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Town and Country Planning Act 1990

1990 CHAPTER 8

PART XV
MISCELLANEOUS AND GENERAL PROVISIONS

Miscellaneous and general provisions

336 Interpretation.

(l) In this Act, except in so far as the context otherwise requires and subject to the following provisions of this section and to any transitional provision made by the Planning (Consequential Provisions) Act 1990—

“the 1944 Act” means the Town and Country Planning Act 1944;
“the 1947 Act” means the Town and Country Planning Act 1947;
“the 1954 Act” means the Town and Country Planning Act 1954;
“the 1959 Act” means the Town and Country Planning Act 1959;
“the 1962 Act” means the Town and Country Planning Act 1962;
“the 1968 Act” means the Town and Country Planning Act 1968;
“the 1971 Act” means the Town and Country Planning Act 1971;
“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

[F1 “address”, in relation to electronic communications, means any number or address used for the purposes of such communications;]  

“advertisement” means any word, letter, model, sign, placard, board, notice [F2 awning, blind], device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used [F2 or designed], or adapted for use [F2 and anything else principally used, or
designed or adapted principally for use,], for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“aftercare condition” has the meaning given in paragraph 2(2) of Schedule 5;

“aftercare scheme” has the meaning given in paragraph 2(3) of Schedule 5;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“the appropriate Minister” has the meaning given in section 265;

“authority possessing compulsory purchase powers”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected or a body (being a parish council, community council or parish meeting) on whose behalf a district council or county council [F3 or county borough council] could be or have been so authorised;

“authority to whom Part II of the 1959 Act applies” means a body of any of the descriptions specified in Part I of Schedule 4 to the 1959 Act; [F4 “ breach of condition notice ” has the meaning given in section 187A; F5 “ breach of planning control ” has the meaning given in section 171A ]

“bridleway” has the same meaning as in the M7Highways Act 1980;

“the Broads” has the same meaning as in the M8Norfolk and Suffolk Broads Act 1988;

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“buildings or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly [F6 and references to the removal of buildings or works include demolition of buildings and filling in of trenches]; F7 “ building operations ” has the meaning given by section 55 ]

“caravan site” has the meaning given in section 1(4) of the M9Caravan Sites and Control of Development Act 1960;

“clearing”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation to it as may be prescribed;

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;

“compulsory acquisition” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person;

“conservation area” means an area designated under section 69 of the Planning M10(Listed Buildings and Conservation Areas) Act 1990;

F8 “ depositing of mineral waste ” means any process whereby a mineral-working deposit is created or enlarged and “ depositing of refuse or waste materials ” includes the depositing of mineral waste; ]
“development” has the meaning given in section 55, and “develop” shall be construed accordingly;

[F9 “development consent” means development consent under the Planning Act 2008; ]

“development order” has the meaning given in section 59;

[F11 “development plan” must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004; ]

“disposal” means disposal by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other manner, except by way of appropriation, gift or mortgage, and “dispose of” shall be construed accordingly;

[F12 “electronic communication” has the same meaning as in the Electronic Communications Act 2000; ]

classification”).

“enactment” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;

“enforcement notice” means a notice under section 172;

“engineering operations” includes the formation or laying out of means of access to highways;

“enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission in accordance with section 88;

“erection”, in relation to buildings as defined in this subsection, includes extension, alteration and re-erection;

[F13 “footpath” has the same meaning as in the Highways Act 1980;

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“functions” includes powers and duties;

“government department” includes any Minister of the Crown;

“the Greater London Development Plan” means the development plan submitted to the Minister of Housing and Local Government under section 25 of the London Government Act 1963 and approved by the Secretary of State under section 5 of the 1962 Act or the corresponding provision of the 1971 Act;

“highway” has the same meaning as in the Highways Act 1980;

“improvement”, in relation to a highway, has the same meaning as in the Highways Act 1980;

“joint planning board” has the meaning given in section 2;

“land” means any corporeal hereditament, including a building, and, in relation to the acquisition of land under Part IX, includes any interest in or right over land;

“lease” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “leasehold interest” means the interest of the tenant under a lease as so defined;

“local authority” (except in section 252 and subject to subsection (10) [F14 below and section 71(7) of the Environment Act 1995]) means—

