



# Town and Country Planning Act 1932

## 1932 CHAPTER 48

### *Miscellaneous Provisions.*

#### **53 Interpretation.**

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

" Buildings " includes structures and erections;

" Building operations " includes any road works preliminary, or incidental, to the erection of buildings;

" Classified road " means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class 1 or Class 2, or in any class declared by him to be not inferior to those classes for the purposes of the Local Government Act, 1929;

" Development, " in relation to any land, includes any building operations or rebuilding operations, and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used :

Provided that—

- (i) the use of land for the purpose of agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and the use for any of those purposes of any building occupied together with land so used, shall not be deemed to be a development of that land or building; and
- (ii) the use of land within the curtilage of a dwelling-house for any fresh purpose other than building operations shall not be deemed to be a development of that land if the purpose is incidental to the enjoyment of the dwelling-house as such;

" District " means, in relation to the common council of the city of London, the city of London, in relation to the London County Council, the county of London, and in relation to the council of any other county or of a borough, that county or borough;

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" Fence " and " hedge " have respectively the same meanings as in the Roads Improvement Act, 1925;

" Joint committee " means a joint committee appointed under section three or under section four of this Act, or under any repealed enactment relating to town planning;

" Land " includes land covered with water and any right in or over land;

" Minerals " includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working;

" Owner " in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, or of any term of years therein granted or agreed to be granted by a lease or agreement the unexpired term whereof exceeds three years;

" Prescribed " means prescribed by regulations made by the Minister;

" Road " includes a drift-way and a footway;

" Statutory undertakers " means any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

" Scheme " means a scheme under this Act, and, save as otherwise expressly provided in this Act, includes a supplementary scheme and a scheme varying or revoking an existing scheme;

" Site " in relation to a building includes the area of any offices, out-buildings, yard, court or garden occupied or intended to be occupied therewith;

" The material date " means, in relation to any provision contained in a scheme, other than a supplementary scheme or a varying scheme, the date on which the resolution to prepare or adopt the scheme took effect or such later date as may be fixed by the scheme, either generally or for the purposes of any particular provision thereof, and, in relation to any provision contained in a supplementary scheme or a varying scheme or a supplementary order means the date on which the scheme or order came into operation, or such later date as may be fixed by the scheme or order, either generally or for the purposes of any particular provision thereof :

Provided that, where any provision of a scheme or order is revoked by a subsequent scheme or order which contains the same provision or a provision substantially to the same effect, the material date in relation to that later provision shall be the date which, if the earlier provision had continued in operation, would have been the material date in relation thereto ;

" Existing building " and " existing work " mean respectively a building or work erected, constructed or carried out before the material date, and include also a building or work—

- (i) erected, constructed or carried out in pursuance of a contract made before the material date; or
- (ii) begun before, but completed after, that date; or
- (iii) erected, constructed or carried out in accordance with the terms of an interim development order, whether made under this Act or any Act repealed by this Act, or of permission granted under such an order:

Provided that—

- (a) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating

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to substituted buildings shall be deemed to be an existing building; and

- (b) a building shall not cease to be, or to be deemed to be, an existing building by reason of its alteration or extension in accordance with the provisions of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

" Existing use " means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed, and includes in any case any use of a building or land permitted by or under an interim development order, whether made under this Act or any Act repealed by this Act:

Provided that—

- (i) if at any time after the material date the existing use of a building is discontinued for a period of eighteen months, no use of that building at any subsequent date shall be deemed to be an existing use thereof;
- (ii) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use.