



Town and Country Planning Act 1971

CHAPTER 78

TOWN AND COUNTRY PLANNING ACT 1971

PART I

ADMINISTRATION

- 1 Local planning authorities
- 2 Planning committees and joint advisory committees
- 3 Delegation of functions to councils of county districts
- 4 Delegation of functions to officers of local authorities
- 5 Local planning authorities in Greater London

PART II

DEVELOPMENT PLANS

Survey and structure plan

- 6 Survey of planning areas
- 7 Preparation of structure plans
- 8 Publicity in connection with preparation of structure plans
- 9 Approval or rejection of structure plan by Secretary of State
- 10 Alteration of structure plans

Local plans

- 11 Preparation of local plans
- 12 Publicity in connection with preparation of local plans
- 13 Inquiries, etc. with respect to local plans
- 14 Adoption and approval of local plans
- 15 Alteration of local plans

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Supplementary provisions

- 16 Disregarding of representations with respect to development authorised by or under other enactments
- 17 Default powers of Secretary of State
- 18 Supplementary provisions as to structure and local plans
- 19 Application of Part II to Greater London
- 20 Meaning of "development plan"
- 21 Commencement of Part II and interim provisions

PART III

GENERAL PLANNING CONTROL

Meaning of development and requirement of planning permission

- 22 Meaning of "development" and "new development"
- 23 Development requiring planning permission

Development orders

- 24 Development orders

Applications for planning permission

- 25 Form and content of applications
- 26 Publication of notices of applications
- 27 Notification of applications to owners and agricultural tenants
- 28 Publicity for applications affecting conservation areas

Determination by local planning authorities of applications for planning permission

- 29 Determination of applications
- 30 Conditional grant of planning permission
- 31 Directions etc. as to method of dealing with applications
- 32 Permission to retain buildings or works or continue use of land
- 33 Provisions as to effect of planning permission
- 34 Registers of applications and decisions

Secretary of State's powers in relation to planning applications and decisions

- 35 Reference of applications to Secretary of State
- 36 Appeals against planning decisions
- 37 Appeal in default of planning decision
- 38 Review of planning decisions where compensation claimed
- 39 Provisions supplementary to s.38

Deemed planning permission

- 40 Development by local authorities and statutory undertakers with authorisation of government department

Duration of planning permission

- 41 Limit of duration of planning permission
- 42 Outline planning permission
- 43 Provisions supplementary to ss.41 and 42
- 44 Termination of planning permission by reference to time limit

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Revocation or modification of planning permission

- 45 Power to revoke or modify planning permission
- 46 Unopposed revocation or modification

Reference of certain matters to Planning Inquiry Commission or independent tribunal

- 47 Constitution of Planning Inquiry Commission
- 48 References to a Planning Inquiry Commission
- 49 Procedure on reference to a Planning Inquiry Commission
- 50 Appeal to independent tribunal

Additional powers of control

- 51 Orders requiring discontinuance of use or alteration or removal of buildings or works
- 52 Agreements regulating development or use of land

Determination whether planning permission required

- 53 Applications to determine whether planning permission required

PART IV

ADDITIONAL CONTROL IN SPECIAL CASES

Buildings of special architectural or historic interest

- 54 Lists of buildings of special architectural or historic interest
- 55 Control of works for demolition, alteration or extension of listed buildings
- 56 Provisions supplementary to s.55
- 57 Acts causing or likely to result in damage to listed buildings
- 58 Building preservation notice in respect of building not listed

Trees

- 59 Planning permission to include appropriate provision for preservation and planting of trees
- 60 Tree preservation orders
- 61 Provisional tree preservation orders
- 62 Replacement of trees

Advertisements

- 63 Control of advertisements
- 64 Application for planning permission not needed for advertisements complying with regulations

Waste land

- 65 Proper maintenance of waste land

Industrial development

- 66 Meaning of "industrial building"
- 67 Industrial development certificates
- 68 Exemption of certain classes of development

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- 69 Power to vary exemption limit as to industrial floor space
- 70 Restrictions or conditions attached to certificates
- 71 Provisions as to conditions imposed under s.70
- 72 Provision for cases where certificate withheld

Office development

- 73 Meaning of "office premises"
- 74 Office development permits
- 75 Exemption by reference to office floor space
- 76 Mixed industrial and office development
- 77 Restrictions or conditions attached to office development permits
- 78 Planning permission for erection of building where no office development permit required
- 79 Planning permission for alteration or extension of building where no office development permit required
- 80 Planning permission for erection of two or more buildings where no office development permit required
- 81 Provisions supplementary to ss.78 to 80
- 82 Provisions as to conditions imposed or implied in pursuance of these provisions
- 83 Development in metropolitan region: planning permission granted before passing of Act of 1965
- 84 Annual report
- 85 Interpretation of these provisions
- 86 Temporary operation of these provisions

PART V

ENFORCEMENT OF CONTROL UNDER PARTS III AND IV

Development requiring planning permission

- 87 Power to serve enforcement notice
- 88 Appeal against enforcement notice
- 89 Penalties for non-compliance with enforcement notice
- 90 Power to stop further development pending proceedings on enforcement notice
- 91 Execution and cost of works required by enforcement notice
- 92 Effect of planning permission on enforcement notice
- 93 Enforcement notice to have effect against subsequent development
- 94 Certification of established use
- 95 Grant of certificate by Secretary of State on referred application or appeal against refusal

