal against planning decisions and failure to take such decisions) as they apply to applications for planning permission.

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<sup>(10)</sup> S.I. 1988/1199, amended by S.I. 1990/367, 1992/1494, 1994/677.

(2) Subject to paragraph (3), if the local planning authority have failed to satisfy the requirements of article 8 in respect of an application for planning permission at the time the application is referred to the Secretary of State under section 77 of the Act (reference of applications to Secretary of State), or any appeal to the Secretary of State is made under section 78 of the Act, article 8 shall continue to apply, as if such referral or appeal to the Secretary of State had not been made.

(3) Where paragraph (2) applies, when the local planning authority have satisfied the requirements of article 8, they shall inform the Secretary of State that they have done so.

### Consultations before the grant of permission

**10.**—(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the table below, a local planning authority shall consult the authority or person mentioned in relation to that category, except where—

- (i) the local planning authority are the authority so mentioned;
- (ii) the local planning authority are required to consult the authority so mentioned under articles 11 or 12; or
- (iii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted.

**TABLE**

Para	Description of Development	Consultee
(a)	Development likely to affect land in Greater London or in a metropolitan county	The local planning authority concerned
(b)	Development likely to affect land in a non-metropolitan county, other than land in a National Park	The district planning authority concerned <sup>(11)</sup>
(c)	Development likely to affect land in a National Park	The county planning authority concerned
(d)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of— <ul style="list-style-type: none"> <li>(i) residential accommodation;</li> <li>(ii) more than 250 square metres of retail floor space;</li> </ul>	The Health and Safety Executive

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<sup>(11)</sup> For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

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Para	Description of Development	Consultee
	(iii) more than 500 square metres of office floor space; or	
	(iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic—	
	(i) entering or leaving a trunk road; or	In England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales
	(ii) using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and in England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales
(f)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(g)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(h)	Development involving—	
	(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or	The local highway authority concerned
	(ii) the construction of a highway or private means of access to premises affording access to a road in relation to	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire



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Para	Description of Development	Consultee
	which a toll order is in force	
(i)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(j)	Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(k)	Development involving or including mining operations	The National Rivers Authority
(l)	Development within three kilometres of Windsor Castle, Windsor Great Park, or Windsor Home Park, or within 800 metres of any other royal palace or park, which might affect the amenities (including security) of that palace or park	The Secretary of State for National Heritage
(m)	Development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building	The Historic Buildings and Monuments Commission for England
(n)	Development likely to affect the site of a scheduled monument	In England, the Historic Buildings and Monuments Commission for England, and, in Wales, the Secretary of State for Wales
(o)	Development likely to affect any garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953(12) (register of gardens) and which is classified as Grade I or Grade II*.	The Historic Buildings and Monuments Commission for England
(p)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The National Rivers Authority

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(12) 1953 c. 49 (1 & 2 Eliz. 2); section 8C was inserted by section 33 of, and paragraph 10 of Schedule 4 to, the National Heritage Act 1983 (c. 47).

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Para	Description of Development	Consultee
(q)	Development for the purpose of refining or storing mineral oils and their derivatives	The National Rivers Authority
(r)	Development involving the use of land for the deposit of refuse or waste	The National Rivers Authority
(s)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The National Rivers Authority
(t)	Development relating to the use of land as a cemetery	The National Rivers Authority
(u)	Development—	The Council which gave, or is to be regarded as having given, the notice
	(i) in or likely to affect a site of special scientific interest of which notification has been given, or has effect as if given, to the local planning authority by the Nature Conservancy Council for England or the Countryside Council for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981(13) (areas of special scientific interest); or	
	(ii) within an area which has been notified to the local planning authority by the Nature Conservancy Council for England or the Countryside Council for Wales, and which is within two	

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(13) 1981 c. 69.

Para	Description of Development	Consultee
	kilometres of a site of special scientific interest of which notification has been given or has effect as if given as aforesaid	
(v)	Development involving any land on which there is a theatre	The Theatres Trust
(w)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves— <ul style="list-style-type: none"> <li>(i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or</li> <li>(ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more</li> </ul>	In England, the Minister of Agriculture, Fisheries and Food and, in Wales, the Secretary of State for Wales
(x)	Development within 250 metres of land which— <ul style="list-style-type: none"> <li>(i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and</li> <li>(ii) has been notified to the local planning authority by the waste regulation authority for the purposes of this provision</li> </ul>	The waste regulation authority concerned
(y)	Development for the purposes of fish farming	The National Rivers Authority

(2) In the above table—

- (a) in paragraph (d)(iv), “industrial process” means a process for or incidental to any of the following purposes—
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
  - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
  - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” means any site on which mining operations are carried out);
- (b) in paragraph (e)(ii), “network” and “operator” have the same meaning as in Part I of the Railways Act 1993<sup>(14)</sup> (the provision of railway services);
- (c) in paragraphs (f) and (g), “classified road” means a highway or proposed highway which—
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980<sup>(15)</sup> (general provision as to principal and classified roads); or
  - (ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;
- (d) in paragraph (h), “concessionaire”, “road subject to a concession” and “toll order” have the same meaning as in Part I of the New Roads and Street Works Act 1991<sup>(16)</sup> (new roads in England and Wales);
- (e) in paragraph (i), “street” has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” includes a continuation of an existing street;
- (f) in paragraph (m), “listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(17)</sup> (listing of buildings of special architectural or historic interest);
- (g) in paragraph (n), “scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979<sup>(18)</sup> (schedule of monuments);
- (h) in paragraph (s), “slurry” means animal faeces and urine (whether or not water has been added for handling), and “caravan” has the same meaning as for the purposes of Part I of the Caravan Sites and Control of Development Act 1960<sup>(19)</sup> (caravan sites);
- (i) in paragraph (u), “site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981<sup>(20)</sup> (areas of special scientific interest) applies;
- (j) in paragraph (v), “theatre” has the same meaning as in section 5 of the Theatres Trust Act 1976<sup>(21)</sup> (interpretation); and
- (k) in paragraph (x), “waste regulation authority” has the same meaning as in section 30(1) of the Environmental Protection Act 1990<sup>(22)</sup> (authorities for purposes of Part II).