(a) [F15a billing authority or a precepting authority [F16(except the Receiver for the Metropolitan Police District)], as defined in section 69 of the
Local Government Finance Act 1992 \[^{F17}\] or the \[^{F18}\] Mayor's Office for Policing and Crime\[^{I}\];

(aa) \[^{F19}\] a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;\[^{I}\]

(ab) \[^{F20}\] the London Fire and Emergency Planning Authority;\[^{I}\]

(b) a levying body within the meaning of section 74 of \[^{F21}\] the Local Government Finance Act 1988; and

(c) a body as regards which section 75 of that Act applies;

and includes any joint board or joint committee if all the constituent authorities are local authorities within paragraph (a), (b) or (c);

“local highway authority” means a highway authority other than the Secretary of State;

“local planning authority” shall be construed in accordance with Part I;

“London borough” includes the City of London, references to the council of a London borough or the clerk to such a council being construed, in relation to the City, as references to the Common Council of the City and the town clerk of the City respectively;

“means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

“mineral planning authority” has the meaning given in section \[^{F22}\];

“mineral-working deposit” means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land;

“minerals” includes all \[^{F23}\] substances of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale;

“Minister” means any Minister of the Crown or other government department;

“mortgage” includes any charge or lien on any property for securing money or money’s worth;

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

“operational land” has the meaning given in section 263;

“owner”, in relation to any land, means \[^{F25}\] a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let;


“planning contravention notice ” has the meaning given in section 171C;

“planning decision” means a decision made on an application under Part III \[^{F27}\] or section 293A;
“planning permission” means permission under Part III [F27 or section 293A], F28 . . .
“planning permission granted for a limited period” has the meaning given in section 72(2)
“prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;
F24 . . .
“[F29 public gas transporter]” has the same meaning as in Part I of the M16Gas Act 1986;
“purchase notice” has the meaning given in section 137;
F30 . . .
“replacement of open space”, in relation to any area, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;
“restoration condition” has the meaning given in paragraph 2(2) of Schedule 5;
[F31 “ restricted byway ” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000; ]
F30 . . .
“simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with sections 82 and 83;
[F32 “ spatial development strategy ” shall be construed in accordance with Part VIII of the Greater London Authority Act 1999 (planning); ]
F30 . . .
“statutory undertakers” and “statutory undertaking” have the meanings given in section 262;
“steps for the protection of the environment” has the meaning given in paragraph 5(4) of Schedule 9;
“stop notice” has the meaning given in section 183;
“suspension order” has the meaning given in paragraph 5 of Schedule 9; and
“supplementary suspension order” has the meaning given in paragraph 6 of Schedule 9;
“tenancy” has the same meaning as in the M17Landlord and Tenant Act 1954 ;
“tree preservation order” has the meaning given in section 198;
[F33 “tree preservation regulations” means regulations under section 202A(1).]
[F34 “universal postal service provider” means a universal service provider within the meaning of [F35 Part 3 of the Postal Services Act 2011]; and references to the provision of a universal postal service shall be construed in accordance with [F36 that Part],]
“urban development area” and “urban development corporation” have the same meanings as in Part XVI of the M18Local Government, Planning and Land Act 1980;
“use”, in relation to land, does not include the use of land for the carrying out of any building or other operations on it;
“Valuation Office” means the Valuation Office of the Inland Revenue Department; “war damage” has the meaning given in the M19 War Damage Act 1943. [F37]

“waste” includes anything that—

(a) is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste, and

(b) is not excluded from the scope of that definition by Article 2(1), (2) or (3);]

[F8] “the winning and working of minerals ” includes the extraction of minerals from a mineral working deposit. ]

[F38(1A) In this Act—

(a) any reference to a county (other than one to a county planning authority) shall be construed, in relation to Wales, as including a reference to a county borough;

(b) any reference to a county council shall be construed, in relation to Wales, as including a reference to a county borough council; and

(c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.]

(2) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.

(3) If any question so arises whether land of statutory undertakers is operational land, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.

(4) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

[F39(4A) Where—

(a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act, and

(b) the communication is received by that person outside that person’s business hours,

it shall be taken to have been received on the next working day, and in this subsection, “ working day ” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday. ]

(5) With respect to references in this Act to planning decisions—

(a) in relation to a decision altered on appeal by the reversal or variation of the whole or part of it, such references shall be construed as references to the decision as so altered;

(b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Secretary of State on the appeal;

(c) in relation to a decision given on an appeal in the circumstances mentioned in section 78(2), such references shall be construed as references to the decision so given;
(d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances mentioned in section 78(2), the end of the period there mentioned.

