



Town and Country Planning Act 1968

1968 CHAPTER 72

PART VI

MISCELLANEOUS CHANGES IN PLANNING LAW

Delegation of planning functions

64 Delegation of planning functions to officers of local authorities.

- (1) A local planning authority may delegate to any officer of the authority the function of determining all or any, or a specified class, of the following applications, that is to say—
- (a) an application for planning permission under Part III of the principal Act;
 - (b) an application for consent under an order under section 29 of that Act to the cutting down, topping, lopping or destruction of trees;
 - (c) an application for consent under regulations under section 34 of that Act to the display of advertisements ;
 - (d) an application for a determination under section 43 of that Act of the questions whether the carrying out of operations on land or the making of any change in the use of land constitutes or involves development of the land and, if so, whether an application for planning permission in respect thereof is required having regard to the provisions of the development order ;
 - (e) an application for an established use certificate under section 17 of this Act;
 - (f) an application for an approval required by a development order or by a condition imposed on the grant of planning permission.
- (2) A local authority to whom the function of determining any such application as is referred to in subsection (1) above is delegated under section 3 of the principal Act may delegate either—
- (a) to an officer of theirs ; or
 - (b) with the consent of the local planning authority, to an officer of that authority, the function of determining all or any, or a specified class, of those applications.

Status: This is the original version (as it was originally enacted).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

- (3) A delegation made by a local authority under this section to an officer of theirs or of another local authority—
- (a) shall be made to the officer by name ;
 - (b) may be made with or without restrictions or conditions ;
 - (c) may be withdrawn at any time by the delegating authority (either generally or in respect of a particular application), without prejudice to anything previously done by the officer thereunder ; and
 - (d) shall, in the case of a delegation under subsection (2)(b) above, be treated as withdrawn if the consent of the local planning authority under that paragraph is withdrawn.
- (4) Where a local authority have under this section delegated to an officer of theirs or of another local authority the function of determining applications, and the officer so requests in the case of any application specified by him, the delegating authority shall themselves, instead of him, determine the application.
- (5) Where any functions have under this section been delegated to an officer of a local authority, any determination by him of such an application as is referred to in subsection (1) of this section shall, if it is notified in writing to the applicant, be treated for all purposes as a determination of the delegating authority.
- (6) Where an action has been brought against an officer of a local authority in respect of an act done by him in the discharge or purported discharge of functions delegated to him under this section and the circumstances are such that he is not legally entitled to require the delegating authority to indemnify him, that authority may nevertheless indemnify him against the whole or part of any damages and costs which he may have been ordered to pay or may have incurred, if they are satisfied that he honestly believed that the act complained of was done in the discharge of those functions and that his duty required or entitled him to do it.
- (7) In relation to any functions delegated under this section by a local authority to an officer of theirs or of another local authority, any reference to the local planning authority in any enactment relating to those functions shall (subject to the terms of the delegation and so far as the context does not otherwise require) be construed as including a reference to that officer.