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<sup>(14)</sup> 1993 c. 43.

<sup>(15)</sup> 1980 c. 66.

<sup>(16)</sup> 1991 c. 22.

<sup>(17)</sup> 1990 c. 9.

<sup>(18)</sup> 1979 c. 46.

<sup>(19)</sup> 1960 c. 62; a relevant amendment is section 13 of the Caravan Sites Act 1968 (c. 52).

<sup>(20)</sup> 1981 c. 69.

<sup>(21)</sup> 1976 c. 27.

<sup>(22)</sup> 1990 c. 43.

(3) The Secretary of State may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.

(4) Where, by or under this article, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission—

- (a) they shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) they shall not determine the application until at least 14 days after the date on which notice is given under paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(5) The local planning authority shall, in determining the application, take into account any representations received from a consultee.

### **Consultation with county planning authority**

**11.** Where a district planning authority are required by paragraph 7 of Schedule 1 to the Act<sup>(23)</sup> (local planning authorities — distribution of functions) to consult the county planning authority before determining an application for planning permission, they shall not determine the application until the expiry of at least 14 days after the date of the notice given to the county planning authority in accordance with sub-paragraph (6)(b) of that paragraph.

### **Applications relating to county matters**

**12.—**(1) A county planning authority shall, before determining—

- (a) an application for planning permission under Part III of the Act (control over development);
- (b) an application for a certificate of lawful use or development under section 191 or 192 of the Act<sup>(24)</sup> (certificates of lawfulness of existing or proposed use or development); or
- (c) an application for approval of reserved matters,

give the district planning authority, if any, for the area in which the relevant land lies a period of at least 14 days, from the date of receipt of the application by the district authority, within which to make recommendations about the manner in which the application shall be determined; and shall take any such recommendations into account.

(2) A county planning authority shall—

- (a) on determining an application of a kind mentioned in paragraph (1), as soon as reasonably practicable notify the district planning authority, if any, of the terms of their decision; or
- (b) if any such application is referred to the Secretary of State, inform the district planning authority, if any, of the date when it was so referred and, when notified to them, of the terms of the decision.

### **Notice to parish and community councils**

**13.—**(1) Where the council of a parish or community are given information in relation to an application pursuant to paragraph 8(1) of Schedule 1 to the Act<sup>(25)</sup> (local planning authorities — distribution of functions), they shall, as soon as practicable, notify the local planning authority who

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<sup>(23)</sup> Paragraph 7 was amended by paragraph 35(2) of Schedule 4, and paragraph 53(4) of Schedule 7, to the Planning and Compensation Act 1991 (c. 34).

<sup>(24)</sup> Sections 191 to 194 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

<sup>(25)</sup> Paragraph 8 of Schedule 1 was substituted by paragraph 53(5) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

are determining the application whether they propose to make any representations about the manner in which the application should be determined, and shall make any representations to that authority within 14 days of the notification to them of the application.

(2) A local planning authority shall not determine any application in respect of which a parish or community are required to be given information before—

- (a) the council of the parish or community inform them that they do not propose to make any representations;
- (b) representations are made by that council; or
- (c) the period of 14 days mentioned in paragraph (1) has elapsed,

whichever shall first occur; and in determining the application the authority shall take into account any representations received from the council of the parish or community.

(3) The district planning authority (or, in a metropolitan county, the local planning authority) shall notify the council of the parish or community of the terms of the decision on any such application or, where the application is referred to the Secretary of State, of the date when it was so referred and, when notified to them, of the terms of his decision<sup>(26)</sup>.

#### **Directions by the Secretary of State**

**14.**—(1) The Secretary of State may give directions restricting the grant of permission by a local planning authority, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

(2) The Secretary of State may give directions—

- (a) that particular proposed development of a description set out in Schedule 1 or Schedule 2 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988<sup>(27)</sup> (descriptions of development) is exempted from the application of those Regulations, in accordance with Article 2(3) of Council Directive [85/337/EEC](#)<sup>(28)</sup>;
- (b) as to whether particular proposed development is or is not development in respect of which those Regulations require the consideration of environmental information (as defined in those Regulations) before planning permission can be granted; or
- (c) that development of any class described in the direction is development in respect of which those Regulations require the consideration of such information before such permission can be granted.

(3) A local planning authority shall deal with applications for planning permission for development to which a direction given under this article applies in such manner as to give effect to the direction.

#### **Special provisions as to permission for development affecting certain existing and proposed highways**

**15.**—(1) Where an application is made to a local planning authority for planning permission for development which consists of or includes—

- (a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or

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<sup>(26)</sup> For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. [1994/867](#)) and section 1 of the Act.

<sup>(27)</sup> S.I. [1988/1199](#), amended by S.I. [1990/367](#), [1992/1494](#), [1994/677](#).

<sup>(28)</sup> OJ No. L175, 5.7.85, p.40.

- (b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under this article) from the middle of—
- (i) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide, in pursuance of an order under Part II of the Highways Act 1980(29) (trunk roads, classified roads, metropolitan roads, special roads) and which has not for the time being been transferred to any other highway authority;
  - (ii) any highway which he proposes to improve under Part V of that Act (improvement of highways) and in respect of which notice has been given to the local planning authority;
  - (iii) any highway to which he proposes to carry out improvements in pursuance of an order under Part II of that Act; or
  - (iv) any highway which he proposes to construct, the route of which is shown on the development plan or in respect of which he has given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the local planning authority shall notify the Secretary of State by sending him a copy of the application and any accompanying plans and drawings.

- (2) An application referred to in paragraph (1) above shall not be determined unless—
- (a) the local planning authority receive a direction given under article 14 of this Order (and in accordance with the terms of that direction);
  - (b) they receive notification by or on behalf of the Secretary of State that he does not propose to give any such direction in respect of the development to which the application relates; or
  - (c) a period of 28 days (or such longer period as may be agreed in writing between the local planning authority and the Secretary of State) from the date when notification was given to the Secretary of State has elapsed without receipt of such a direction.

