



Planning Act 2008

2008 CHAPTER 29

PART 5

APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 3

ASSISTANCE FOR APPLICANTS AND OTHERS

51 Advice for potential applicants and others

- (1) [^{F1}This section applies to advice] about—
- (a) applying for an order granting development consent;
 - (b) making representations about an application, or a proposed application, for such an order.

[^{F2}(3) The Secretary of State may by regulations make provision about the giving of advice to which this section applies.

- (4) In particular, regulations under subsection (3) may make provision that has the effect that—
- (a) a request for advice made by an applicant, potential applicant or other person, or
 - (b) advice given to an applicant, potential applicant or other person,
- must be, or may be, disclosed by the Secretary of State to other persons or to the public generally.]

Textual Amendments

- F1** Words in s. 51(1) substituted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 10\(2\)](#); S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

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F2 S. 51(3)(4) substituted for (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 10(3)**; S.I. 2012/57, art. 2(a); S.I. 2012/628, art. 7(a)

Commencement Information

I1 S. 51 partly in force; s. 51 in force for certain purposes at Royal Assent see s. 241

I2 S. 51 in force at 1.10.2009 in so far as not already in force by S.I. 2009/2260, **art. 2(b)**

52 Obtaining information about interests in land

(1) Where a person is applying, or proposes to apply, for an order granting development consent, [^{F3}subsections (2) and (2A) apply] for the purpose of enabling the person (“the applicant”) to comply with provisions of, or made under, Chapter 2 of this Part or Chapter 1 of Part 6.

(2) The [^{F4}Secretary of State] may authorise the applicant to serve a notice on a person mentioned in subsection (3) requiring the person (“the recipient”) to give to the applicant in writing the name and address of any person the recipient believes is one or more of the following—

- (a) an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
- (b) a person interested in the land;
- (c) a person having power—
 - (i) to sell and convey the land, or
 - (ii) to release the land.

[^{F5}(2A) The Secretary of State may authorise the applicant to serve a notice on a person mentioned in subsection (3) requiring the person (“the recipient”) to give to the applicant in writing the name and address of any person the recipient believes is a person who, if the order sought by the application or proposed application were to be made and fully implemented, would or might be entitled—

- (a) as a result of the implementing of the order,
- (b) as a result of the order having been implemented, or
- (c) as a result of the use of the land once the order has been implemented,

to make a relevant claim.]

(3) The persons are—

- (a) an occupier of the land;
- (b) a person who has an interest in the land as freeholder, mortgagee or lessee;
- (c) a person who directly or indirectly receives rent for the land;
- (d) a person who, in pursuance of an agreement between that person and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.

(4) A notice under subsection (2) [^{F6}or (2A)] must—

- (a) be in writing,
- (b) state that the [^{F7}Secretary of State] has authorised the applicant to serve the notice,
- (c) specify or describe the land to which the application, or proposed application, relates,

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- (d) specify the deadline by which the recipient must give the required information to the applicant, and
 - (e) draw attention to the provisions in subsections (6) to (9).
- (5) A deadline specified under subsection (4)(d) in a notice must not be earlier than the end of the 14 days beginning with the day after the day on which the notice is served on the recipient of the notice.
- [^{F8}(5A) A notice under subsection (2A) must explain the circumstances in which a person would or might be entitled as mentioned in that subsection.]
- (6) A person commits an offence if the person fails without reasonable excuse to comply with a notice under subsection (2) [^{F9}or (2A)] served on the person.
- (7) A person commits an offence if, in response to a notice under subsection (2) [^{F9}or (2A)] served on the person—
- (a) the person gives information which is false in a material particular, and
 - (b) when the person does so, the person knows or ought reasonably to know that the information is false.
- (8) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body,
 - (b) a person purporting to act in any such capacity, or
 - (c) in a case where the affairs of the body are managed by its members, a member of the body,
- that person, as well as the body, is guilty of that offence and liable to be proceeded against accordingly.
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) In subsections [^{F10}(2) to (3)] “the land” means—
- (a) the land to which the application, or proposed application, relates, or
 - (b) any part of that land.
- (11) Any other expression that appears in either of paragraphs (b) and (c) of subsection (2) and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in those paragraphs the meaning that it has in section 5(1) of that Act.
- [^{F11}(12) In subsection (3) as it applies for the purposes of subsection (2A) “the land” also includes any relevant affected land (see subsection (13)).
- (13) Where the applicant believes that, if the order sought by the application or proposed application were to be made and fully implemented, there would or might be persons entitled—
- (a) as a result of the implementing of the order,
 - (b) as a result of the order having been implemented, or
 - (c) as a result of the use of the land once the order has been implemented,
- to make a relevant claim in respect of any land or in respect of an interest in any land, that land is “relevant affected land” for the purposes of subsection (12).
- (14) In this section “relevant claim” means—

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- (a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for compulsory purchase of land or not made for injurious affection resulting from compulsory purchase);
- (b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works);
- (c) a claim under section 152(3).]

