



Town and Country Planning Act 1962

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PART III

PLANNING CONTROL

Additional powers of control

28 Orders requiring discontinuance of use or alteration or removal of buildings or works

- (1) If it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), regard being had to the development plan and to any other material considerations.—
 - (a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance of a use of land, or
 - (b) that any buildings or works should be altered or removed,the local planning authority may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be so specified to be taken for the alteration or removal of the buildings or works, as the case may be.
- (2) An order under this section may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be specified in the order; and the provisions of the last preceding section shall apply in relation to any planning permission granted by an order under this section as they apply in relation to planning permission granted by the local planning authority on an application made under this Part of this Act.
- (3) The power conferred by the last preceding subsection shall include power, by an order under this section, to grant planning permission, subject to such conditions as may be specified in the order.—

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- (a) for the retention, on the land to which the order relates, of buildings or works constructed or carried out before the date on which the order was submitted to the Minister, or
 - (b) for the continuance of a use of that land instituted before that date;
- and subsection (3) of section twenty of this Act shall apply to planning permission granted by virtue of this subsection as it applies to planning permission granted in accordance with subsection (2) of that section.
- (4) An order under this section shall not take effect unless it is confirmed by the Minister, either without modification or subject to such modifications as he considers expedient.
 - (5) The power of the Minister under this section to confirm an order subject to modifications shall include power—
 - (a) to modify any provision of the order granting planning permission, as mentioned in subsection (2) or subsection (3) of this section ;
 - (b) to include in the order any grant of planning permission which might have been included in the order as submitted to the Minister.
 - (6) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
 - (7) Where an order under this section has been confirmed by the Minister, the local planning authority shall serve a copy of the order on the owner and occupier of the land to which the order relates.
 - (8) Where the requirements of an order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

29 Tree preservation orders

- (1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order (in this Act referred to as a “tree preservation order”) with respect to such trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—
 - (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
 - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
 - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act falling within the next

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following subsection, subject to such adaptations and modifications as may be specified in the order.

- (2) References in this Act to provisions thereof falling within this subsection are references to—
 - (a) the provisions of this Part of this Act relating to planning permission and to applications for planning permission, except sections fifteen and sixteen, subsections (2) to (5) of section seventeen, subsection (1) of section nineteen and sections twenty-five and twenty-six of this Act, and
 - (b) such of the provisions of Part VIII of this Act as are therein stated to be provisions falling within this subsection.
- (3) A tree preservation order shall not be made in relation to any land in respect of which a forestry dedication covenant is in force under the Forestry Act, 1947, or in respect of which advances have been made by the Forestry Commissioners under the Forestry Acts, 1919 to 1947.
- (4) A tree preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.
- (5) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and, subject to the next following subsection, such regulations shall, in particular, make provision for securing—
 - (a) that notice of the submission of any such order to the Minister shall be given to the owners and occupiers of land affected by the order ;
 - (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
 - (c) that copies of the order, when confirmed by the Minister, shall be served on the owners and occupiers of the land to which it relates.
- (6) If it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations ; but any order so confirmed shall cease to have effect at the end of two months from the date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.
- (7) Without prejudice to any other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.
- (8) The preceding provisions of this section shall have effect subject to the provisions—
 - (a) of section thirteen of the Forestry Act, 1951 (which relates to licences under that Act to fell trees comprised in a tree preservation order), and
 - (b) of subsection (4) of section two of the Opencast Coal Act, 1958 (which relates to land comprised in an authorisation under that Act which is affected by a tree preservation order).

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30 Building preservation orders

- (1) Subject to the provisions of this and the next following section, if it appears to a local planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in their area, they may for that purpose make an order (in this Act referred to as a “building preservation order”) restricting the demolition, alteration or extension of the building.
- (2) A building preservation order shall not be made in respect of—
 - (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes, or
 - (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments, or
 - (c) a building for the time being included in a list of monuments published by the Minister of Works under any such enactment,and a building preservation order shall not be made so as to affect the powers of the Minister of Works under any such enactment.
- (3) A building preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.
- (4) A local planning authority shall not make a building preservation order, and the Minister shall not confirm such an order, unless satisfied that the execution of the works specified in the order would seriously affect the character of the building.
- (5) Provision may be made by a building preservation order—
 - (a) for requiring the consent of the local planning authority to be obtained for the execution of works of any description specified in the order, and
 - (b) for applying, in relation to such consent and to applications for such consent, any of the provisions of this Act falling within subsection (2) of the last preceding section, subject to such adaptations and modifications as may be specified in the order.