Listed buildings

- 96 Power to serve listed building enforcement notice
- 97 Appeal against listed building enforcement notice
- 98 Penalties for non-compliance with listed building enforcement notice
- 99 Execution and cost of works required by listed building enforcement notice
- 100 Enforcement by, or by direction of, the Secretary of State
- 101 Works for preservation of unoccupied listed building in cases of urgency

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Trees

- 102 Penalties for non-compliance with tree preservation order
- 103 Enforcement of duties as to replacement of trees

Waste land

- 104 Penalty for non-compliance with notice as to waste land
- 105 Appeal to magistrates' court against notice as to waste land
- 106 Further appeal to the Crown Court
- 107 Execution and cost of works required by notice as to waste land

Other controls

- 108 Enforcement of orders under s.51
- 109 Enforcement of control as to advertisements

Supplementary provisions

- 110 Supplementary provisions as to appeals to Secretary of State under Part V
- 111 Recovery of expenses of local planning authorities under Part V

PART VI

ACQUISITION AND APPROPRIATION OF LAND AND RELATED PROVISIONS

Acquisition and appropriation of land

- 112 Compulsory acquisition of land in connection with development and for other planning purposes
- 113 Compulsory acquisition of land by Secretary of State for the Environment
- 114 Compulsory acquisition of listed building in need of repair
- 115 Repairs notice as preliminary to compulsory acquisition under s.114
- 116 Compensation on compulsory acquisition of listed building
- 117 Minimum compensation in case of listed building deliberately left derelict
- 118 Extinguishment of rights over land compulsorily acquired
- 119 Acquisition of land by agreement
- 120 Acquisition of land for purposes of exchange
- 121 Appropriation of land forming part of common etc.

Powers exercisable in relation to land held for planning purposes, and other related powers

- 122 Appropriation of land held for planning purposes
- 123 Disposal of land held for planning purposes
- 124 Development of land held for planning purposes
- 125 Special provisions as to features and buildings of architectural and historic interest
- 126 Management etc. of listed buildings acquired by local authority or Secretary of State
- 127 Power to override easements and other rights
- 128 Use and development of consecrated land and burial grounds
- 129 Use and development of land for open spaces
- 130 Displacement of persons from land acquired or appropriated
- 131 Constitution of joint body to hold land acquired for planning purposes

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Supplementary provisions

- 132 Modification of incorporated enactments for purposes of Part VI
- 133 Interpretation of Part VI

PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Unexpended balance of established development value

- 134 Scope of Part VII
- 135 Derivation of unexpended balance from claims under Part VI of Act of 1947
- 136 Original unexpended balance of established development value
- 137 Claim holdings, their areas and values
- 138 Adjustment of claim holdings
- 139 General provision for continuance of original unexpended balance
- 140 Reduction or extinguishment of balance in consequence of compensation
- 141 Reduction or extinguishment of balance on initiation of new development
- 142 Reduction or extinguishment of balance on acquisition of land under compulsory powers
- 143 Reduction or extinguishment of balance in consequence of severance or injurious affection
- 144 Supplementary provisions as to deductions from original balance
- 145 Provision of information relating to unexpended balance

Right to compensation

- 146 General provision as to right to compensation
- 147 Planning decisions not ranking for compensation
- 148 No compensation if certain other development permitted
- 149 Further exclusions from compensation
- 150 Grant of planning permission treated as subject to notional condition
- 151 Notice under s.72 treated as planning decision

Measure of compensation

- 152 General provisions as to amount of compensation
- 153 Assessment of depreciation

Claims for, and payment of, compensation

- 154 General provisions as to claims for compensation
- 155 Effect on claims of direction under s.38
- 156 Determination of claims
- 157 Payment of compensation

Subsequent recovery of compensation

- 158 Apportionment and registration of compensation
- 159 Recovery of compensation on subsequent development
- 160 Amount recoverable, and provisions for payment or remission thereof
- 161 Amount recovered not to be deducted from unexpended balance

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Supplementary provisions

- 162 Mortgages, rentcharges and settlements
- 163 Calculation of value

PART VIII

COMPENSATION FOR OTHER PLANNING RESTRICTIONS

Revocation or modification of planning permission

- 164 Compensation where planning permission revoked or modified
- 165 Application of s.164 to special cases of refusal or conditional grant of planning permission
- 166 Registration and apportionment of compensation for depreciation
- 167 Contribution by Secretary of State towards compensation in certain cases
- 168 Recovery, on subsequent development, of compensation under s.164

Other restrictions

- 169 Compensation for planning decisions restricting development other than new development
- 170 Compensation in respect of orders under s.51
- 171 Compensation for refusal of consent to alteration, etc. of listed building
- 172 Compensation where listed building consent revoked or modified
- 173 Compensation for loss or damage caused by service of building preservation notice
- 174 Compensation in respect of tree preservation orders
- 175 Compensation in respect of requirement as to replanting of trees
- 176 Compensation for restrictions on advertising
- 177 Compensation for loss due to stop notice

Supplementary provisions

- 178 General provisions as to compensation for depreciation under Part VIII
- 179 Determination of claims for compensation

PART IX

PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

Interests affected by planning decisions or orders

- 180 Purchase notice on refusal or conditional grant of planning permission
- 181 Action by council on whom purchase notice is served
- 182 Procedure on reference of purchase notice to Secretary of State
- 183 Action by Secretary of State in relation to purchase notice
- 184 Power to refuse to confirm purchase notice where land has restricted use by virtue of previous planning permission
- 185 Power to refuse to confirm purchase notice in respect of office premises
- 186 Effect of Secretary of State's action in relation to purchase notice
- 187 Special provisions as to compensation where purchase notice served
- 188 Purchase notice in respect of order revoking or modifying planning permission
- 189 Purchase notice in respect of order requiring discontinuance of use or alteration or removal of buildings or works