(3) The Secretary of State may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph 1(b) above.

### **Notification of mineral applications**

**16.**—(1) Where notice has been given for the purposes of this article to a mineral planning authority as respects land which is in their area and specified in the notice—

- (a) by the Coal Authority that the land contains coal;
- (b) by the Secretary of State for Trade and Industry that it contains gas or oil; or
- (c) by the Crown Estates Commissioners that it contains silver or gold,

the mineral planning authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the body or person who gave the notice that an application has been made.

- (2) In this article, “coal” means coal other than that—
- (a) won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal; or
  - (b) which it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal.

### **Development not in accordance with the development plan**

17. A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

### **Notice of reference of applications to the Secretary of State**

18. On referring any application to the Secretary of State under section 77 of the Act<sup>(30)</sup> (reference of applications to Secretary of State) pursuant to a direction in that behalf, a local planning authority shall serve on the applicant a notice—

- (a) setting out the terms of the direction and any reasons given by the Secretary of State for issuing it;
- (b) stating that the application has been referred to the Secretary of State; and
- (c) containing a statement that the Secretary of State will, if the applicant so desires, afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and that the decision of the Secretary of State on the application will be final.

### **Representations to be taken into account**

19.—(1) A local planning authority shall, in determining an application for planning permission, take into account any representations made, where any notice of the application has been—

- (a) given by site display under article 6 or 8, within 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on—
  - (i) an owner of the land or a tenant of an agricultural holding under article 6, or
  - (ii) an adjoining owner or occupier under article 8,
 within 21 days beginning with the date when the notice was served on that person, provided that the representations are made by any person who satisfies them that he is such an owner, tenant or occupier; or
- (c) given by local advertisement under article 6 or 8, within 14 days beginning with the date on which the notice was published,

and the representations and periods in this article are representations and periods prescribed for the purposes of section 71(2)(a) of the Act<sup>(31)</sup> (consultations in connection with determinations under section 70).

(2) A local planning authority shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b) (i), and such notice is notice prescribed for the purposes of section 71(2)(b) of the Act.

(3) Paragraphs (1) and (2) of this article apply to applications referred to the Secretary of State under section 77 of the Act (reference of applications to Secretary of State) and paragraphs (1)(b) and (2) apply to appeals to the Secretary of State made under section 78 of the Act<sup>(32)</sup> (right to appeal against planning decisions and failure to take such decisions), as if the references to—

- (a) a local planning authority were to the Secretary of State, and

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<sup>(30)</sup> Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

<sup>(31)</sup> Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

<sup>(32)</sup> Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34).



- (b) determining an application for planning permission were to determining such application or appeal, as the case may be.

### **Time periods for decision**

**20.**—(1) Subject to paragraph (5), where a valid application under article 4 or regulation 3 of the 1988 Regulations (applications for planning permission) has been received by a local planning authority, they shall within the period specified in paragraph (2) give the applicant notice of their decision or determination or notice that the application has been referred to the Secretary of State.

(2) The period specified in this paragraph is—

- (a) a period of eight weeks beginning with the date when the application was received by a local planning authority;
- (b) except where the applicant has already given notice of appeal to the Secretary of State, such extended period as may be agreed in writing between the applicant and the local planning authority by whom the application falls to be determined; or
- (c) where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured, the appropriate period specified in (a) or (b) above calculated without regard to any time between the date when the authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee.

(3) For the purposes of this article, the date when the application was received shall be taken to be the date when each of the following events has occurred—

- (a) the application form or application in writing has been lodged with the authority mentioned in article 5(1);
- (b) any certificate or documents required by the Act or this Order has been lodged with that authority; and
- (c) any fee required to be paid in respect of the application has been paid to that authority and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment.

(4) A local planning authority shall provide such information about applications made under article 4 or regulation 3 of the 1988 Regulations (including information as to the manner in which any such application has been dealt with) as the Secretary of State may by direction require; and any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.

(5) Subject to paragraph (6), a local planning authority shall not determine an application for planning permission, where any notice of the application has been—

- (a) given by site display under article 6 or 8, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on—
  - (i) an owner of the land or a tenant of an agricultural holding under article 6, or
  - (ii) an adjoining owner or occupier under article 8,before the end of the period of 21 days beginning with the date when the notice was served on that person;
- (c) given by local advertisement under article 6 or 8, before the end of the period of 14 days beginning with the date on which the notice was published,

and the periods in this paragraph are periods prescribed for the purposes of section 71(1) of the Act (consultations in connection with determinations under section 70).

(6) Where, under paragraph (5), more than one of the prescribed periods applies, the local planning authority shall not determine the application before the end of the later or latest of such periods.

### **Applications made under planning condition**

**21.** Where an application has been made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission (other than an application for approval of reserved matters or an application for approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995<sup>(33)</sup> (development by telecommunications code system operators)) the authority shall give notice to the applicant of their decision on the application within a period of eight weeks from the date when the application was received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

### **Written notice of decision or determination relating to a planning application**

**22.—**(1) When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved matters, and a permission or approval is granted subject to conditions or the application is refused, the notice shall—

- (a) state clearly and precisely their full reasons for the refusal or for any condition imposed; and
- (b) where the Secretary of State has given a direction restricting the grant of permission for the development for which application is made or where he or a Government Department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions, give details of the direction or of the view expressed,

and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part 2 of Schedule 1 to this Order.

(2) Where—

- (a) the applicant for planning permission has submitted an environmental statement; and
- (b) the local planning authority have decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

the notice given to the applicant in accordance with article 20(1) shall include a statement that environmental information has been taken into consideration by the authority.

### **Appeals**

**23.—**(1) An applicant who wishes to appeal to the Secretary of State under section 78 of the Act (right to appeal against planning decisions and failure to take such decisions) shall give notice of appeal to the Secretary of State by—

- (a) serving on him, within the time limit specified in paragraph (2), a form obtained from him, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and
- (b) serving on the local planning authority a copy of the form mentioned in paragraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (3)(e).

(2) The time limit mentioned in paragraph (1) is six months from—

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(33) S.I. 1995/418.

