



# Housing and Planning Act 1986

## CHAPTER 63

### HOUSING AND PLANNING ACT 1986

#### PART I

#### HOUSING

##### *The right to buy*

- 1 Exception to the right to buy with respect to dwelling-houses for persons of pensionable age
- 2 Discount on right to buy and similar sales
- 3 Discount on exercise of right to purchase in Scotland
- 4 Service charges and other contributions payable after exercise of right to buy
- 5 Loans in respect of service charges

##### *Other provisions with respect to public sector housing*

- 6 Consultation before disposal to private sector landlord
- 7 Certificate of fair rent with a view to disposal by public sector body
- 8 Preservation of right to buy on disposal to private sector landlord
- 9 Redevelopment of dwelling-house subject to secure tenancy
- 10 Management agreements
- 11 Proposals for co-operative management or ownership

##### *Assured tenancies*

- 12 Extension of assured tenancies scheme to cases where works have been carried out
- 13 Other amendments relating to assured tenancies

*Status: This is the original version (as it was originally enacted).*

---

### *Miscellaneous*

- 14 Housing the homeless
- 15 Grants for improvement or repair of common parts
- 16 Housing management; financial assistance, etc.
- 17 Matters to be taken into account in determining fair rent
- 18 Further provisions with respect to shared ownership leases
- 19 Extension of permitted objects of registered housing associations
- 20 Disposal of dwellings in new towns
- 21 Effect of resolutions relating to housing action area or general improvement area
- 22 Agreements with certain housing bodies exempt from Consumer Credit Act 1974
- 23 Determination of price for leasehold enfranchisement
- 24 Minor and consequential amendments; repeals

## **PART II**

### SIMPLIFIED PLANNING ZONES

#### *England and Wales*

- 25 Simplified planning zones in England and Wales

#### *Scotland*

- 26 Simplified planning zones in Scotland

## **PART III**

### FINANCIAL ASSISTANCE FOR URBAN REGENERATION

- 27 Power to give assistance
- 28 Forms of assistance
- 29 Terms on which assistance is given

## **PART IV**

### HAZARDOUS SUBSTANCES

#### *England and Wales*

- 30 Hazardous substances authorities
- 31 Hazardous substances
- 32 Hazardous substances contravention notices
- 33 Consequential amendments
- 34 Transitional

#### *Scotland*

- 35 Hazardous substances-Scotland
- 36 Hazardous substances contravention notices
- 37 Consequential amendments
- 38 Transitional (Scotland)

## **PART V**

### OPENCAST COAL

- 39 Abolition of Secretary of State's power to authorise opencast working,

## **PART VI**

### MISCELLANEOUS PROVISIONS

#### *England and Wales*

- 40 Listed buildings and conservation areas  
41 Local plans and unitary development plans  
42 Recovery of Ministers' costs in connection with inquiries  
43 Compulsory acquisition of land on behalf of parish or community councils  
44 Overhead electricity lines  
45 Control of advertisements: experimental areas  
46 Land adversely affecting amenity of neighbourhood  
47 Areas which may be designated, urban development areas  
48 Repeal of unnecessary enactments  
49 Minor and consequential amendments; repeals

#### *Scotland*

- 50 Listed buildings and conservation areas  
51 Grants for repair of buildings in town schemes  
52 Termination of grants for redevelopment etc.  
53 Minor and consequential amendments; repeals

#### *Provisions common to England and Wales and Scotland*

- 54 Effect of modification or termination of enterprise zone scheme  
55 Discrimination in exercise of planning functions

## **PART VII**

### GENERAL PROVISIONS

- 56 Financial provisions  
57 Commencement  
58 Extent  
59 Short title

---

## SCHEDULES

SCHEDULE 1 — Schedule to be Inserted in the Housing Act 1985

SCHEDULE 2 — Schedule to be Inserted in the Housing Act 1985

SCHEDULE 3 — Common Parts Grants

### PART I — AMENDMENTS OF PART XV OF THE HOUSING ACT 1985

- 1 (1) Section 460 of the Housing Act 1985 (general description...  
2 In section 462(1) of the Housing Act 1985 (preliminary condition...  
3 In section 463(1) of the Housing Act 1985 (preliminary condition...