Textual Amendments

- F3** Words in s. 52(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(2)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F4** Words in s. 52(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 11**; [S.I. 2012/628](#), art. 7(a)
- F5** S. 52(2A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(3)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F6** Words in s. 52(4) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(4)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F7** Words in s. 52(4) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 11**; [S.I. 2012/628](#), art. 7(a)
- F8** S. 52(5A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(5)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F9** Words in s. 52(6)(7) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(4)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F10** Words in s. 52(10) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(6)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F11** S. 52(12)-(14) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(7)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)

Commencement Information

- I3** S. 52 in force at 1.10.2009 by [S.I. 2009/2260](#), **art. 2(b)**

53 Rights of entry

- (1) Any person duly authorised in writing by the ^{F12}Secretary of State] may at any reasonable time enter any land for the purpose of surveying and taking levels of it^{F13}, or in order to facilitate compliance with the provisions mentioned in subsection (1A),] in connection with—
- (a) an application for an order granting development consent, whether in relation to that or any other land, that has been accepted by the ^{F12}Secretary of State],
 - (b) a proposed application for an order granting development consent, or
 - (c) an order granting development consent that includes provision authorising the compulsory acquisition of that land or of an interest in it or right over it.

^{F14}(1A) Those provisions are any provision of or made under an Act for the purpose of implementing—

- (a) Council Directive [85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended from time to time,
- (b) Council Directive [92/43/EC](#) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended from time to time, or

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- (c) any EU instrument from time to time replacing all or any part of either of those Directives.]
- (2) Authorisation may be given by the [^{F15}Secretary of State] under subsection (1)(b) in relation to any land only if it appears to the [^{F15}Secretary of State] that—
 - (a) the proposed applicant is considering a distinct project of real substance genuinely requiring entry onto the land,
 - ^{F16}(b)
 - ^{F16}(c)
- (3) Subject to subsections (9) and (10), power conferred by subsection (1) to survey land includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals or other matter in it.
- [^{F17}(3A) Power conferred by subsection (1) for the purpose of complying with the provisions mentioned in subsection (1A) includes power to take, and process, samples of or from any of the following found on, in or over the land—
 - (a) water,
 - (b) air,
 - (c) soil or rock,
 - (d) its flora,
 - (e) bodily excretions, or dead bodies, of non-human creatures, or
 - (f) any non-living thing present as a result of human action.]
- (4) A person authorised under subsection (1) to enter any land—
 - (a) must, if so required, produce evidence of the person's authority, and state the purpose of the person's entry, before so entering,
 - (b) may not demand admission as of right to any land which is occupied unless 14 days' notice of the intended entry has been given to the occupier, and
 - (c) must comply with any other conditions subject to which the [^{F18}Secretary of State's] authorisation is given.
- (5) A person commits an offence if the person wilfully obstructs a person acting in the exercise of power under subsection (1).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where any damage is caused to land or chattels—
 - (a) in the exercise of a right of entry conferred under subsection (1), or
 - (b) in the making of any survey for the purpose of which any such right of entry has been conferred,
 compensation may be recovered by any person suffering the damage from the person exercising the right of entry.
- (8) Any question of disputed compensation under subsection (7) must be referred to and determined by the [^{F19}Upper Tribunal].
- (9) No person may carry out under subsection (1) any works authorised by virtue of subsection (3) unless notice of the person's intention to do so was included in the notice required by subsection (4)(b).

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- (10) The authority of the appropriate Minister is required for the carrying out under subsection (1) of works authorised by virtue of subsection (3) if—
- (a) the land in question is held by statutory undertakers, and
 - (b) they object to the proposed works on the ground that execution of the works would be seriously detrimental to the carrying-on of their undertaking.
- (11) In subsection (10)—
- “the appropriate Minister” means—
- (a) in the case of land in Wales held by water or sewerage undertakers, the Welsh Ministers, and
 - (b) in any other case, the Secretary of State;
- “statutory undertakers” means persons who are, or who are deemed to be, statutory undertakers for the purposes of any provision of Part 11 of TCPA 1990.

Textual Amendments

- F12** Words in s. 53(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 12\(2\)](#); [S.I. 2012/628](#), art. 7(a)
- F13** Words in s. 53(1) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 136\(2\)](#), 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F14** S. 53(1A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 136\(3\)](#), 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F15** Words in s. 53(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 12\(2\)](#); [S.I. 2012/628](#), art. 7(a)
- F16** S. 53(2)(b)(c) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 136\(4\)](#), 240(2), [Sch. 25 Pt. 20](#) (with s. 144); [S.I. 2012/628](#), art. 7
- F17** S. 53(3A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 136\(5\)](#), 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F18** Words in s. 53(4)(c) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 12\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F19** Words in s. 53(8) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 292](#) (with Sch. 5)

Commencement Information

- I4** S. 53 in force at 1.10.2009 by [S.I. 2009/2260](#), [art. 2\(b\)](#)

54 Rights of entry: Crown land

- (1) Subsections (1) [^{F20}to (3A)] of section 53 apply to Crown land subject to subsections (2) and (3) of this section.
- (2) A person must not enter Crown land unless the person (“P”) has the permission of—
 - (a) a person appearing to P to be entitled to give it, or
 - (b) the appropriate Crown authority.
- (3) In section 53(3), the words “Subject to subsections (9) and (10)” must be ignored.
- (4) Subsections (4) to (6) and (9) to (11) of section 53 do not apply to anything done by virtue of subsections (1) to (3) of this section.

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Textual Amendments

F20 Words in s. 54(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 136\(6\), 240\(2\)](#) (with s. 144); [S.I. 2012/628](#), [art. 7\(a\)](#)

Commencement Information

I5 S. 54 in force at 1.10.2009 by [S.I. 2009/2260](#), [art. 2\(b\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)