- (a) the date of the notice of the decision or determination giving rise to the appeal;
- (b) the expiry of the period specified in article 20 or, as the case may be, article 21; or
- (c) in a case in which the authority have served a notice on the applicant in accordance with article 3(2) that they require further information, and he has not provided the information, the date of service of that notice,

or such longer period as the Secretary of State may, at any time, allow.

- (3) The documents mentioned in paragraph (1) are—
  - (a) the application made to the local planning authority which has occasioned the appeal;
  - (b) all plans, drawings and documents sent to the authority in connection with the application;
  - (c) all correspondence with the authority relating to the application;
  - (d) any certificate provided to the authority under article 7;
  - (e) any other plans, documents or drawings relating to the application which were not sent to the authority;
  - (f) the notice of the decision or determination, if any;
  - (g) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.

#### **Certificate of lawful use or development**

**24.**—(1) An application for a certificate under section 191(1) or 192(1) of the Act<sup>(34)</sup> (certificates of lawfulness of existing or proposed use or development) shall be in writing and shall, in addition to specifying the land and describing the use, operations or other matter in question in accordance with those sections, include the following information—

- (a) the paragraph of section 191(1) or, as the case may be, section 192(1), under which the application is made;
  - (b) in the case of an application under section 191(1), the date on which the use, operations or other matter began or, in the case of operations carried out without planning permission, the date on which the operations were substantially completed;
  - (c) in the case of an application under section 191(1)(a), the name of any use class specified in an order under section 55(2)(f) of the Act (meaning of “development”) which the applicant considers applicable to the use existing at the date of the application;
  - (d) in the case of an application under section 191(1)(c), sufficient details of the planning permission to enable it to be identified;
  - (e) in the case of an application under section 192(1)(a), the use of the land at the date of the application (or, when the land is not in use at that date, the purpose for which it was last used) and the name of any use class specified in an order under section 55(2)(f) of the Act which the applicant considers applicable to the proposed use;
  - (f) the applicant’s reasons, if any, for regarding the use, operations or other matter described in the application as lawful; and
  - (g) such other information as the applicant considers to be relevant to the application.
- (2) An application to which paragraph (1) applies shall be accompanied by—
- (a) a plan identifying the land to which the application relates;

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<sup>(34)</sup> Sections 191 to 194 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).

- (b) such evidence verifying the information included in the application as the applicant can provide; and
- (c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.

(3) Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application shall indicate to which part of the land each such use, operation or matter relates.

(4) Articles 5(1) and 20(4) shall apply to an application for a certificate to which paragraph (1) applies as they apply to an application for planning permission.

(5) When the local planning authority receive an application to which paragraph (1) applies and any fee required to be paid in respect of the application, they shall, as soon as reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Part 1 of Schedule 1.

(6) Where, after sending an acknowledgement as required by paragraph (5), the local planning authority consider that the application is invalid by reason of the failure to comply with the preceding paragraphs of this article or any other statutory requirement, they shall, as soon as practicable, notify the applicant that his application is invalid.

(7) The local planning authority may by notice in writing require the applicant to provide such further information as may be specified to enable them to deal with the application.

(8) The local planning authority shall give the applicant written notice of their decision within a period of eight weeks beginning with the date of receipt by the authority of the application and any fee required to be paid in respect of the application or, except where the applicant has already given notice of appeal to the Secretary of State, within such extended period as may be agreed upon in writing between the applicant and the authority.

(9) For the purpose of calculating the appropriate period specified in paragraph (8), where any fee required has been paid by a cheque which is subsequently dishonoured, the time between the date when the authority send the applicant written notice of the dishonouring of the cheque and the date when the authority receive the full amount of the fee shall not be taken into account.

(10) Where an application is refused, in whole or in part (including a case in which the authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the notice of decision shall state clearly and precisely the authority's full reasons for their decision and shall include a statement to the effect that if the applicant is aggrieved by the decision he may appeal to the Secretary of State under section 195 of the Act<sup>(35)</sup> (appeals against refusal or failure to give decision on application).

(11) A certificate under section 191 or 192 of the Act shall be in the form set out in Schedule 4, or in a form substantially to the like effect.

(12) Where a local planning authority propose to revoke a certificate issued under section 191 or 192 of the Act in accordance with section 193(7) of the Act (certificates under sections 191 and 192: supplementary provisions), they shall, before they revoke the certificate, give notice of that proposal to—

- (a) the owner of the land affected;
- (b) the occupier of the land affected;
- (c) any other person who will in their opinion be affected by the revocation; and
- (d) in the case of a certificate issued by the Secretary of State under section 195 of the Act, the Secretary of State.

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<sup>(35)</sup> Section 195 was amended by paragraph 32 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

(13) A notice issued under paragraph (12) shall invite the person on whom the notice is served to make representations on the proposal to the authority within 14 days of service of the notice and the authority shall not revoke the certificate until all such periods allowed for making representations have expired.

(14) An authority shall give written notice of any revocation under section 193(7) of the Act to every person on whom notice of the proposed revocation was served under paragraph (12).

### **Register of applications**

**25.**—(1) In this article and in article 26, “the local planning register authority” means—

- (a) in Greater London or a metropolitan county, the local planning authority (and references to the area of the local planning register authority are, in this case, to the area of the local planning authority);
- (b) in relation to land in a National Park (except in a metropolitan county), the county planning authority (and references to the area of the local planning register authority are, in this case, to the area of the county planning authority within a National Park);
- (c) in relation to any other land, the district planning authority (and references to the area of the local planning register authority are, in this case, to the area of the district planning authority, other than any part of their area falling within a National Park)<sup>(36)</sup>.

(2) Each local planning register authority shall keep, in two parts, a register of every application for planning permission relating to their area.

(3) Part I of the register shall contain a copy of each such application, and a copy of any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of, together with any accompanying plans and drawings.

(4) Part II of the register shall contain, in respect of every application for planning permission relating to the local planning register authority’s area—

- (a) a copy (which may be photographic) of the application and of plans and drawings submitted in relation thereto;
- (b) particulars of any direction given under the Act or this Order in respect of the application;
- (c) the decision, if any, of the local planning authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the local planning authority;
- (d) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 77 of the Act (reference of applications to Secretary of State);
- (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application.

