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SCHEDULES

THIRTEENTH SCHEDULE

SAVINGS AND TRANSITIONAL PROVISIONS RELATING TO ENACTMENTS PREVIOUSLY REPEALED

Development authorised under enactments previously repealed

- 6 (1) Where any works on land existing at the appointed day, or any use to which land was put on that day, had been authorised by a permission granted subject to conditions under a planning scheme or an interim development order, the provisions of Parts III and IV of this Act, the provisions of Part VIII of this Act relating to Eurchase notices, and the provisions of sections one hundred and fty-nine to one 'hundred and sixty-two, shall apply in relation to those works or that use as if the conditions had been imposed on the grant of planning permission.
- (2) Without prejudice to the generality of the preceding sub-paragraph, where any such permission was granted subject to conditions (in whatever form) restricting the period for which the works or use might be continued on the land, then, if that period had not expired at the appointed day and the works were or are not removed, or the use discontinued, at the end of that period, the provisions of Part IV of this Act relating to enforcement notices shall apply in relation thereto as if the works had been carried out, or the use begun, as the case may be, at the end of that period and without the grant of planning permission in that behalf.
- (3) The power of a local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works or use authorised by a permission granted subject to any such conditions as are mentioned in the last preceding sub-paragraph.
- (4) Where at any time before the appointed day it was determined under the Building Restrictions (War-Time Contraventions) Act, 1946, that any works on land or any use of land should be deemed to comply with planning control (within the meaning of that Act) subject to any conditions specified in the determination, the provisions of this paragraph shall apply in relation to those works or that use as if those conditions had been imposed on the grant of permission under a planning scheme or an interim development order.
- (5) Provision may be made by regulations under this Act for applying the preceding provisions of this paragraph, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in accordance with permission granted subject to conditions under any enactment repealed by the Act of 1947, other than the enactments relating to town and country planning ; and for the purposes of this provision any works or use in respect of which a notice was served under subsection (1) of section one of the Restriction of Ribbon Development (Temporary

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Development) Act, 1943, or was deemed by virtue of subsection (4) of that section to have been so served, shall be treated as carried out or begun in accordance with permission granted subject to a condition restricting the period for which the works or use might be continued on the land.

- 7 (1) Where permission for any development of land was granted, at any time after the twenty-first day of July, nineteen hundred and forty-three and before the appointed day, on an application in that behalf made under an interim development order, then, if and so far as that development was not carried out before the appointed day and the permission was in force immediately before that day, planning permission shall be deemed to have been granted in respect thereof subject to the like conditions (if any) as were imposed by the permission under the interim development order as it had effect immediately before the appointed day:

Provided that this sub-paragraph shall not apply in relation to any development for which permission was required before the appointed day under the Restriction of Ribbon Development Act, 1935, unless that permission was also granted.

- (2) The provisions of section twenty-seven shall apply in relation to planning permission which is deemed to have been granted by virtue of this paragraph as if it had been granted on an application under Part III of this Act; and, in relation to any order made under that section for the revocation or modification of any such permission, any reference in subsection (3) of section one hundred and eighteen to the grant of permission shall be construed as a reference to the grant of the permission under the interim development order.
- (3) Where permission for any development of land was granted as mentioned in subparagraph (1) of this paragraph, and permission for that development was also granted under the Restriction of Ribbon Development Act, 1935, then, if the permission so granted under the said Act of 1935 was granted subject to conditions, those conditions shall be treated for the purposes of this paragraph as conditions imposed by the permission granted under the interim development order.
- 8 (1) Where any works for the erection or alteration of a building had been begun but not completed before the appointed day, then if—
- (a) immediately before that day those works could have been completed in conformity with the provisions of a planning scheme or of permission granted thereunder, or in accordance with permission granted by or under an interim development order, and
 - (b) where any permission was required under the Restriction of Ribbon Development Act, 1935, for the carrying out of those works, that permission was granted,

planning permission shall be deemed to have been granted in respect of the completion of those works.

- (2) The planning permission deemed to have been granted by virtue of this paragraph shall be deemed to have been so granted subject to any conditions applicable thereto under the scheme or the permission granted by or under the interim development order, as the case may be, and to any conditions imposed by the permission (if any) granted under the Restriction of Ribbon Development Act, 1935, and shall include permission to use the building, when erected or altered.—

- (a) where the purpose for which it could be so used was prescribed by or under the planning scheme, or by the permission granted by or under the interim development order, as the case may be, for that purpose;

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- (b) in any other case, for the purpose for which the building, or the building as altered, was designed.
- (3) In relation to any such works as are mentioned in sub-paragraph (1) of this paragraph, being works in respect of which permission was granted after the twenty-first day of July, nineteen hundred and forty-three, on an application in that behalf made under an interim development order, the provisions of this paragraph shall have effect in substitution for the provisions of the last preceding paragraph.
- 9 Where in pursuance of sub-paragraph (3) of paragraph 6 of this Schedule permission is granted for the retention on land of works authorised as mentioned in that sub-paragraph, sub-paragraph (1) of paragraph 11 of the Tenth Schedule to this Act shall apply in relation to the retention of those works as if they had been erected or carried out in accordance with planning permission granted for a 'limited period.
- 10 (1) Any reference in Part VI of this Act, or in the Fifth Schedule thereto, to a planning decision shall, where the context so admits, include a reference to any decision deemed to have been made by virtue of the provisions of paragraph 7 or paragraph 8 of this Schedule.
- (2) The preceding sub-paragraph shall have effect without prejudice to the provisions of Part I of the Fourteenth Schedule to this Act as read with paragraph 18 of this Schedule.