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SCHEDULES

SCHEDULE 12

OFFICE DEVELOPMENT IN METROPOLITAN REGION: PLANNING PERMISSION GRANTED BEFORE PASSING OF ACT OF 1965

Certain planning permissions treated as of no effect

- 1 (1) Where before 5th August 1965 an application was made to the local planning authority for planning permission for development consisting of or including the erection on land in Greater London of a building containing office premises, or consisting of or including the extension of a building on land in Greater London by the addition of office premises, and on that application planning permission for such development was granted before that date, then, unless that planning permission was granted before 5th November 1964 and either—
- (a) a building was before the said 5th November erected, or (as the case may be) the building was before the said 5th November extended, in accordance with that planning permission ; or
 - (b) a building contract was made before the said 5th November which specifically related to the land, or part of the land, in respect of which the planning permission was granted and which provided for the erection thereon of such a building, or the making of such an extension, in accordance with that planning permission,
- the provisions of sub-paragraph (4) of this paragraph shall (except where sub-paragraph (3) of this paragraph or paragraph 3 of this Schedule applies) have effect in relation to that planning permission.
- (2) Where before 5th August 1965 an application was made to the local planning authority for planning permission—
- (a) to carry out, on land in Greater London, development to which these provisions apply, other than such development as is mentioned in sub-paragraph (1) of this paragraph ; or
 - (b) to carry out any development to which these provisions apply on land within the metropolitan region but outside Greater London,
- and on that application planning permission to carry out the development in question was granted before that date, then, unless the planning permission was granted before 5th November 1964, the provisions of sub-paragraph (4) of this paragraph shall (except where sub-paragraph (3) of this paragraph applies) have effect in relation to that planning permission.
- (3) Notwithstanding anything in sub-paragraph (1) or (2) of this paragraph, the provisions of sub-paragraph (4) of this paragraph shall not have effect in relation to planning permission for any development if the office floor space to be created by that development does not exceed 3,000 square feet.
- (4) Where in accordance with sub-paragraphs (1) to (3) of this paragraph the provisions of this sub-paragraph are to have effect in relation to planning permission granted

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for carrying out development on land within the metropolitan region, then, subject to paragraph 2 of this Schedule—

- (a) the planning permission shall by virtue of this paragraph be deemed not to have effect so long as that land continues to be land within an area to which these provisions apply ;
 - (b) for the purposes of Part V of this Act anything done before the passing of this Act, as well as anything done after the passing of this Act at a time when that land continues to be land within such an area, shall, in so far as (apart from this sub-paragraph) it was development authorised by that planning permission, be deemed to have been done without the grant of planning permission ; and
 - (c) for the purposes of section 75(3)(a) of this Act that planning permission shall be disregarded.
- (5) Where in any proceedings (whether civil or criminal) it falls to be determined whether the provisions of sub-paragraph (4) of this paragraph have effect in relation to a grant of planning permission, and the question arises whether a building contract was made as mentioned in sub-paragraph (1)(b) of this paragraph, the burden of proving that a building contract was so made shall be on the party who alleges it