(5) Where, on any appeal to the Secretary of State under section 174 of the Act<sup>(37)</sup> (appeal against enforcement notices), the appellant is deemed to have made an application for planning permission and the Secretary of State has granted permission, the local planning register authority shall, on receipt of notification of the Secretary of State’s decision, enter into Part II of the register referred to in paragraph (2) particulars of the development concerned, the land on which it was carried out, and the date and effect of the Secretary of State’s decision.

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<sup>(36)</sup> For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

<sup>(37)</sup> Section 174 was amended by section 6(1) of, and paragraph 22 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(6) The register kept by the local planning register authority shall also contain the following information in respect of every application for a certificate under section 191 or 192 of the Act (certificates of lawfulness of existing or proposed use or development) relating to the authority's area—

- (a) the name and address of the applicant;
- (b) the date of the application;
- (c) the address or location of the land to which the application relates;
- (d) the description of the use, operations or other matter included in the application;
- (e) the decision, if any, of the local planning authority in respect of the application and the date of such decision; and
- (f) the reference number, date and effect of any decision of the Secretary of State on an appeal in respect of the application.

(7) The register shall contain the following information about simplified planning zone schemes in the area of the authority—

- (a) brief particulars of any action taken by the authority or the Secretary of State in accordance with section 83 of or Schedule 7 to the Act<sup>(38)</sup> (making of simplified planning zone schemes etc.) to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
- (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 7 to the Act;
- (c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under sub- paragraph (a) and (b) above.

(8) To enable any person to trace any entry in the register, every register shall include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.

(9) Every entry in the register shall be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.

(10) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

(11) For the purposes of paragraph (3) of this article, an application shall not be treated as finally disposed of unless—

- (a) it has been decided by the authority (or the appropriate period allowed under article 20(2) of this Order has expired without their giving a decision) and the period of six months specified in article 23 of this Order has expired without any appeal having been made to the Secretary of State;
- (b) if it has been referred to the Secretary of State under section 77 of the Act<sup>(39)</sup> (reference of applications to Secretary of State) or an appeal has been made to the Secretary of State under section 78 of the Act<sup>(40)</sup> (right to appeal against planning decisions and failure to take such decisions), the Secretary of State has issued his decision and the period of six

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<sup>(38)</sup> Schedule 7 was amended by Schedule 5 to the Planning and Compensation Act 1991 (c. 34).

<sup>(39)</sup> Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

<sup>(40)</sup> Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34).

weeks specified in section 288 of the Act<sup>(41)</sup> (proceedings for questioning the validity of certain orders, decisions and directions) has expired without any application having been made to the High Court under that section;

- (c) an application has been made to the High Court under section 288 of the Act and the matter has been finally determined, either by final dismissal of the application by a court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under the said section 288); or
- (d) it has been withdrawn before being decided by the authority or the Secretary of State, as the case may be, or an appeal has been withdrawn before the Secretary of State has issued his decision.

### **Register of enforcement and stop notices**

**26.**—(1) Subject to paragraph (2) of this article, the register under section 188 of the Act<sup>(42)</sup> (register of enforcement and stop notices) shall contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the issuing authority;
- (c) the date of issue of the notice;
- (d) the date of service of copies of the notice;
- (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
- (f) the date specified in the notice as the date on which it is to take effect;
- (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the Act<sup>(43)</sup> (appeals: supplementary provisions) and the date of the final determination or withdrawal of any appeal;
- (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice;
- (i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the Act (remedying any injury to amenity) have been taken.

(2) That register shall also contain the following information with respect to every breach of condition notice served in relation to land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the serving authority;
- (c) the date of service of the notice;
- (d) details of the relevant planning permission sufficient to enable it to be identified;
- (e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.

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<sup>(41)</sup> Section 288 was amended by paragraph 25 of Schedule 3 to the Tribunals and Inquiries Act 1992 (c. 53).

<sup>(42)</sup> Section 188 was amended by paragraph 30 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

<sup>(43)</sup> Section 175(4) was amended by section 6(2) of the Planning and Compensation Act 1991 (c. 34).



(3) All entries relating to an enforcement notice, stop notice or breach of condition notice shall be removed from the register if—

- (a) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Secretary of State;
- (b) in the case of a breach of condition notice, the notice is quashed by a court;
- (c) in any case, the relevant notice is withdrawn.

(4) Every register shall include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.

(5) Where a county planning authority issue an enforcement notice or serve a stop notice or a breach of condition notice, they shall supply the information specified in paragraph (1) or (2) of this article, as the case may be, in relation to the notice to the district planning authority in whose area the land to which the notice relates is situated and shall inform that authority if the notice is withdrawn or the relevant enforcement notice or breach of condition notice is quashed.

(6) The information prescribed in paragraphs (1) and (2) of this article shall be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information shall be so supplied under paragraph (5) that entries may be made within the said period of 14 days.

(7) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

### **Directions**

**27.** Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

### **Revocations, transitionals and savings**

**28.—(1)** Subject to paragraphs (2) to (5) of this article, the statutory instruments specified in Schedule 5 are revoked to the extent not already revoked.

(2) Where an area of coal working has been notified to the local planning authority for the purposes of paragraph (i) of the table in article 18 of the Town and Country Planning General Development Order 1988<sup>(44)</sup> (consultations before the grant of permission) before the date of the coming into force of this Order, such notification shall be treated as if it had been made for the purposes of paragraph (j) of the table in article 10 of this Order by the Coal Authority on or after that date; and, in relation to a particular application for planning permission made before 31st October 1994, the local planning authority are not required to consult the Coal Authority if they have already consulted the British Coal Corporation.

(3) Any notice given for the purposes of article 13 of the Town and Country Planning General Development Order 1988 (notification of mineral applications) before the date of the coming into force of this Order, shall be treated as if it had been given for the purposes of article 16 of this Order by the Coal Authority on or after that date; and, in relation to a particular application for planning permission made before 31st October 1994, the mineral planning authority are not required to notify the Coal Authority, before determining the application, if they have already notified the British Coal Corporation that that application has been made.