- 4 After section 464 of the Housing Act 1985 insert— Preliminary...
  - 5 In section 466(1) of the Housing Act 1985 (grants requiring...
  - 6 After section 498 of the Housing Act 1985 insert— Common...
  - 7 In section 499(3) of the Housing Act 1985 for "...
  - 8 In section 511 of the Housing Act 1985 (payment of...
  - 9 In section 513 of the Housing Act 1985 (special cases:...
  - 10 (1) Section 514 of the Housing Act 1985 (power of...
  - 11 In section 515 of the Housing Act 1985, for subsections...
  - 12 In section 518 of the Housing Act 1985 (meaning of...
  - 13 Renumber section 519 of the Housing Act 1985 (meaning of...
  - 14 (1) Section 526 of the Housing Act 1985 (the index...
- PART II — AMENDMENTS OF OTHER ENACTMENTS
- 15 In section 116 of the Rent Act 1977 (consent of...
  - 16 (1) Part IV of the Housing Act 1985 (secure tenancies...
  - 17 In section 244 of the Housing Act 1985 (powers of...
  - 18 In section 255 of the Housing Act 1985 (powers of...
  - 19 In section 535 of the Housing Act 1985 (exclusion of...

#### SCHEDULE 4 — Further Provisions with Respect to Shared Ownership Leases

##### *The Rent Act 1977 (c.42)*

- 1 (1) Part I of the Rent Act 1977 (preliminary provisions)...

##### *The Rent (Agriculture) Act 1976 (c.80)*

- 2 In Schedule 2 to the Rent (Agriculture) Act 1976 (licences...

##### *Part I of the Leasehold Reform Act 1967 (c.88)*

- 3 In section 1 of the Leasehold Reform Act 1967 (tenants...
- 4 In section 3(2) of the Leasehold Reform Act 1967 after...
- 5 After section 33 of the Leasehold Reform Act 1967 insert—...
- 6 After Schedule 4 to the Leasehold Reform Act 1967 insert—...

##### *Consequential amendments and repeals*

- 7 In the Housing Act 1980, omit section 140.
- 8 In the Local Government, Planning and Land Act 1980, omit...
- 9 (1) The Local Government Act 1985 is amended as follows....
- 10 In Part IV of the Housing Act 1985 (secure tenancies),...

##### *Transitional provisions and savings*

- 11 (1) The amendments made by this Schedule apply only in...

#### SCHEDULE 5 — Housing : Minor and Consequential Amendments

##### PART I — MINOR AMENDMENTS

##### *Effect of covenant for repayment of discount*

- 1 (1) In section 36 of the Housing Act 1985 (charge...

##### *Acquisition of dwelling-house subject to statutory tenancy*

- 2 In Part IV of the Housing Act 1985 (secure tenancies),...

*Landlord's notice to mention any structural defect*

3 In section 125 of the Housing Act 1985 (exercise of...

*Re-service of notices, etc. on change of landlord in course of exercise of right to buy*

4 (1) Section 137 of the Housing Act 1985 (change of...

*Deferment of completion in pursuance of right to buy*

5 (1) In sections 140(3)(c) and 152(3) of the Housing Act...

*Penalty for voting on certain housing matters*

6 (1) In section 618(4) of the Housing Act 1985 (penalty...

*Grounds for withholding consent to assignment of secure tenancy*

7 In Schedule 3 to the Housing Act 1985 (grounds for...

*Grants for affording tax relief to housing associations*

8 (1) In section 62 of the Housing Associations Act 1985...

*Service charges in respect of the cost of grant-aided works*

9 (1) In the Landlord and Tenant Act 1985, after section...

*Miscellaneous corrections*

10 (1) In section 73(5) of the Land Compensation Act 1973—...

11 (1) In sections 80(1)(a) and 81(1)(a), (3)(b) and (4)(b) of...