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- 190 Purchase notice on refusal or conditional grant of listed building consent
- 191 Purchase notices in other cases

Interests of owner-occupiers affected by planning proposals

- 192 Scope of these provisions
- 193 Power to serve blight notice
- 194 Objection to blight notice
- 195 Reference of objection to Lands Tribunal
- 196 Effect of valid blight notice
- 197 Compensation for compulsory purchase of historic buildings and of land in clearance areas
- 198 Withdrawal of blight notice
- 199 Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire
- 200 Death of claimant after service of blight notice
- 201 Power of mortgagee to serve blight notice
- 202 Saving for claimant's right to sell whole hereditament, etc.
- 203 Meaning of "owner-occupier" and "resident owner-occupier"
- 204 Special provisions as to partnerships
- 205 "Appropriate authority" for purposes of these provisions
- 206 "Appropriate enactment" for purposes of these provisions
- 207 General interpretation of these provisions

Supplementary provisions

- 208 No withdrawal of constructive notice to treat

PART X

HIGHWAYS

Stopping up and diversion of highways

- 209 Highways affected by development: orders by Secretary of State
- 210 Footpaths and bridleways affected by development: orders by local planning authorities, etc.
- 211 Highways crossing or entering route of proposed new highway, etc.

Conversion of highway into footpath or bridleway

- 212 Order extinguishing right to use vehicles on highway
- 213 Provision of amenity for highway reserved to pedestrians

Extinguishment of rights of way

- 214 Extinguishment of public rights of way over land held for planning purposes

Procedure for making and confirming orders

- 215 Procedure for making of orders by Secretary of State
- 216 Procedure in anticipation of planning permission, etc.
- 217 Confirmation of orders made by other authorities

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Supplementary provisions

- 218 Compulsory acquisition of land in connection with highways
- 219 Concurrent proceedings in connection with highways
- 220 Provisions as to telegraphic lines
- 221 Application of s.32 of Mineral Workings Act 1951 to orders under Part X

PART XI

STATUTORY UNDERTAKERS

Preliminary

- 222 Meaning of "operational land"
- 223 Cases in which land is to be treated as not being operational land
- 224 Meaning of "the appropriate Minister"

General provisions

- 225 Applications for planning permission by statutory undertakers
- 226 Development requiring authorisation of government department
- 227 Revocation or modification of permission to develop operational land
- 228 Order requiring discontinuance of use etc. of operational land
- 229 Acquisition of land of statutory undertakers
- 230 Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers
- 231 Orders under s.230
- 232 Notice for same purposes as s.230 but given by statutory undertakers to developing authority
- 233 Extension or modification of functions of statutory undertakers
- 234 Procedure in relation to orders under s.233
- 235 Relief of statutory undertakers from obligations rendered impracticable
- 236 Objections to orders under ss.233 and 235

Compensation

- 237 Right to compensation in respect of certain decisions and orders
- 238 Measure of compensation to statutory undertakers
- 239 Exclusion of s.238 at option of statutory undertakers
- 240 Procedure for assessing compensation where s.238 applies

Supplementary provisions

- 241 Special provisions as to display of advertisements on operational land

PART XII

VALIDITY OF PLANNING INSTRUMENTS AND DECISIONS AND PROCEEDINGS RELATING THERETO

- 242 Validity of development plans and certain orders, decisions and directions
- 243 Validity of enforcement notices and similar notices
- 244 Proceedings for questioning validity of development plans and certain orders under Parts X and XI

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- 245 Proceedings for questioning validity of other orders, decisions and directions
- 246 Appeals to High Court relating to enforcement notices and similar notices
- 247 Appeals to High Court against decisions under s.53
- 248 Special provisions as to decisions relating to statutory undertakers
- 249 Special provisions as to orders subject to special parliamentary procedure

PART XIII

FINANCIAL PROVISIONS

Grants for development etc.

- 250 Grants for development etc.
- 251 Maximum amount of grants under s.250
- 252 Supplementary provisions as to grants under s.250

Grants for research and education

- 253 Grants for research and education

Contributions to certain expenditure

- 254 Contributions by Ministers towards compensation paid by local authorities
- 255 Contributions by local authorities and statutory undertakers
- 256 Assistance for acquisition of property where objection made to blight notice in certain cases

Recovery of compensation etc.

- 257 Recovery from acquiring authorities of sums paid by way of compensation
- 258 Recovery from acquiring authorities of sums paid in respect of war-damaged land
- 259 Sums recoverable from acquiring authorities reckonable for purposes of grant

Expenses and receipts of Ministers

- 260 Expenses of government departments
- 261 Payments under s.59 of Act of 1947 and Parts I and V of Act of 1954
- 262 General provision as to receipts of Secretary of State

Expenses of county councils and Greater London Council

- 263 Expenses of county councils and Greater London Council

PART XIV

APPLICATION OF ACT TO SPECIAL CASES

Minerals

- 264 Power to modify Act in relation to minerals
- 265 Modification of Mines (Working Facilities and Support) Act 1966

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Crown land

- 266 Exercise of powers in relation to Crown land
- 267 Agreements relating to Crown land
- 268 Supplementary provisions as to Crown and Duchy interests

