



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART I

#### ADMINISTRATION

#### **1 Local planning authorities**

- (1) Subject to the provisions of this section, the council of a county is the local planning authority for the county, and the council of a county borough is the local planning authority for the county borough
- (2) If it appears to the Secretary of State that it is expedient that a joint board should be established as the local planning authority for the areas of any two or more such councils as are mentioned in subsection (1) of this section, or for any parts of those areas, he may by order constitute those areas or parts as a united district for the purposes of this Act, and constitute a joint board (in this Act referred to as a " joint planning board ") as the local planning authority for that district:

Provided that the Secretary of State shall not make such an order except after holding a local inquiry unless all the councils concerned have consented to the making of the order.

- (3) The provisions of Schedule 1 to this Act shall have effect with respect to the constitution of joint planning boards.
- (4) Where a joint planning board is constituted for a united district, references in this Act to the area of a local planning authority—
  - (a) in relation to the board, shall be construed as references to that district; and
  - (b) in relation to any local planning authority being the council of a county or county borough of which part (but not the whole) is included in that district, shall be construed as references to so much of the county or county borough as is not so included.

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- (5) Regulations under this Act may make such provision consequential upon or supplementary to the provisions of this section as appears to the Secretary of State to be necessary or expedient.
- (6) The preceding provisions of this section, and the provisions of Schedule 1 to this Act, shall have effect subject to the provisions of section 8 of the National Parks and Access to the Countryside Act 1949 (administration of functions of local planning authorities in respect of National Parks).

## **2 Planning committees and joint advisory committees**

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to the establishment and functions of planning committees and joint advisory committees of local planning authorities.
- (2) The provisions of the said Schedule shall have effect subject to the provisions of section 8 of the National Parks and Access to the Countryside Act 1949.

## **3 Delegation of functions to councils of county districts**

- (1) The Secretary of State may, after consultation with such local authorities or associations of local authorities as he considers appropriate, make regulations for authorising or requiring local planning authorities to delegate to the councils of county districts in their areas, with or without restrictions, any of their functions under the provisions of this Act specified in subsection (2) of this section; and such regulations may be made so as to apply either generally to all local planning authorities (other than the councils of county boroughs) or to such of those authorities as may be specified in the regulations.
- (2) The provisions referred to in subsection (1) of this section are Part III, Part IV, Part V, sections 171 to 173, 175, 177 and 246 and Schedules 11 and 14.
- (3) In relation to a local planning authority being a joint planning board, subsection (1) of this section shall have effect as if the reference therein to the councils of county districts in their area included a reference to the councils of counties and county boroughs therein.
- (4) Any regulations made for the purposes of this section may make provision—
  - (a) for requiring any council to whom functions are delegated in accordance with the regulations to perform those functions on behalf of the local planning authority;
  - (b) for transferring to any such council any liability of the local planning authority to pay compensation under Part VIII or under section 187 or 237(1)(b) of this Act in respect of anything done by that council in the exercise of functions delegated to them in accordance with the regulations;
  - (c) for the transfer and compensation of any officers of a local planning authority or of any such council.
- (5) The preceding provisions of this section shall have effect without prejudice to the provisions of section 8(3) of the National Parks and Access to the Countryside Act 1949 (delegation of functions to planning committees and sub-committees for National Parks).

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- (6) In relation to any functions under this Act delegated to a council by a local planning authority, any reference in the provisions specified in subsection (2) of this section, or in section 290(4) of this Act, to the local planning authority shall (subject to the regulations and the terms of the delegation, and so far as the context does not otherwise require) be construed as including a reference to that council; and in relation to any compensation payable by a council, by virtue of the transfer under this section to that council of any liability of the local planning authority, any reference in this Act to the local planning authority shall be construed as a reference to that council.

#### **4 Delegation of 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 this Act;
  - (b) an application for an approval required by a development order or by a condition imposed on the grant of planning permission;
  - (c) an application for a determination under section 53 of this 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;
  - (d) an application for consent under an order under section 60 of this Act to the cutting down, topping, lopping or destruction of trees ;
  - (e) an application for consent under regulations under section 63 of this Act to the display of advertisements;
  - (f) an application for an established use certificate under section 94 of this Act.
- (2) A local authority to whom the function of determining any such application as is referred to in subsection (1) of this section is delegated under section 3 of this 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.
- (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 paragraph (b) of subsection (2) of this section, 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.

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- (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.

## **5 Local planning authorities in Greater London**

Schedule 3 to this Act shall have effect as respects local planning authorities in Greater London.