12 In paragraph 14(2) of Schedule 11 and paragraph 8(2) of...

13 In Part II of the Housing Associations Act 1985 (housing...

PART II — CONSEQUENTIAL AMENDMENTS

*Housing Rents and Subsidies (Scotland) Act 1975*

14 In section 5 of the Housing Rents and Subsidies (Scotland)...

*Rent Act 1977*

15 In section 16 of the Rent Act 1977 (tenancy not...

16 (1) Schedule 12 to the Rent Act 1977 (procedure on...

*Tenants' Rights, &c. (Scotland) Act 1980*

17 In section 1(10) of the Tenants' Rights, &c. (Scotland) Act...

*Finance Act 1981*

18 In section 107 of the Finance Act 1981 (stamp duty...

*Local Government Act 1985*

19 In paragraph 22 of Schedule 13 to the Local Government...

*Housing Act 1985*

20 In section 4(c) of the Housing Act 1985 (general definition...

- 21 In section 20 of the Housing Act 1985 (houses of...
- 22 In section 21 of the Housing Act 1985 (management powers...
- 23 In section 30 of the Housing Act 1985 (application of...
- 24 Omit section 46 of the Housing Act 1985 (definition of...
- 25 In section 57 of the Housing Act 1985 (the index...
- 26 In section 80 of the Housing Act 1985 (the landlord...
- 27 In section 117 of the Housing Act 1985 (the index...
- 28 In section 127(1) of the Housing Act 1985, omit the...
- 29 In section 130 of the Housing Act 1985 (reduction of...
- 30 (1) Section 187 of the Housing Act 1985 (minor definitions...
- 31 In section 188 of the Housing Act 1985 (the index...
- 32 In Part XIII of the Housing Act 1985 (general financial...
- 33 In section 434 of the Housing Act 1985 (the index...
- 34 In section 444(4) of the Housing Act 1985 (advances relevant...
- 35 In section 452 of the Housing Act 1985 (vesting of...
- 36 In section 453 of the Housing Act 1985 (power of...
- 37 In section 458 of the Housing Act 1985 (minor definitions),...
- 38 In section 459 of the Housing Act 1985 (the index...
- 39 After section 621 of the Housing Act 1985 insert— Meaning...
- 40 (1) Schedule 4 to the Housing Act 1985 (the qualifying...
- 41 (1) Paragraph 14 of Schedule 6 to the Housing Act...

*Housing Associations Act 1985*

- 42 In Part II of the Housing Associations Act 1985 (financial...

SCHEDULE 6 — Simplified Planning Zones : Further Provisions

PART I — SCHEDULE TO BE INSERTED IN THE TOWN AND COUNTRY  
PLANNING ACT 1971

PART II — CONSEQUENTIAL AMENDMENTS—ENGLAND AND WALES

- 1 In section 34(1) of the Town and Country Planning Act...
- 2 In section 41 of the Town and Country Planning Act...
- 3 In section 53(1) of the Town and Country Planning Act...
- 4 In section 242(1) of the Town and Country Planning Act...
- 5 In section 244 of the Town and Country Planning Act...
- 6 In section 287 of the Town and Country Planning Act...
- 7 In section 290(1) of the Town and Country Planning Act...

PART III — SCHEDULE TO BE INSERTED IN THE TOWN AND COUNTRY  
PLANNING (SCOTLAND) ACT 1972

PART IV — CONSEQUENTIAL AMENDMENTS—SCOTLAND

- 1 At the end of subsection (2) of section 31 of...
- 2 In section 38 of the Town and Country Planning (Scotland)...
- 3 In section 51(1) of the Town and Country Planning (Scotland)...
- 4 After subsection (1)(a) of section 231 of the Town and...
- 5 In section 232 of the Town and Country Planning (Scotland)...
- 6 In section 273 of the Town and Country Planning (Scotland)...
- 7 In section 275(1) of the Town and Country Planning (Scotland)...

SCHEDULE 7 — Hazardous Substances : Consequential Amendments

PART I — ENGLAND AND WALES

*Radioactive Substances Act 1960 (c.34)*

- 1 The following paragraph shall be inserted after paragraph 8A of...