Isles of Scilly

- 269 Application of Act to Isles of Scilly

Local planning authorities

- 270 Application to local planning authorities of provisions as to planning control and enforcement
- 271 Application to local planning authorities of provisions as to listed buildings
- 272 Special provisions as to statutory undertakers who are local planning authorities

Other special cases

- 273 National Coal Board
- 274 Ecclesiastical property
- 275 Settled land, and land of universities and colleges

PART XV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

- 276 Default powers of Secretary of State
- 277 Designation of conservation areas
- 278 Assumptions as to planning permission in determining value of interests in land
- 279 Recovery, on subsequent development, of payments in respect of war-damaged land
- 280 Rights of entry
- 281 Supplementary provisions as to rights of entry
- 282 Local inquiries
- 283 Service of notices
- 284 Power to require information as to interests in land
- 285 Offences by corporations
- 286 Combined applications
- 287 Regulations and orders
- 288 Licensing planning areas
- 289 Act not excluded by special enactments
- 290 Interpretation
- 291 Consequential amendments
- 292 Transitional provisions, savings and repeals
- 293 Saving for Interpretation Act 1889 s.38
- 294 Commencement
- 295 Short title and extent

SCHEDULES

SCHEDULE 1 — Joint Planning Boards

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

- 1 A joint planning board constituted by an order under section...
- 2 A joint planning board so constituted shall be a body...
- 3 An order constituting a joint planning board and any order...

SCHEDULE 2 — Planning Committees and Joint Advisory Committees

PART I — PLANNING COMMITTEES

- 1 A local planning authority may establish such planning committees as...
- 2 A planning committee of a local planning authority may, subject...
- 3 A majority of every planning committee of a local planning...
- 4 Any power conferred by this Part of this Schedule to...

PART II — JOINT ADVISORY COMMITTEES

- 5 Any two or more local planning authorities may, with the...
- 6 If it appears to the Secretary of State to be...
- 7 Any power conferred by this Part of this Schedule to...
- 8 The provisions of this Part of this Schedule shall be...

SCHEDULE 3 — Local Planning Authorities in Greater London

Local planning authorities

- 1 Subject to paragraphs 2 and 5 of this Schedule, the...
- 2 (1) Subject to paragraph 3 of this Schedule, to Schedule...
- 3 (1) This paragraph applies to development of such a class,...
- 4 The Greater London Council shall, as respects any London borough,...

Delegation of functions

- 5 Section 5(1) of the London Government Act 1963 shall not...
- 6 The Greater London Council may agree with the council of...

Reference of applications for planning permission to Secretary of State and Greater London Council

- 7 Without prejudice to his powers, by virtue of section 31(1)...

Interpretation of references to local planning authorities in other enactments

- 8 In relation to land in a London borough—

SCHEDULE 4 — Development Plans: Greater London

Survey of planning areas

- 1 The matters to be examined and kept under review under...
- 2 The matters to be so examined or kept under review...
- 3 Any survey by a London borough council under section 6...

Structure plans

- 4 The Greater London development plan shall be treated for the...
- 5 The structure plan required by section 7 of this Act...
- 6 A London borough council shall send any report and structure...
- 7 The information on which a London borough council's policy and...
- 8 The inclusion in the Greater London development plan of an...
- 9 Before giving a direction to a London borough council under...

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Alterations to structure plans

- 10 A direction under section 10(1) of this Act to a...
- 11 Before giving such a direction the Secretary of State or...
- 12 The report required by section 10 of this Act to...
- 13 Paragraphs 5, 6 and 7 of this Schedule shall apply...

Local plans

- 14 Notwithstanding anything in Schedule 3 to this Act, the Greater...
- 15 The council of a London borough any part of which...
- 16 References in section 11(6) and (9) of this Act to...
- 17 The duty of the Secretary of State under section 11(10)...
- 18 On sending a copy of a local plan to the...
- 19 Section 15(3) of this Act shall, in its application to...

SCHEDULE 5 — Development Plans: Provisions in Force until Superseded by Part II of this Act

PART I — GENERAL

Surveys of planning areas and preparation of development plans

- 1 (1) Any local planning authority who have not submitted to...

Approval of development plans

- 2 The Secretary of State may approve any development plan submitted...

Amendment of development plans

- 3 (1) At least once in every five years after the...

Additional powers of Secretary of State with respect to development plans

- 4 (1) Where, by virtue of any of the preceding provisions...

Incorporation in development plans of orders and schemes relating to highways and new towns

- 5 (1) Where the Secretary of State— (a) makes an order...

Supplementary provisions as to development plans

- 6 (1) A local planning authority, before preparing a development plan...

Publication and date of operation of development plans

- 7 (1) Immediately after a development plan has been approved or...

PART II — GREATER LONDON

Development plans

- 8 (1) In the application of this Schedule to Greater London,...

Amendment of development plans

- 9 (1) The Greater London Council shall from time to time...

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Supplementary provisions as to development plans

10 (1) If any local development plan submitted to the Greater...

SCHEDULE 6 — Development Plans: Modifications of this Act Pending Repeal of Schedule 5

1 After section 147(5) there shall be inserted the following subsection:

—...