(4) The relevant provisions of the Town and Country Planning General Development Order 1988, in the form in which they were in force immediately before 27th July 1992, shall continue to apply

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<sup>(44)</sup> 1988/1813; the Town and Country Planning General Development Order 1988 is revoked by this Order to the extent not already revoked.



with respect to applications made under section 64 of the Act<sup>(45)</sup> (applications to determine whether planning permission required) before 27th July 1992.

(5) The relevant provisions of the Town and Country Planning General Development Order 1988, in the form in which they were in force immediately before 27th July 1992, shall continue to apply with respect to applications for established use certificates made under section 192 of the Act<sup>(46)</sup> (applications for established use certificates), as originally enacted, before 27th July 1992.

21st February 1995

*John Selwyn Gummer*  
Secretary of State for the Environment

22nd February 1995

*John Redwood*  
Secretary of State for Wales

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<sup>(45)</sup> Section 64 was repealed by paragraph 12 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) with effect from 27th July 1992.

<sup>(46)</sup> Section 192 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34) with effect from 27th July 1992.

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

SCHEDULE 1

Articles 5, 22 and 24

PART 1

TOWN AND COUNTRY PLANNING ACT 1990

Letter to be sent by a local planning authority when they receive an application for planning permission or for a certificate of lawful use or development.

Thank you for your application dated .....  
which I received on .....

I am still examining your application form and the accompanying plans and documents to see whether they comply with the law.\*

If I find that your application is invalid because it does not comply with the statutory requirements then I shall write to you again as soon as I can.\*

If, by (insert date at end of period of eight weeks beginning with the date when the application was received) .....

- you have not been told that your application is invalid; or
- \*• you have not been told that your fee cheque has been dishonoured; or
- you have not been given a decision in writing; or
- you have not agreed in writing to extend the period in which the decision may be given,

then you can appeal to the Secretary of State for the Environment/Wales\* under section 78/section 195\* of the Town and Country Planning Act 1990. You should appeal within six months and you must use a form which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol BS2 9DJ/Cathays Park, Cardiff CF1 3NQ\*. This does not apply if your application has already been referred to the Secretary of State for the Environment/Wales\*.

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions(To be endorsed on notices of decision)

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment/Wales\* under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol BS2 9DJ/Cathays Park, Cardiff CF1 3NQ\*.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Environment/Wales\* refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

\*delete where inappropriate

## SCHEDULE 2

Articles 6, 7 and 9

### PART 1

#### **Town and Country Planning (General Development Procedure) Order 1995 NOTICE UNDER ARTICLE 6 OF APPLICATION FOR PLANNING PERMISSION**

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

(to be published in a newspaper or to be served on an owner\* or a tenant\*\*)

Proposed development at (a) .....

I give notice that (b) .....

is applying to the (c) ..... Council

for planning permission to (d) .....

Any owner\* of the land or tenant\*\* who wishes to make representations about this application should write to the Council at (e) .....

by (f) .....

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\* "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed .....

†On behalf of .....

Date .....

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

†delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Council
- (d) description of the proposed development
- (e) address of the Council
- (f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

Town and Country Planning (General Development Procedure) Order 1995NOTICE UNDER ARTICLE 6 OF APPLICATION FOR PLANNING PERMISSION

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

*(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))*

Proposed development at (a) .....

I give notice that (b) .....

is applying to the (c) ..... Council

for planning permission to (d) .....

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e) ..... during

all reasonable hours until (f) .....

Anyone who wishes to make representations about this application should write to the Council

at (g) .....

..... by (f) .....

Signed .....

†On behalf of .....

Date .....

†Delete where inappropriate

Insert:

(a) address or location of the proposed development

(b) applicant's name

(c) name of Council

(d) description of the proposed development

(e) address at which the application may be inspected (the applicant is responsible for making the application available for inspection within the area of the local planning authority)

(f) date giving a period of 21 days, beginning with the date when the notice is posted

(g) address of Council

**Town and Country Planning (General Development Procedure) Order 1995 NOTICE UNDER ARTICLES 6 AND 9(1) OF APPEAL**

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

(to be published in a newspaper or to be served on an owner\* or a tenant\*\*)

Proposed development at (a) .....

I give notice that (b) .....

having applied to the (c) ..... Council

to (d) .....

is appealing to the Secretary of State for the Environment/Secretary of State for Wales†

against the decision of the Council‡

on the failure of the Council to give notice of a decision‡

Any owner\* of the land or tenant\*\* who wishes to make representations about this appeal should write to the Secretary of State for the Environment/Wales‡ at the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ/Welsh Office at Planning Division, Cathays Park, Cardiff CF1 3NQ†, by (e) .....

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\* "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed .....

†On behalf of .....

Date .....

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

‡delete where inappropriate

Insert:

(a) address or location of the proposed development

(b) applicant's name

(c) name of Council

(d) description of the proposed development

(e) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

Town and Country Planning (General Development Procedure) Order 1995NOTICE UNDER ARTICLES 6 AND 9(1) OF APPEAL

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

*(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))*

Proposed development at (a) .....

I give notice that (b) .....

having applied to the (c) ..... Council

to (d) .....

is appealing to the Secretary of State for the Environment/Secretary of State for Wales\*

against the decision of the Council\*

on the failure of the Council to give notice of a decision\*

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e) ..... during

all reasonable hours until (f) .....

Anyone who wishes to make representations about this appeal should write to the Secretary of State for the Environment/Wales\* at the Department of the Environment at Tollgate House, Houlfon Street, Bristol BS2 9DJ/Welsh Office at Planning Division, Cathays Park, Cardiff CF1 3NQ\* by (f) .....

Signed .....

\*On behalf of .....

Date .....

\*delete where inappropriate

Insert:

(a) address or location of the proposed development

(b) applicant's name

(c) name of Council

(d) description of the proposed development

(e) address of Council

(f) date giving a period of 21 days, beginning with the date when the notice is posted

## PART 2

### Town and Country Planning (General Development Procedure) Order 1995 CERTIFICATE UNDER ARTICLE 7

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

**Certificate A(a)**

**I certify that:**

on the day 21 days before the date of the accompanying application/appeal\* nobody, except the applicant/appellant\*, was the owner(b) of any part of the land to which the application/appeal\* relates.

