



# Town and Country Planning Act 1968

## 1968 CHAPTER 72

### PART II

#### ENFORCEMENT OF PLANNING CONTROL

##### *Established use*

#### **17 Certification of established use.**

- (1) For the purposes of this Part of this Act, a use of land is established if—
- (a) it was begun before the beginning of 1964 without planning permission in that behalf and has continued since the end of 1963 ; or
  - (b) it was begun before the beginning of 1964 under a planning permission in that behalf granted subject to conditions or limitations, which either have never been complied with or have not been complied with since the end of 1963 ; or
  - (c) it was begun after the end of 1963 as the result of a change of use not requiring planning permission and there has been, since the end of 1963, no change of use requiring planning permission.

- (2) Where a person having an interest in land claims that a particular use of it has become established, he may apply to the local planning authority for a certificate (in this Act referred to as an " established use certificate ") to that effect:

Provided that no such application may be made in respect of the use of land as a single dwelling-house, or of any use not subsisting at the time of the application.

- (3) An established use certificate may be granted (either by the local planning authority or, under section 18 below, by the Minister)—
- (a) either for the whole of the land specified in the application, or for a part of it; or
  - (b) in the case of an application specifying two or more uses, either for all those uses or for some one or more of them.
- (4) On an application to them under this section., the local planning authority shall, if and so far as they are satisfied that the applicant's claim is made out, grant to him an

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*Status: This is the original version (as it was originally enacted).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

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established use certificate accordingly; and if and so far as they are not so satisfied, they shall refuse the application.

- (5) Where an application is made to a local planning authority for an established use certificate, then unless within such period as may be prescribed by a development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the authority give notice to the applicant of their decision on the application, then, for the purposes of section 18(2) below, the application shall be deemed to be refused.
- (6) Schedule 2 to this Act shall have effect with respect to established use certificates and applications therefor and to appeals under section 18 below.
- (7) An established use certificate shall, as respects any matters stated therein, be conclusive for the purposes of an appeal to the Minister against an enforcement notice served in respect of any land to which the certificate relates, but only where the notice is served after the date of the application on which the certificate was granted.
- (8) If any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for an established use certificate or on an appeal arising out of such an application,—
  - (a) knowingly or recklessly makes a statement which is false in a material particular ; or
  - (b) with intent to deceive, produces, furnishes, sends or otherwise makes use of any document which is false in a material particular ; or
  - (c) with intent to deceive, withholds any material information,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.