2 For section 242(1)(a) there shall be substituted:—

3 For subsections (1) and (2) of section 244 there shall...

4 In section 255(2)(a) for the words " a structure plan...

5 For section 266(1)(0) there shall be substituted:—

6 After section 279 there shall be inserted the following sections:—...

7 For section 280(1)(a) there shall be substituted:—

8 In section 290(1), for the definition of " development plan...

9 In Schedule 2, in paragraph 5, for the words "...

10 In Schedule 3, in paragraph 7, there shall be added...

11 In Part I of Schedule 21 after the words "...

SCHEDULE 7 — Development Plans: Transition from Schedule 5 to Part II of this Act

1 Until the repeal of Part I of Schedule 5 to...

2 On the repeal of the said Part I and, where...

3 Subject to the following provisions of this Schedule, where by...

4 Where a structure plan is in force in any district,...

5 Where a structure plan is in force in any district,...

6 Subject to paragraph 7 of this Schedule, the Secretary of...

7 Before making an order with respect to a development plan...

8 Any reference in the preceding provisions of this Schedule to...

9 Any reference in paragraphs 1 and 2 of this Schedule...

10 In relation to any development plan continued in force by...

SCHEDULE 8 — Development not Constituting New Development

PART I — DEVELOPMENT NOT RANKING FOR COMPENSATION UNDER S.169

1 The carrying out of any of the following works, that...

2 The use as two or more separate dwellinghouses of any...

PART II — DEVELOPMENT RANKING FOR COMPENSATION UNDER S.169

3 The enlargement, improvement or other alteration, as often as occasion...

4 The carrying out, on land which was used for the...

5 The winning and working, on land held or occupied with...

6 In the case of a building or other land which,...

7 In the case of any building or other land which,...

8 The deposit of waste materials or refuse in connection with...

PART III — SUPPLEMENTARY PROVISIONS

9 Any reference in this Schedule to the cubic content of...

10 Where, after the appointed day, any buildings or works have...

11 For the purposes of paragraph 3 of this Schedule—

12 In this Schedule " at a material date" means at...

13 (1) In relation to a building erected after the appointed...

SCHEDULE 9 — Determination of Certain Appeals by Person Appointed by Secretary of State

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Determination of appeals by appointed person

- 1 (1) An appeal to which this Schedule applies, being an...

Powers and duties of person determining appeal

- 2 (1) A person appointed under this Schedule to determine an...

Determination of appeals by Secretary of State

- 3 (1) The Secretary of State may, if he thinks fit,...

Appointment of another person to determine appeal

- 4 (1) Where the Secretary of State has appointed a person...

Local inquiries and hearings

- 5 (1) A person appointed under this Schedule to determine an...

Stopping of appeals

- 6 If before or during the determination of an appeal under...

Supplementary provisions

- 7 (1) The Tribunals and Inquiries Act 1971 shall apply to...

SCHEDULE 10 — Construction of References in Sections 48 and 49 to "the responsible minister or ministers"

- 1 In relation to matters specified in the first column of...
2 Where an entry in the second, third or fourth columns...

SCHEDULE 11 — Control of Works for Demolition, Alteration or Extension of Listed Buildings

PART I — APPLICATIONS FOR LISTED BUILDING CONSENT

Form of application and effect of consent

- 1 (1) Provision may be made by regulations under this Act...
2 (1) Regulations under this Act may provide that an application...

Directions as to manner of dealing with applications

- 3 The provisions of section 31(2) and (3) of this Act...

Reference of applications to Secretary of State or Greater London Council

- 4 (1) The Secretary of State may give directions requiring applications...
5 (1) Subject to the following provisions of this paragraph, a...
6 (1) Subject to the following provisions of this paragraph, where...
7 (1) The Secretary of State may give directions that, in...

Appeal against decision

- 8 (1) Where an application is made to the local planning...

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Appeal in default of decision

- 9 Where an application is made to the local planning authority...
 PART II — REVOCATION OF LISTED BUILDING CONSENT
- 10 (1) If it appears to the local planning authority, having...
 11 (1) If it appears to the Secretary of State, after...
 12 (1) The following provisions shall have effect where the local...
 PART III — PROVISIONS APPLICABLE ON LAPSE OF BUILDING PRESERVATION
 NOTICE
- 13 The provisions of this Part of this Schedule apply where...
 14 The fact that the building preservation notice has ceased to...
 15 Any proceedings on or arising out of an application for...
 16 Any listed building enforcement notice served by the local planning...

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...

Effect of grant of office development permit

- 2 (1) Where, in accordance with the provisions of paragraph 1...

Mixed industrial and office development

- 3 Where before 5th August 1965 an application was made to...

Enforcement notices

- 4 (1) This paragraph applies to any enforcement notice which—

Power to require information as to building contracts

- 5 (1) Where it appears to the Secretary of State that,...

Planning permission to retain buildings or continue use of land

- 6 (1) In relation to any planning permission granted before 5th...

Planning permission where no office development permit required

- 7 (1) This paragraph applies to any planning permission granted on...

SCHEDULE 13 — Office Development: Metropolitan Region Outside Greater
 London

- 1 In Bedfordshire— the borough of Dunstable, the urban district of...
 2 In Berkshire— the boroughs of Maidenhead, New Windsor and
 Wokingham,...
 3 In Buckinghamshire— the boroughs of Aylesbury, High Wycombe and
 Slough,...
 4 In Essex— the borough of Chelmsford, the urban districts of...
 5 In Hampshire— the borough of Aldershot, the urban districts of...
 6 The administrative county of Hertfordshire.
 7 In Kent— the boroughs of Chatham, Dartford, Gravesend, Gillingham,
 Maidstone,...

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- 8 In Oxfordshire— the borough of Henley-on-Thames, the rural district of...
- 9 The administrative county of Surrey.
- 10 In East Sussex— the urban districts of Burgess Hill, Cuckfield...
- 11 In West Sussex— the urban districts of Crawley and Horsham,...
- 12 The county borough of Luton.
- 13 The county borough of Reading.
- 14 The county borough of Southend-on-Sea.