Signed .....

\*On behalf of .....

Date .....

\*delete where inappropriate

- 
- (a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
  - (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

**Town and Country Planning (General Development Procedure) Order 1995 CERTIFICATE UNDER ARTICLE 7**



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

**Certificate B(a)**

**I certify that:**

I have/The applicant has/The appellant has\* given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal\*, was the owner(b) of any part of the land to which the application/appeal\* relates, as listed below.

Owner's (b) name	Address at which notice was served	Date on which notice was served
---------------------	---------------------------------------	------------------------------------

Signed .....

\*On behalf of .....

Date .....

\*delete where inappropriate

- 
- (a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
  - (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

**Town and Country Planning (General Development Procedure) Order 1995 CERTIFICATE UNDER ARTICLE 7**

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

**Certificate C(a)**

**I certify that:**

- I/The applicant/The appellant\* cannot issue a Certificate A or B in respect of the accompanying application/appeal\*.
- I have/The applicant has/The appellant has\* given the requisite notice to the persons specified below, being persons who on the day 21 days before the date of the application/appeal\*, were owners(b) of any part of the land to which the application/appeal\* relates.

Owner's(b) name	Address at which notice was served	Date on which notice was served
--------------------	---------------------------------------	------------------------------------

- I have/The applicant has/The appellant has\* taken all reasonable steps open to me/him/her\* to find out the names and addresses of the other owners(b) of the land, or of a part of it, but have/has\* been unable to do so. These steps were as follows:

(c) .....

.....

- Notice of the application/appeal\*, as attached to this Certificate, has been published in the(d) .....

.....

on(e) .....

Signed .....

\*On behalf of .....

Date .....

\*delete where inappropriate

- 
- (a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
  - (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

Insert:

- (c) description of steps taken
- (d) name of newspaper circulating in the area where the land is situated
- (e) date of publication (which must be not earlier than the day 21 days before the date of the application or appeal)

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

**Town and Country Planning (General Development Procedure) Order 1995 CERTIFICATE UNDER ARTICLE 7**

**Certificate D(a)**

**I certify that:**

- I/The applicant/The appellant\* cannot issue a Certificate A in respect of the accompanying application/appeal\*.
- I/The applicant/The appellant\* have/has\* taken all reasonable steps open to me/him/her\* to find out the names and addresses of everyone else who, on the day 21 days before the date of the application/appeal\*, was the owner(b) of any part of the land to which the application/appeal\* relates, but have/has\* been unable to do so. These steps were as follows:

(c) .....

- Notice of the application/appeal\*, as attached to this certificate, has been published in the

(d) .....

on (e) .....

Signed .....

\*On behalf of .....

Date .....

\*delete where inappropriate

- (a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
- (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

**Insert:**

- (c) description of steps taken
- (d) name of newspaper circulating in the area where the land is situated
- (e) date of publication (which must be not earlier than the day 21 days before the date of the application or appeal)

**Town and Country Planning (General Development Procedure) Order 1995 CERTIFICATE UNDER ARTICLE 7**

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

**Agricultural Holdings Certificate (a)**

Whichever is appropriate of the following alternatives must form part of Certificates A, B, C or D. If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- \*• None of the land to which the application/appeal\* relates is, or is part of, an agricultural holding.

**OR**

- \*• I have/The applicant has/The appellant has\* given the requisite notice to every person other than my/him/her\* self who, on the day 21 days before the date of the application/appeal\*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal\* relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

Signed .....

\*On behalf of .....

Date .....

\*delete where inappropriate

(a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(I) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed together with the Agricultural Holdings Certificate.

**Town and Country Planning (General Development Procedure) Order 1995 CERTIFICATE UNDER ARTICLE 7**

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

(for use with applications and appeals for planning permission for development consisting of the winning and working of minerals by underground operations)

I certify that:

- \* I have/The applicant has/The appellant has\* given the requisite notice to the persons specified below being persons who, on the day 21 days before the date of the accompanying application/appeal, were owners (a) of any part of the land to which the application/appeal\* relates.

Owner's (a) name	Address at which notice was served	Date on which notice was served
------------------	------------------------------------	---------------------------------

- There is no person (other than me/the applicant/the appellant\*) who, on the day 21 days before the date of the accompanying application/appeal\*, was the owner (a) of any part of the land to which this application/appeal\* relates, whom I/the applicant/the appellant\* know/s\* to be such a person and whose name and address is known to me/the applicant/the appellant\* but to whom I have/the applicant/the appellant has\* not given the requisite notice.
- I have/The applicant/The appellant has\* posted the requisite notice, sited and displayed in such a way as to be easily visible and legible by members of the public, in at least one place in every parish or community within which there is situated any part of the land to which the accompanying application/appeal\* relates, as listed below.

Parish/Community	Location of notice	Date posted
------------------	--------------------	-------------

- Save as specified below\* this/these\* notice/s\* was/were\* left in position for not less than seven days in the period of 21 days immediately preceding the making of the application/appeal\*.
- \* The following notice/s\* was/were\*, however, left in position for less than seven days in the period of not more than 21 days immediately preceding the making of the application/appeal\*.

Parish/Community	Location of notice	Date posted
------------------	--------------------	-------------

This happened because it/they\* was/were\* removed/obscured/defaced\* before seven days had passed during the period of 21 days mentioned above. This was not my/the applicant's/the appellant's\* fault or intent.

I/The applicant/The appellant\* took the following steps to protect and replace the notice:

(b) .....

- Notice of the application/appeal\*, as attached to this certificate, has been published in the

(c) .....

on (d) .....

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

**Agricultural Holdings Certificate**

Whichever is appropriate of the following alternatives must form part of this certificate. If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- \*• None of the land to which the application/appeal\* relates is, or is part of, an agricultural holding.

or

- \*• I have/The applicant has/The appellant has\* given the requisite notice to every person other than my/him/her\* self who, on the day 21 days before the date of the application/appeal\*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal\* relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

Signed .....

