



Town and Country Planning Act 1971

1971 CHAPTER 78

PART IV

ADDITIONAL CONTROL IN SPECIAL CASES

Industrial development

68 Exemption of certain classes of development

- (1) Notwithstanding anything in section 67 of this Act, but subject to section 69 of this Act, an industrial development certificate shall not be required if the industrial floor space to be created by the development in question (in this section referred to as "the proposed development"), together with any other industrial floor space created or to be created by any related development, does not exceed 5,000 square feet, excluding, where an industrial development certificate has been issued in respect of any related development, any floor space created or to be created by that development or by development carried out, or for which planning permission has been granted, before the issue of that certificate.
- (2) Regulations made for the purposes of section 67 of this Act by the Secretary of State may direct that no industrial development certificate shall be required in respect of the erection, in any area prescribed by or under the regulations, of industrial buildings of any such class or description as may be so prescribed, or in respect of a change of use whereby premises in any such area, not being an industrial building of a class or description so prescribed, will become an industrial building of such a class or description.
- (3) In this section "industrial floor space" means floor space comprised in an industrial building or industrial buildings of any of the prescribed classes.
- (4) For the purposes of subsection (1) of this section development shall, in relation to an application for planning permission (in this section referred to as "the relevant application"), be taken to be "related development" if—

Status: This is the original version (as it was originally enacted).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

- (a) it related, or is to relate, to the same building as that to which the proposed development is to relate (in this subsection referred to as the "relevant building"); or
 - (b) it related, or is to relate, to a building which is, or is to be, contiguous or adjacent to the relevant building, and it was, or is to be, development comprised in, or for the purposes of, the same scheme or project or for the purposes of the same undertaking as the proposed development,
- and (in either case) it fulfils one or other of the conditions mentioned in subsection (5) of this section.
- (5) The said conditions are—
- (a) that it is development for which, before the date of the relevant application, planning permission has been granted by a planning decision made on or after 1st April 1960;
 - (b) that it is development which has been initiated on or after 1st April 1960 but before the date of the relevant application and is not development for which planning permission has been granted by a planning decision made on or after 1st April 1960;
 - (c) that it is development in respect of which an application to the local planning authority for planning permission either is pending on the date of the relevant application or is made on that date.
- (6) For the purposes of subsection (5)(c) of this section, an application is pending on a particular date if—
- (a) it is made before that date and not withdrawn ; and
 - (b) no planning decision on that application has been made before that date.
- (7) In subsection (4) of this section and in this subsection "building" does not include a part of a building; and any reference in subsection (4) of this section to development relating to a building is a reference to the erection, extension, alteration or re-erection of the building or a change of use of the whole or part of the building.
- (8) In this section " the prescribed classes " has the same meaning as in section 67 of this Act.