SCHEDULE 14 — Provisions as to Established use Certificates

Application for certificate and appeal against refusal thereof

- 1 An application for an established use certificate shall be made...
- 2 Provision may be made by a development order for regulating...
- 3 (1) A development order may provide that an application for...

Provisions with respect to grant of certificate

- 4 An established use certificate shall be in such form as...
- 5 Where the Secretary of State grants an established use certificate,...
- 6 In section 34 of this Act references to applications for...

SCHEDULE 15 — Adjustment of Claim Holdings

PART I — ADJUSTMENT OF CLAIM HOLDINGS PLEDGED TO CENTRAL LAND BOARD AS SECURITY FOR DEVELOPMENT CHARGES

- 1 (1) In this Part of this Schedule references to the...
- 2 (1) Where a claim holding was pledged to the Central...
- 3 Without prejudice to paragraph 2 of this Schedule, where a...
- 4 Where a pledge to the Central Land Board comprised only...
- 5 (1) The provisions of this paragraph shall have effect in...

PART II — ADJUSTMENT BY REFERENCE TO PAYMENTS IN RESPECT OF WAR-DAMAGED LAND

- 6 (1) The provisions of this Part of this Schedule shall...
- 7 If the payment area is identical with the area of...
- 8 (1) If the payment area forms part of the area...
- 9 If the payment area includes the area of the claim...
- 10 If the payment area includes part of the area of...

PART III — ADJUSTMENT IN CASES OF PARTIAL DISPOSITION OF CLAIM HOLDINGS

- 11 The provisions of this Part of this Schedule shall have...
- 12 As from the date of the relevant disposition, each of...
- 13 The area and value of any such separate claim holding...
- 14 In paragraph 13 of this Schedule the reference to determination...
- 15 (1) The said principles are those set out in the...
- 16 Paragraph 1 of this Schedule shall apply for the purposes...

PART IV — ADJUSTMENT IN RESPECT OF PAYMENTS UNDER PART I OF ACT OF 1954

- 17 The provisions of this Part of this Schedule shall have...
- 18 Subject to the following provisions of this Part of this...
- 19 Paragraph 18 of this Schedule shall apply where two or...
- 20 (1) Where one or more relevant acts or events have...
- 21 For the purposes of this Part of this Schedule—
- 22 (1) Where in accordance with the preceding provisions of this...

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

PART V — ADJUSTMENT IN RESPECT OF COMPENSATION UNDER PART V OF ACT OF 1954

- 23 Where compensation under Part V of the Act of 1954...
- 24 Where compensation became or becomes payable as mentioned in paragraph...
- 25 Where, in the case of a claim holding (in this...
PART VI — SUPPLEMENTARY PROVISIONS
- 26 Where in accordance with any of the provisions of this...
- 27 Where in accordance with any of the provisions of this...
- 28 Expressions used in this Schedule and in Part VII of...
- 29 In this Schedule " the holder ", in relation to...

SCHEDULE 16 — Calculation of Value of Previous Development of Land

- 1 Where for the purposes of section 141 of this Act...
- 2 Subject to the following provisions of this Schedule, the value...
- 3 If the development involved the clearing of any land, the...
- 4 (1) If the development was initiated in pursuance of planning...
- 5 In the application of the preceding provisions of this Schedule...

SCHEDULE 17 — Apportionment of Unexpended Balance of Established Development Value

Determination of relevant area

- 1 (1) Where, in the case of a compulsory acquisition to...

Preliminary calculations

- 2 There shall be calculated the amount referable to the relevant...
- 3 (1) If, in the case of an interest in fee...
- 4 In the case of any interest in reversion—

Apportionment of unexpended balance between interests

- 5 Where two or more interests (other than excepted interests) subsist...

Application of Schedule to past acquisitions

- 6 In relation to any compulsory acquisition to which section 142...

Interpretation

- 7 In this Schedule— (a) " the relevant land ", in...

SCHEDULE 18 — Condition Treated as Applicable to Rebuilding and Alterations

- 1 Where the building to be rebuilt or altered is the...
- 2 Where the building to be rebuilt or altered is not...
- 3 In determining under this Schedule the purpose for which floor...
- 4 For the purposes of this Schedule gross floor space shall...
- 5 In relation to a building erected after the appointed day,...

SCHEDULE 19 — Proceedings on Listed Building Purchase Notice

Action by council on whom listed building purchase notice is served

- 1 (1) The council on whom a listed building purchase notice...

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

Action by Secretary of State in relation to listed building purchase notice

- 2 (1) Subject to the following provisions of this paragraph, if...

Effect of Secretary of State's action in relation to listed building purchase notice

- 3 (1) Where the Secretary of State confirms a listed building...

Special provision as to compensation where listed building purchase notice served

- 4 Where in consequence of listed building consent being revoked or...

SCHEDULE 20 — Procedure in connection with Orders relating to Footpaths and
Bridleways

PART I — CONFIRMATION OF ORDERS

- 1 (1) Before an order under section 210 or 214(1)(b) of...
- 2 If no representations or objections are duly made, or if...
- 3 (1) If any representation or objection duly made is not...
- 4 (1) The Secretary of State shall not confirm an order...
- 5 Regulations under this Act may, subject to this Part of...

PART II — PUBLICITY FOR ORDERS AFTER CONFIRMATION

- 6 As soon as may be after an order under section...