31 Supplementary provisions as to building preservation orders

- (1) Provision may be made by regulations under this Act with respect to the form of building preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and, subject to the next following subsection, such regulations shall, in particular, make provision for securing—
 - (a) that notice of the submission of any such order to the Minister shall be given to the owner and any occupier of the building affected by the order ;
 - (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister ; and
 - (c) that a copy of the order, when confirmed by the Minister, shall be served on the owner and any occupier of the building to which it relates.
- (2) If it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations ; but any order so confirmed shall cease to have effect at the end of two months from the

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date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

- (3) Nothing in any building preservation order shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice in writing of the proposed execution of the works is given, as soon as may be after the necessity for the works arises, to the authority by whom the order was made.
- (4) The powers conferred on a local planning authority by the last preceding section to make a building preservation order may be exercised also by the council of the county district in which the building to which the order relates is situated; and references in this Act to local planning authorities shall, in relation to those powers, be construed as including references to the council of a county district.

32 Lists of buildings of special architectural or historic interest

- (1) With a view to the guidance of local planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Minister shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.
- (2) As soon as may be after any list has been compiled or approved under this section, or any amendments of such a list have been made, a copy of so much of the list as relates to any county borough or county district, or of so much of the amendments as relates thereto, as the case may be, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited with the clerk of the council of that borough or district, and also, where that council is not the local planning authority, with the clerk of the local planning authority.
- (3) Any such copy shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.
- (4) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Minister shall serve a notice on every owner and occupier of the building, stating that the building has been included in, or excluded from, the list, as the case may be.
- (5) Before compiling or approving, with or without modifications, any list under this section, or amending any list thereunder, the Minister shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural and historic interest.

33 Effect of inclusion of building in a list under s.32

- (1) Subject to the provisions of this section, so long as a building, not being—
 - (a) a building to which a building preservation order applies, or
 - (b) a building of a description specified in subsection (2) of section thirty of this Act,

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is included in a list compiled or approved under the last preceding section, no person shall execute, or cause or permit to be executed, any works for the demolition of the building, or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the local planning authority.

- (2) Nothing in the preceding subsection shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice in writing thereof has been given to the local planning authority as soon as may be after the necessity for the works arises.
- (3) Where a local planning authority receive notice of any proposed works under this section, they shall as soon as may be send a copy of the notice to the Minister, and, except where the authority is the council of a county borough, to the council of the county district in which the building to which the notice relates is situated, and in either case to such other persons or bodies of persons as may be specified by directions of the Minister either generally or with respect to the building in question.

34 Control of advertisements

- (1) Subject to the provisions of this section, provision shall be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety.
- (2) Without prejudice to the generality of the preceding subsection, any such regulations may provide—
 - (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed, and the manner in which they are to be affixed to the land;
 - (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations ;
 - (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions of this Act falling within subsection (2) of section twenty-nine thereof, subject to such adaptations and modifications as may be specified in the regulations;
 - (d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.
- (3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control, being either rural areas or areas other than rural areas which appear to the Minister to require special protection on grounds of amenity; and, without prejudice to the generality of the preceding provisions of this subsection, the regulations may prohibit the display in any such area of all advertisements except advertisements of such classes (if any) as may be specified in the regulations.
- (4) Areas of special control for the purposes of regulations under this section may be defined either by reference to provisions included in that behalf in development plans

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or by means of orders made or approved by the Minister in accordance with the provisions of the regulations.

- (5) Where the Minister is authorised by the regulations to make or approve any such order as is mentioned in the last preceding subsection, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed by the regulations, for the consideration of objections duly made thereto, and for the holding of such inquiries or other hearings as may be so prescribed, before the order is made or approved.
- (6) Regulations made under this section may be made so as to apply to advertisements which are being displayed on the date on which the regulations come into force, or to the use for the display of advertisements of any site which was being used for that purpose on that date; but any regulations made in accordance with this subsection shall provide for exempting therefrom—
 - (a) the continued display of any such advertisement, and
 - (b) the continued use for the display of advertisements of any such siteduring such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations.

35 Applications for planning permission not needed for advertisements complying with regulations

Where the display of advertisements in accordance with regulations made under the last preceding section involves development of land, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the preceding provisions of this Part of this Act.

36 Proper maintenance of waste land, etc.

- (1) If it appears to a local planning authority that the amenity of any part of their area, or of any adjoining area, is seriously injured by the condition of any garden, vacant site or other open land in their area, then, subject to any directions given by the Minister, the authority may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.
- (2) Subject to the provisions of Part IV of this Act, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

37 Agreements regulating development or use of land

- (1) A local planning authority may, with the approval of the Minister, enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement; and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.
- (2) An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that

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person in respect of that land, as if the local planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.

- (3) Nothing in this section or in any agreement made thereunder shall be construed—
- (a) as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Minister as to the provisions to be included in such a plan, or
 - (b) as requiring the exercise of any such powers otherwise than as mentioned in the preceding paragraph.
- (4) The power of a local planning authority to make agreements under this section may be exercised also—
- (a) in relation to land in a county district, by the council of that district;
 - (b) in relation to land in the area of a joint planning board, by the council of the county or county borough in which the land is situated,

and references in this section to a local planning authority shall be construed accordingly.