\*On behalf of .....

Date .....

\*delete where inappropriate

(a) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years or a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

Insert:

(b) description of steps taken

(c) name of newspaper circulating in the area where the land is situated

(d) date of publication (which must be not earlier than the day 21 days before the date of the application or appeal)

SCHEDULE 3

Article 8

**NOTICE OF APPLICATION FOR PLANNING PERMISSION  
Town and Country Planning (General Development Procedure) Order 1995  
NOTICE UNDER  
ARTICLE 8**

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

*(to be published in a newspaper, displayed on or near the site, or served on owners and/or occupiers of adjoining land)*

Proposed development at (a) .....

I give notice that (b) .....

is applying to the (c) ..... Council

for planning permission to (d) .....

The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated\*

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e) ..... during

all reasonable hours until (f) .....

Anyone who wishes to make representations about this application should write to the Council

at (g) .....

..... by (f) .....

Signed .....

.....  
(Council's authorised officer)

On behalf of ..... Council

Date .....

\*delete where inappropriate

Insert:

(a) address or location of the proposed development

(b) applicant's name

(c) name of Council

(d) description of the proposed development

(e) address at which the application may be inspected

(f) date giving a period of 21 days, beginning with the date when the notice is first displayed on or near the site or served on an owner and/or occupier of adjoining land, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)

(g) address of Council

**NOTICE OF APPLICATION FOR PLANNING PERMISSION  
Town and Country Planning (General Development Procedure) Order 1995  
NOTICE UNDER ARTICLE 8 OF APPLICATION FOR PLANNING PERMISSION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT**

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

(to be published in a newspaper and displayed on or near the site)

Proposed development at (a) .....

I give notice that (b) .....

is applying to the (c) ..... Council

for planning permission to (d) .....

and that the application is accompanied by an environmental statement

The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated\*

Members of the public may inspect copies of:

- the application
- the plans
- the environmental statement
- and other documents submitted with the application

at (e) ..... during

all reasonable hours until (f) .....

Members of the public may obtain copies of the environmental statement from (g) .....

so long as stocks last, at a charge of (h) .....

Anyone who wishes to make representations about this application should write to the Council

at (i) .....

..... by (f) .....

Signed .....

(Council's authorised officer)

On behalf of ..... Council

Date .....

\*delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Council
- (d) description of the proposed development
- (e) address at which the application may be inspected
- (f) date giving a period of 21 days, beginning with the date when the notice is first displayed on or near the site, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)
- (g) address from where copies of the environmental statement may be obtained (whether or not the same as (e))
- (h) amount of charge, if any
- (i) address of Council



SCHEDULE 4

Article 24

**TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192 (as amended by section 10 of the Planning and Compensation Act 1991) TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24 CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

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

The (a) ..... Council hereby certify that on (b) ..... the use\*/operations\*/matter\* described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged\*/hatched\*/coloured\* (c) ..... on the plan attached to this certificate, was\*/were\*/would have been\* lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

.....  
.....  
.....  
.....

Signed ..... (Council's authorised officer)

On behalf of (a) ..... Council

Date .....

**First Schedule**

(d)

**Second Schedule**

(e)

**Notes**

1 This certificate is issued solely for the purpose of section 191\*/192\* of the Town and Country Planning Act 1990 (as amended).

2 It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/were\*/would have been\* lawful, on the specified date and, thus, was not\*/were not\*/would not have been\* liable to enforcement action under section 172 of the 1990 Act on that date.

3 This certificate applies only to the extent of the use\*/operations\*/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use\*/operations\*/matter\* which is\*/are\* materially different from that\*/those\* described or which relate/s\* to other land may render the owner or occupier liable to enforcement action.

\*4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

\*delete where inappropriate

**Insert:**

(a) name of Council

(b) date of application to the Council

(c) colour used on the plan

(d) full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including a reference to the use class, if any, specified in an order under section 55(2)(f) of the 1990 Act, within which the certificated use falls

(e) address or location of the site

## SCHEDULE 5

Article 28

## STATUTORY INSTRUMENTS REVOKED

1	2
Title of Instrument	Reference
The Town and Country Planning General Development Order 1988	S.I.1988/1813
The Town and Country Planning General Development (Amendment) Order 1989	S.I. 1989/603
The Town and Country Planning General Development (Amendment) (No. 2) Order 1989	S.I. 1989/1590
The Town and Country Planning General Development (Amendment) (No. 3) Order 1991	S.I. 1991/2805
The Town and Country Planning General Development (Amendment) (No. 2) Order 1992	S.I. 1992/658
The Town and Country Planning General Development (Amendment) (No. 4) Order 1992	S.I. 1992/1493
The Town and Country Planning General Development (Amendment) (No. 5) Order 1992	S.I. 1992/1563
The Town and Country Planning General Development (Amendment) (No. 6) Order 1992	S.I. 1992/2450
The Town and Country Planning General Development (Amendment) Order 1994	S.I. 1994/678
The Town and Country Planning General Development (Amendment) (No. 2) Order 1994	S.I. 1994/2595
The Town and Country Planning General Development (Amendment) Order 1995	S.I. 1995/298

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates with amendments the procedural provisions of the Town and Country Planning General Development Order 1988 and subsequent amending instruments. A separate Order, the Town and Country Planning (General Permitted Development) Order 1995 (S.I. [1995/418](#)), consolidates with amendments the remaining provisions which deal with permitted development.

The Order specifies the procedures connected with planning applications, appeals to the Secretary of State and related matters so far as these are not laid down in the Town and Country Planning Act 1990 and the Town and Country Planning (Applications) Regulations 1988 (S.I. [1988/1812](#)). It also deals with the maintenance of registers of planning applications, applications for certificates of lawful use or development, and other related matters.

The main change made by the Order is the inclusion of a requirement for a local planning authority, before granting planning permission, to consult the Historic Buildings and Monuments Commission for England in relation to development likely to affect any registered Grade I or Grade II\* garden or park of special historic interest (paragraph (o) of the Table in article 10).