



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART IX

#### ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

*Appropriation, disposal and development of land held for planning purposes, etc.*

#### **235 Development of land held for planning purposes.**

- (1) A local authority may—
  - (a) erect, construct or carry out on any land to which this section applies any building or work other than a building or work for the erection, construction or carrying out of which, whether by that local authority or by any other person, statutory power exists by virtue of, or could be conferred under, an alternative enactment; and
  - (b) repair, maintain and insure any buildings or works on such land and generally deal with such land in a proper course of management.
- (2) This section applies to any land which—
  - (a) has been acquired or appropriated by a local authority for planning purposes, and
  - (b) is for the time being held by the authority for the purposes for which it was so acquired or appropriated.
- (3) A local authority may exercise the powers conferred by subsection (1) notwithstanding any limitation imposed by law on their capacity by virtue of their constitution.
- (4) A local authority may enter into arrangements with an authorised association for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements.
- (5) Nothing in this section shall be construed—

*Status: Point in time view as at 20/12/2023. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 235 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any grounds other than such a limitation as is mentioned in subsection (3); or
- (b) as authorising an authorised association to carry out any operation which they would not have power to carry out apart from subsection (4).

(6) In this section—

“alternative enactment” means any enactment which is not contained in this Part, in section 2, 5 or 6 of the <sup>M1</sup>Local Authorities (Land) Act 1963, in section 14(1) or (4) or 17(3) of the <sup>M2</sup>Industrial Development Act 1982 or in Chapter V of Part I of the <sup>M3</sup>Planning (Listed Buildings and Conservation Areas) Act 1990; and

“authorised association” means any society, company or body of persons—

- (a) whose objects include the promotion, formation or management of garden cities, garden suburbs or garden villages and the erection, improvement or management of buildings for the working classes and others, and
- (b) which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

#### Modifications etc. (not altering text)

- C1** Pt. 9 applied (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **13(4)**
- C2** Pt. 9 applied (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **9(4)**
- C3** S. 235 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **6(1)(g)(2)**
- C4** S. 235 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **19(1)(g)**
- C5** S. 235 functions made exercisable concurrently (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **7(1)(g)**
- C6** S. 235 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **11(1)(g)(2)**
- C7** S. 235 functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **8**
- C8** Ss. 232, 233, 235(1) amended by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), s. **66(2)**

#### Marginal Citations

- M1** 1963 c.29.
- M2** 1982 c.52.
- M3** 1990 c. 9.

**Status:**

Point in time view as at 20/12/2023. This version of this provision has been superseded.

**Changes to legislation:**

Town and Country Planning Act 1990, Section 235 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.