(6) Section 56 shall apply for determining for the purposes of this Act when development of land shall be taken to be initiated.

(7) In relation to the sale or acquisition of an interest in land—

(a) in a case where the interest is or was conveyed or assigned without a preliminary contract, references in this Act to a contract are references to the conveyance or assignment; and

(b) references to the making of a contract are references to the execution of it.

(8) In this Act—

(a) references to a person from whom title is derived by another person include references to any predecessor in title of that other person;

(b) references to a person deriving title from another person include references to any successor in title of that other person;

(c) references to deriving title are references to deriving title either directly or indirectly.

(9) References in the planning Acts to any of the provisions of Parts III, VII and VIII include, except where the context otherwise requires, references to those provisions as modified under section 316.

(10) In section 90, Chapter I of Part VI, and section 330 “local authority”, in relation to land in the Broads, includes the Broads Authority.

Annotations:

**Amendments (Textual)**

F1 Definition in s. 336(1) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), art. 6(2); (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), art. 6(2) (with art. 14)

F2 Words in s. 336(1) inserted (6.4.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 24 (with s. 84(5)); S.I. 1992/665, art. 2

F3 Words in definition of "authority possessing compulsory purchase powers" in s. 336(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), Sch. 6 Pt. II para. 24(13)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1

F4 Definition in s. 336(1) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 52(2)(a) (with s. 84(5)); S.I. 1992/1630, art. 2, Sch. 1

F5 Definition in s. 336(1) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 52(2)(a) (with s. 84(5)); S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5)

F6 Words in s. 336(1) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 52(2)(b) (with s. 84(5)); S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5)

F7 Definition in s. 336(1) substituted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 52(2)(c) (with s. 84(5)); S.I. 1992/1279, art. 2 (with art. 3)

F8 Definitions in s. 336(1) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, Sch. 1 para. 12(a)(e) (with s. 84(5)); S.I. 1991/2067, art. 3 (subject to art. 4)
F30 Definitions in s. 336(1) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 21, 84(6), Sch. 1 para. 12(d), Sch. 19 Pt. 1 (with s. 84(5)); S.I. 1991/2067, art. 3, Sch. 1

F31 Words in s. 336(1) inserted (2.5.2006 for E. and 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), Sch. 1 Pt. 1 (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3))

F32 Definition of "spatial development strategy" in s. 336(1) inserted (12.1.2000) by 1999 c. 29, s. 344(10) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2

F33 Words in s. 336(1) inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 19 (with s. 226); S.I. 2012/601, art. 2(a)

F34 Definition of "universal postal service provider" in s. 336(1) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 83

F35 Words in s. 336(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), Sch. 12 para. 134(a); S.I. 2011/2329, art. 3

F36 Words in s. 336(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), Sch. 12 para. 134(b); S.I. 2011/2329, art. 3

F37 Words in s. 336(1) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), Sch. 4 para. 2 (with regs. 2, 47(2))

F38 S. 336(1A) inserted (1.4.1996) by 1994 c. 19, s. 20(4), Sch. 6 Pt. II para. 24(14) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1

F39 S. 336(4A) inserted (E.) (31.3.2003) by The Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), art. 6(3); (W.) (1.1.2005) by The Town and Country Planning (Electronic Communications) (Wales) Order 2004 (S.I. 2004/3156), art. 6(3) (with art. 14)

F40 Words in s. 336(9) substituted (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 52(3)(with s. 84(5)); S.I. 1992/1491, art. 2, Sch. 1

F41 Words in s. 336(9) repealed (17.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 52(3), Sch. 19 Pt. 1(with s. 84(5)); S.I. 1992/1491, art. 2, Schs. 1, 2

F42 Words in s. 336(10) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 52(4)(with s. 84(5)); S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5)

Modifications etc. (not altering text)
C1 S. 336: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3
C2 S. 336(1) applied (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 209(3)(a), 223(2)
S. 336(1) applied (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 208(3)(a), 225(2)