*Status: This is the original version (as it was originally enacted).*

---

*Town and Country Planning Act 1971 (c.78)*

- 2 In subsection (3) (action on the part of the Secretary...
- 3 In subsection (2)(a) of section 266 of that Act (orders...
- 4 Section 269 of that Act (application to Isles of Scilly)...
- 5 The following section shall be inserted after section 271 of...
- 6 In section 280 of that Act (rights of entry)—
- 7 In section 290(1) of that Act (Interpretation)—

*Town and Country Planning Act 1984 (c.10)*

- 8 In section 1 of the Town and Country Planning Act...

*Gas Act 1986 (c.44.)*

- 9 In sub-paragraph (1)(xxiv) of paragraph 2 of Schedule 7 to...  
PART II — SCOTLAND

*Radioactive Substances Act 1960 (c.34)*

- 1 The following paragraph shall be inserted after the entry relating...

*Town and Country Planning (Scotland) Act 1972 (c.52)*

- 2 In subsection (3) (action on the part of the Secretary...
- 3 In subsection (2)(a) of section 253 of that Act (orders...
- 4 The following section shall be inserted after section 257 of...
- 5 In section 265 of that Act (rights of entry)— (a)...
- 6 In section 275(1) of that Act (interpretation)—

*Town and Country Planning Act 1984 (c.10)*

- 7 In section 1 of the Town and Country Planning Act...

*Gas Act 1986 (c.44)*

- 8 In sub-paragraph (1)(xxv) of paragraph 2 of Schedule 7 to...

SCHEDULE 8 — Opencast Coal — Miscellaneous Amendments

PART I — THE 1958 ACT

- 1 The following section shall be substituted for section 3— Preservation...
- 2 (1) In section 4(1), for the words " the land...
- 3 In section 5(5)— (a) for the word " authorisation "...
- 4 In section 13, the words " in respect of which...
- 5 The following sections shall be substituted for section 14— Provisions...
- 6 The following sections shall be substituted for section 15—  
Suspension...
- 7 In section 16— (a) in subsections (1) and (2), for...
- 8 In sections 18(3)(a) and 19(4)(a)— (a) for the word "authorisation",...
- 9 In section 38— (a) in paragraph (a)—
- 10 In section 39(3)— (a) in paragraph (a), for the words...
- 11 In the proviso to section 39(5), for the words "any...
- 12 In section 45(2)— (a) for the words from " an...
- 13 In section 51(1)— (a) the following definition shall be inserted...
- 14 In section 52(2), the following definition shall be inserted after...
- 15 In paragraph 5(1) of Part I of Schedule 2 (compulsory...

- 16 In Schedule 6, in paragraph 18(2)(c), for the words from...  
 17 In Schedule 7, in paragraph 24(3)(a)— (a) for the word...  
 PART II — ACQUISITION OF LAND ACT 1981 (C.67)  
 18 In section 29— (a) in subsection (6)—

SCHEDULE 9 — Listed Buildings And Conservation Areas  
 PART I — ENGLAND AND WALES

*Free-standing objects and structures within curtilage of listed building*

- 1 (1) In section 54(9) of the Town and Country Planning...

*Scope of exception for urgent works*

- 2 (1) In section 55 of the Town and Country Planning...

*Grant of listed building consent subject to subsequent approval of detail*

- 3 (1) In section 56 of the Town and Country Planning...

*Application to modify or discharge conditions attached to listed building consent*

- 4 After section 56A of the Town and Country Planning Act...

*Extent of exemption accorded to ecclesiastical buildings*

- 5 (1) After section 58A of the Town and Country Planning...

*Dangerous structure orders in respect of listed buildings*

- 6 (1) In the Town and Country Planning Act 1971, after...

*Works for preservation of buildings*

- 7 For section 101 of the Town and Country Planning Act...

*Control of demolition in conservation areas*

- 8 (1) Section 277A of the Town and Country Planning Act...

*Form of application for listed building consent*

- 9 For paragraph 1(1) of Schedule 11 to the Town and...

*Listed building consent: consideration whether to call in application*

- 10 (1) In paragraph 5(2) of Schedule 11 to the Town...

*Listed building consent: directions as to which applications need not be notified to the Secretary of State*

- 11 (1) Paragraph 7 of Schedule 11 to the Town and...