SCHEDULE 21 — Provisions of this Act referred to in Sections 263, 264, 269, 270,
271, 273 and 274 and Paragraphs 83 and 84 of Schedule 24

PART I

PART II

PART III

PART IV

PART V

PART VI

PART VII

SCHEDULE 22 — Enactments Exempted from Section 287(6) of this Act

- 1 Section 107 of the Public Health Act 1936.
- 2 The following provisions of the Highways Act 1959, that is...
- 3 The following further provisions of the Highways Act 1959, that...
- 4 Section 243 of the Highways Act 1959 so far as...
- 5 Any enactment making such provision as might by virtue of...
- 6 Any enactment which has been previously excluded or modified by...

SCHEDULE 23 — Consequential Amendments

PART I

The Land Compensation Act 1961 (c. 33)

The London Government Act 1963 (c. 33)

PART II

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

The Finance Act 1931 (c. 28)

The Building Restrictions (War-Time Contraventions) Act 1946 (c. 35)

The Civil Aviation Act 1949 (c. 67)

The Town Development Act 1952 (c. 54)

The Highways Act 1959 (c. 25)

The Town and Country Planning Act 1959 (c. 53)

The Local Employment Act 1960 (c. 18)

The Public Health Act 1961 (c. 64)

The London Government Act 1963 (c. 33)

The Water Resources Act 1963 (c. 38)

The Harbours Act 1964 (c. 40)

The Airports Authority Act 1965 (c. 16)

The Gas Act 1965 (c. 36)

The Compulsory Purchase Act 1965 (c. 56)

The New Towns Act 1965 (c. 59)

The Building Control Act 1966 (c. 27)

The Local Government Act 1966 (c. 42)

The Land Commission Act 1967 (c. 1)

The General Rate Act 1967 (c. 9)

The Forestry Act 1967 (c. 10)

The Agriculture Act 1967 (c. 22)

The Civic Amenities Act 1967 (c. 69)

The Leasehold Reform Act 1967 (c. 88)

The Public Expenditure and Receipts Act 1968 (c. 14)

The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

The Countryside Act 1968 (c. 41)

The Caravan Sites Act 1968 (c. 52)

The Town and Country Planning Act 1968 (c. 72)

The Transport Act 1968 (c. 73)

The Redundant Churches and other Religious Buildings Act 1969 (1969 c. 22)

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PART I — GENERAL PROVISIONS

- 1 (1) In so far as anything done under an enactment...
- 2 Without prejudice to section 291 of, and Schedule 23 to,...
- 3 Where any period of time specified in an enactment repealed...
- 4 Without prejudice to paragraph 1 of this Schedule, any reference...
- 5 (1) Nothing in this Act shall affect the enactments repealed...
- 6 (1) Any reference in this Act to an order or...
- 7 In the preceding provisions of this Part of this Schedule,...

PART II — CENTRAL AND LOCAL ADMINISTRATION

Transfer of property and officers to local planning authorities

- 8 Nothing in this Act or the Act of 1962 shall...

Delegation of functions: compensation in respect of tree preservation orders

- 9 The terms of any delegation of functions by a local...

PART III — DEVELOPMENT PLANS

Designation of land as subject to compulsory acquisition

- 10 The repeal by the Act of 1968 of the provisions...

Effect of existing commencement orders

- 11 (1) In relation to so much of any order made...

PART IV — GENERAL PLANNING CONTROL

Planning permission: general

- 12 Subsection (1) of section 23 of this Act applies (subject...
- 13 In sections 26 and 27 of this Act references to...
- 14 Subsection (2)(b) of section 26, and the other provisions of...
- 15 Where by virtue of paragraph 12 of Schedule 14 to...
- 16 For the purposes of paragraph 1 of this Schedule, any...

Review of planning decisions and orders under Part V of Act of 1954

- 17 For the purposes of paragraph 1 of this Schedule, any...

Duration of planning permission

- 18 Sections 41 and 42 of this Act do not apply...
- 19 (1) Subject to sub-paragraph (2) of this paragraph, every planning...
- 20 (1) Subject to sub-paragraph (2) of this paragraph, where before...
- 21 (1) In sections 30(3), 43(1), (5), (6) and (7), 44...
- 22 Until the coming into operation of the first regulations to...

PART V — ADDITIONAL CONTROL IN SPECIAL CASES

Buildings of architectural or historic interest

- 23 Section 55(1) of this Act does not apply to any...
- 24 (1) Where, before 1st January 1969, consent under a building...

Replacement of trees

- 25 Section 59 of this Act does not apply in relation...

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Industrial development

- 26 (1) So much of sections 66 to 72 of this...
 27 Without prejudice to Part I of this Schedule, any order...

Office development

- 28 (1) Subject to paragraph 29 of this Schedule, sections 74...
 29 (1) Sections 74 and 75 of this Act apply in...
 30 Without prejudice to Part I of this Schedule, any order...

PART VI — ENFORCEMENT OF CONTROL

Enforcement notices under enactments in force before 1st April 1969

- 31 (1) This paragraph applies to any enforcement notice which was...

Enforcement notices served before 29th August 1960

- 32 (1) This paragraph applies to any enforcement notice served before...

Enforcement notices served by virtue of section 75 of Act of 1947

- 33 (1) This paragraph applies to any enforcement notice served before...
 34 (1) In so far as an enforcement notice could, if...
 35 (1) Where an enforcement notice falling within paragraph 33(4) of...
 36 In the application of section 46 of the Act of...
 37 (1) The power of a local planning authority under Part...
 38 Where in pursuance of paragraph 89(3) of this Schedule permission...
 39 The repeal by the Act of 1962 of section 75...