Marginal Citations
M1 1947 c. 51.
M2 1954 c. 72.
M3 1959 c. 53.
M4 1962 c. 38.
M5 1968 c. 72.
M6 1971 c. 78.
M7 1980 c. 66.
M8 1988 c. 4.
M9 1960 c. 62.
M10 1990 c. 9.
M11 1980 c. 66.
M12 1963 c. 33.
M13 1980 c. 66.
M14 1990 c. 9.
M15 1990 c. 10.
M16 1986 c. 44.
M17 1954 c. 56.
M18 1980 c. 65.
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M19 1943 c. 21.
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### Changes and effects yet to be applied to:

- s. 336(1) words inserted by 2015 anaw 4 Sch. 2 para. 13
- s. 336(1) words inserted by 2015 c. 7 Sch. 1 para. 108(a)
- s. 336(1) words inserted by 2015 c. 7 Sch. 1 para. 108(b)
- s. 336(1) words inserted by 2015 c. 7 Sch. 4 para. 23
- s. 336(1) words inserted by 2016 c. 22 Sch. 12 para. 40(2)
- s. 336(1) words inserted by 2016 c. 22 Sch. 12 para. 40(3)
- s. 336(1) words inserted by S.I. 2018/1232 reg. 2(3)
- s. 336(1) words substituted by 2017 c. 3 Sch. 2 para. 94

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

- Act applied (with modifications) by S.I. 2015/780 Sch. 11 para. 1
- Act applied in part by 2017 c. 7 s. 22(7)s. 22(8)(50)(6)(7)
- Act applied in part (Isles of Scilly) (with modifications) by S.I. 2013/2148 art. 3Sch. 1 (Words “83, 84,” in 1990 c. 9, s. 92(2)(a) repealed (7.6.206) by 2004 c. 5, Sch. 9; S.I. 2006/1281, art. 2(f)(iv))
- Act applied in part (with modifications) by S.I. 2019/882 Sch. 4 para. 1
- Act construed as one with S.I. 2017/1012, Pt. 6 Ch. 2 (except regs. 84, 85) by S.I. 2017/1012 reg. 86
- Act modified by S.I. 2017/1012 reg. 78(3)(a)
- Act modified by S.I. 2017/1214 Sch. 7 para. 1
- Act modified by S.I. 2016/54 art. 3(2)
- Act modified by S.I. 2016/56 Sch. 7 para. 1(2)
- Act modified in part by S.I. 2016/684 Sch. 8 para. 1

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

- Pt. 9 applied by S.I. 2016/1267 art. 8(4)
- Pt. 9 applied by S.I. 2017/126 art. 21(4)
- Pt. 9 applied by S.I. 2017/430 art. 9(2)
- s. 2A(6)(aa) and word substituted for words by 2016 c. 22 s. 149(1)
- s. 9(1) s. 9 renumbered as s. 9(1) by 2015 anaw 4 s. 42(2)
- s. 9(2) inserted by 2015 anaw 4 s. 42(3)
- s. 58A and cross-heading inserted by 2016 c. 22 s. 150(1)
- s. 59(4) inserted by 2015 anaw 4 Sch. 7 para. 5
- s. 59A inserted by 2016 c. 22 s. 150(2)
- s. 59A(4)(a)(b) excluded by S.I. 2017/402 art. 5
- s. 60(1A) inserted by 2016 c. 22 s. 152(1)
- s. 61B(7A) inserted by 2013 c. 27 s. 5(4)
- s. 61F(8A)(8B) inserted by 2017 c. 20 s. 5(2)
- s. 61G(6A)-(6D) inserted by 2017 c. 20 s. 5(3)
- s. 61G(6D) applied (with modifications) by 2004 c. 5, s. 38C(5A) (as inserted) by 2017 c. 20 s. 5(8)
- s. 61G(12)(13) inserted by 2016 c. 22 s. 139
- s. 61J(5A) inserted by 2017 c. 20 s. 5(4)
- s. 61M(4A) inserted by 2017 c. 20 s. 4(2)
- s. 61Z and cross-heading inserted by 2015 anaw 4 s. 17(2)
- s. 61DA-61DE inserted by 2015 c. 7 Sch. 4 para. 1
- s. 61Z161Z2 inserted by 2015 anaw 4 s. 18
- s. 62(9)-(11) inserted by 2015 anaw 4 s. 17(3)
- s. 62A(1A) inserted by 2016 c. 22 s. 153(2)
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