*Application to local planning authorities of provisions relating to listed buildings*

- 12 In Part VI of Schedule 21 to the Town and...  
 PART II — SCOTLAND



*Free-standing objects and structures within curtilage of listed building*

13 (1) In section 52(7) of the Town and Country Planning...

*Late application for listed building consent*

14 (1) In subsection (1) of section 53 (control of works...

*Defence to proceedings under section 53*

15 (1) In section 53 of the Town and Country Planning...

*Grant of listed building consent subject to subsequent approval of detail*

16 (1) In section 54 of the Town and Country Planning...

*Application to modify or discharge conditions attached to listed building consent*

17 After section 54C of the Town and Country Planning (Scotland)...

*Extent of exemption accorded to ecclesiastical buildings*

18 (1) After section 56 of the Town and Country Planning...

*Effect of listed building enforcement notice*

19 After section 95 of the Town and Country Planning (Scotland)...

*Works for preservation of buildings*

20 For section 97 of the Town and Country Planning (Scotland)...

*Control of demolition in conservation areas*

21 Section 262A(8) of the Town and Country Planning (Scotland) Act...

*Form of application for listed building consent*

22 For paragraph 1(1) of Schedule 10 of the Town and...

*Calling in of application for listed building consent*

23 In paragraph 5(2) of Schedule 10 to the Town and...

*Application to planning authorities of provisions relating to listed buildings*

24 In Part IV of Schedule 19 to the Town and...

SCHEDULE 10 — Local Plans and Unitary Development Plans

PART I — SECTIONS 11 TO 15B OF THE TOWN AND COUNTRY PLANNING  
ACT 1971 (C.78), AS SUBSTITUTED

PART II — UNITARY DEVELOPMENT PLANS

1 Part I of Schedule 1 to the Local Government Act...

2 After paragraph 6 insert— Direction to reconsider proposals (1) After a  
copy of a unitary development plan has...

3 In paragraph 10(2) (provisions applicable to making of unitary  
development...

4 After paragraph 10 insert— Short procedure for certain alterations (1)  
Where a local planning authority propose to alter or...

SCHEDULE 11 — Planning : Minor and Consequential Amendments  
PART I — ENGLAND AND WALES

*Operation of Use Classes Order on subdivision of planning unit*

- 1 In section 22(2) of the Town and Country Planning Act...

*Development orders*

- 2 (1) In section 24 of the Town and Country Planning...

*Disabled persons: construction of references to certain documents*

- 3 (1) In section 29A of the Town and Country Planning...

*Applications to vary or revoke conditions attached to planning permission*

- 4 After section 31 of the Town and Country Planning Act...

*Purchase notices : transmission of documents to Secretary of State*

- 5 (1) In section 181 of the Town and Country Planning...

*Purchase notice relating to land where use  
restricted by virtue of previous planning permission*

- 6 In section 184 of the Town and Country Planning Act...

*Consideration of purchase notice concurrently with related planning appeal*

- 7 (1) In section 186(3) of the Town and Country Planning...

*Local inquiries: application of general provisions of Local Government Act*

- 8 (1) In section 282 of the Town and Country Planning...

*Orders as to costs of parties where no local inquiry held*

- 9 (1) After section 282 of the Town and Country Planning...

*Procedure on applications and appeals disposed of without inquiry or hearing*

- 10 After section 282A of the Town and Country Planning Act...

*Power to return appeal for determination by inspector*

- 11 In Schedule 9 to the Town and Country Planning Act...

*Appointment of assessors*

- 12 In Schedule 9 to the Town and Country Planning Act...

*Increase of daily penalties for offences*

- 13 (1) In the provisions of the Town and Country Planning...

*Consequential amendments of the Town and Country Planning Act 1971*

- 14 In section 1 of the Town and Country Planning Act...  
15 In section 18(1)(f) of that Act, except as respects Greater...

- 16 In section 29(1)(a) of that Act for " sections 41,...
- 17 In sections 35(4) and 36(5) of that Act for "...
- 18 In sections 36(7) of that Act for " sections 29(1),...
- 19 In section 55(4) of that Act omit " under section...
- 20 In section 105 of that Act- (a) in paragraph (a)...
- 21 In Schedule 21, in Parts I and V for "Sections...