Enforcement of building preservation orders

- 40 The repeal by the Act of 1968 of section 30...

Enforcement of duties as to trees

- 41 Subsection (3) of section 103 of this Act shall have...
 PART VII — ACQUISITION OF LAND ETC.

Consent of Minister to acquisition, appropriation or disposal of land

- 42 Nothing in Part I of this Schedule shall be construed...

Existing compulsory purchase orders

- 43 (1) Sections 112 and 113 of this Act shall not...
 44 In relation to a compulsory purchase order confirmed under Part...
 45 The repeals effected by the Act of 1962 shall not...
 46 Any compulsory purchase order made or confirmed under Part I...

Application of Part VI to land acquired or authorized: to be acquired under previous enactments

- 47 The provisions of Part VI of this Act shall have...
 48 For the purposes of Part VI of this Act—
 49 The reference in subsection (1) of-section 133 of this Act...

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

Provisions as to Central Land Board

50 Section 127 of this Act shall have effect in relation...

Application of Small Tenements Recovery Act 1838

51 Until such day as may be appointed under section 35(5)...
PART VIII — COMPENSATION UNDER PART VII OF THIS ACT

Compensation under Part V of Act of 1954

52 (1) Subject to the following provisions of this paragraph, for...

Provision excluding recovery of compensation

53 For the purposes of the construction, in accordance with Part...
PART IX — COMPENSATION UNDER PART VIII OF THIS ACT

Compensation to statutory undertakers

54 Subsection (3) of section 165 of this Act shall not...

Contribution by Secretary of State towards compensation

55 For the purposes of the construction of section 167(1) of...

Recovery of compensation

56 For the purposes of the construction of section 168(3) of...
PART X — BLIGHT NOTICES

Notices served before 1st April 1969

57 In relation to a notice served under section 139 of...

Temporary inclusion of additional description of blighted land

58 (1) For the purposes of the application of sections 192...
PART XI — HIGHWAYS

Provisions as to telegraphic lines

59 (1) In relation to an order made under section 153...
PART XII — STATUTORY UNDERTAKERS

Application of ss.225 to 231 to matters arising before 6th December 1968

60 (1) This paragraph shall have effect as respects the application,...

Extinguishment of rights: notices served before 6th December 1968

61 In relation to a notice served before 6th December 1968,...

Application of section 230 to land acquired by Central Land Board

62 In section 230(1) of this Act, the reference to land...

Right to compensation for decisions made before 6th December 1968

63 In its application, by virtue of Part I of this...

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

Enactments applying section 25 of Act of 1944

- 64 (1) This paragraph shall have effect for the purposes of...
PART XIII — VALIDITY OF PLANNING DECISIONS ETC.

Orders made and action taken before 16th August 1959

- 65 (1) Notwithstanding anything in Part I of this Schedule, the...
66 Section 247 of this Act does not apply to any...

Notices relating to waste land and listed buildings

- 67 (1) Section 243(3) of this Act does not apply to...

Directions under Part V of Act of 1954

- 68 For the purposes of the construction, in accordance with Part...
PART XIV — FINANCIAL PROVISIONS

Grants

- 69 Nothing in this Act shall affect the payment (whether before...
70 Section 250 of this Act does not apply to any...

Recovery of sums from acquiring authorities

- 71 (1) In relation to any acquisition or sale of an...
72 Section 258 of this Act shall have effect in relation...

Treatment of sums received under section 261(4) before 1st April 1968

- 73 Any sums received by the Minister of Housing and Local...
PART XV — SPECIAL CASES

Minerals

- 74 The revocation by paragraph 43(1) of Schedule 14 to the...
75 (1) Regulation 10 of the Town and Country Planning (Minerals)...
76 In relation to any time before 10th April 1966; section...

National Coal Board

- 77 Until the coming into operation of the first regulations made...

Ecclesiastical property, settled land and land of universities and colleges

- 78 For the purposes of the construction of sections 274 and...
PART XVI — MISCELLANEOUS AND SUPPLEMENTARY

Rights and liabilities in respect of certain payments

- 79 (1) The repeal effected by section 223 of the Act...

Registration of payments under s. 59 of Act of 1954

- 80 (1) The repeals effected by the Act of 1962 shall...

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Entitlement to, and amount of, compensation etc. in cases arising before 25th February 1963

81 Notwithstanding Part I of this Schedule, the following provisions of...

Definition of "local authority"

82 (1) In relation to any time before 1st April 1965...

Saving for powers of Post Office

83 Except as provided by section 220 of this Act, nothing...

Saving in respect of works below high-water mark

84 Nothing in the provisions of this Act specified in Part...

Land Compensation Act 1961 s. 31

85 Any reference in this Act to the power conferred by...

References to Ministers: previous Transfer of Functions Orders

86 (1) Where the functions of a Minister under any enactment...

Schemes and agreements under enactments repealed by Act of 1941

87 (1) The repeal effected by the Act of 1962 shall...

88 (1) The repeal effected by the Act of 1962 shall...

Development authorised under enactments repealed by Act of 1947

89 (1) Where any works on land existing at the appointed...

90 (1) Where permission for any development of land was granted,...

91 (1) Where any works for the erection or alteration of...

92 (1) Any reference in Part VII of this Act, or...

Appeals to the Crown Court

93 As respects any time before the coming into force of...

Supplementary

94 (1) Where in this Act (including this Schedule except Part...

SCHEDULE 25 — Repeals