*Consequential amendments of other enactments*

- 22 In section 182(5) of the Local Government Act 1972 (functions...
  - 23 (1) Part I of Schedule 16 to the Local Government...
  - 24 In section 8(3) of the Refuse Disposal (Amenity) Act 1978...
  - 25 (1) The Industrial Development Act 1982 is amended as follows....
  - 26 In Part I of Schedule 1 to the Local Government...
  - 27 (1) In Part II of Schedule 1 to the Local...
- PART II — SCOTLAND

*Directions as to modifications of local plans*

- 28 (1) After subsection (2) of section 12 of the Town...

*Operation of Use Classes Order on subdivision of planning unit*

- 29 In section 19(2) of the Town and Country Planning (Scotland)...

*Development orders*

- 30 In section 21 of the Town and Country Planning (Scotland)...

*Applications to vary or revoke conditions attached to planning permission*

- 31 After section 28 of the Town and Country Planning (Scotland)...

*Land adversely affecting amenity of neighbourhood*

- 32 (1) For subsection (1) of section 63 of the Town...
- 33 (1) In subsections (1) and (5) of section 63A (appeals...

*Appeals against notices under section 63A*

- 34 (1) After subsection (6) of section 63A insert—

*Purchase notices: transmission of documents to the Secretary of State*

- 35 (1) In section 170 of the Town and Country Planning...

*Purchase notice relating to land where use  
restricted by virtue of previous planning permission*

- 36 In section 173 of the Town and Country Planning (Scotland)...

*Consideration of purchase notice concurrently with related planning appeal*

- 37 (1) In section 175(3) of the Town and Country Planning...

*National Scenic Areas*

- 38 After section 262B of the Town and Country Planning (Scotland)...

*Recovery of expenses of local inquiry*

39 (1) For subsection (7) of section 267 (local inquiries) of...

*Orders as to expenses of parties where no local inquiry held*

40 (1) After the said section 267 of the Town and...

*Procedure on applications and appeals disposed of without inquiry or hearing*

41 After section 267A of the Town and Country Planning (Scotland)...

*Power to return appeal for determination by appointed person*

42 In Schedule 7 to the Town and Country Planning (Scotland)...

*Appointment of assessors*

43 In Schedule 7 to the Town and Country Planning (Scotland)...

*Increase of daily penalties for offences*

44 (1) In the provisions of the Town and Country Planning...

*Other minor amendments of the Town and Country Planning (Scotland) Act 1972*

45 In section 84(7) of the Town and Country Planning (Scotland)...

46 In section 99 (enforcement of duties as to replacement of...

47 In section 158(6)(b) of the Town and Country Planning (Scotland)...

48 In section 205(3)(a) and 205A(3)(a) of the Town and Country...

49 In section 205(5) of the Town and Country Planning (Scotland)...

50 In section 231 of the Town and Country Planning (Scotland)...

51 In section 260 of the Town and Country Planning (Scotland)...

52 In section 270 of the Town and Country Planning (Scotland)...

53 In sub-paragraph 2(2) of Schedule 7 (determination of certain appeals...

*Consequential amendments of the Town and Country Planning (Scotland) Act 1972*

54 In section 26(1)(a) of the Town and Country Planning (Scotland)...

55 In sections 32(4) and 33(5) of the Town and Country...

56 In section 33(7) of the Town and Country Planning (Scotland)...

57 In section 53(4) of the Town and Country Planning (Scotland)...

58 In section 267 (local inquiries) of the Town and Country...

59 In section 275(1) of the Town and Country Planning (Scotland)...

60 In Parts I and III of Schedule 19 to the...

*Consequential amendments of other enactments*

61 In subsection (5) of section 179 (reference of applications to...

62 In subsection 8(4) of the Refuse Disposal (Amenity) Act 1978...

## SCHEDULE 12 — Repeals

## PART I — HOUSING

## PART II — OPENCAST COAL

## PART III — MISCELLANEOUS (ENGLAND AND WALES)

## PART IV — MISCELLANEOUS (SCOTLAND)