



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART III

PLANNING CONTROL

Planning permission

12 Meaning of “development” and “new development”

- (1) In this Act, except where the context otherwise requires, “development”, subject to the following provisions of this section, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
- (2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land, that is to say:—
 - (a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building and (in either case) are not works for making good war damage;
 - (b) the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road ;
 - (c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
 - (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
 - (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

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- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Minister under this section, the use thereof for any other purpose of the same class.
- (3) For the avoidance of doubt it is hereby declared that for the purposes of this section—
- (a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part thereof which is so used;
 - (b) the deposit of refuse or waste materials on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if either the superficial area of the deposit is thereby extended, or the height of the deposit is thereby extended and exceeds the level of the land adjoining the site.
- (4) Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.
- (5) In this Act “new development” means any development other than development of a class specified in Part I or Part II of the Third Schedule to this Act; and the provisions of Part III of that Schedule shall have effect for the purposes of Parts I and II thereof.

13 Development requiring planning permission

- (1) Subject to the provisions of this section, planning permission is required for the carrying out of any development of land.
- (2) Where on the first day of July, nineteen hundred and forty-eight (in this Act referred to as “the appointed day”), land was being used temporarily for a purpose other than the purpose for which it was normally used, planning permission is not required for the resumption of the use of the land for the last-mentioned purpose.
- (3) Where on the appointed day land was normally used for one purpose and was also used on occasions, whether at regular intervals or not, for another purpose, planning permission is not required in respect of the use of the land for that other purpose on similar occasions.
- (4) Where land was unoccupied on the appointed day, but had before that day been occupied at some time on or after the seventh day of January, nineteen hundred and thirty-seven, planning permission is not required in respect of the use of the land for the purpose for which it was last used before the appointed day.
- (5) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of the use of the land for the purpose for which it was normally used before the permission was granted.
- (6) In determining, for the purposes of subsections (2) and (4) of this section respectively, what were the purposes for which land was normally used or last used, no account shall be taken of any use of the land begun in contravention of previous planning control; and in determining, for the purposes of the last preceding subsection, what were the purposes for which land was normally used before the grant of planning permission, no

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account shall be taken of any use of the land begun in contravention of the provisions of this Part of this Act or in contravention of previous planning control.

- (7) Notwithstanding anything in subsections (2) to (4) of this section, the use of land as a caravan site shall not, by virtue of any of those subsections, be treated as a use for which planning permission is not required, unless the land was so used on one occasion at least during the period of two years ending with the ninth day of March, nineteen hundred and sixty.
- (8) Where by a development order planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is the normal use of that land, unless the last-mentioned use was begun in contravention of the provisions of this Part of this Act or in contravention of previous planning control.
- (9) Where an enforcement notice has been served in respect of any development of land, planning permission is not required for the use of that land for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.
- (10) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if—
 - (a) it was 'begun in contravention of the provisions of Part III of the Act of 1947, or
 - (b) at the material time the land was subject to a resolution to prepare a planning scheme, and the use was begun otherwise than in accordance with permission granted in that behalf by or under the interim development order, or
 - (c) at the material time the land was subject to a planning scheme, and the use was begun otherwise than in conformity with the provisions of the scheme or of permission granted thereunder.

In this subsection “planning scheme ” means a scheme under the Town and Country Planning Act, 1932, or any enactment repealed by that Act, and “interim development order ” means an order made under subsection (1) of section ten of that Act.

14 Development orders

- (1) The Minister shall by order (in this Act referred to as a “development order ”) provide for the granting of planning permission.
- (2) A development order may either—
 - (a) itself grant planning permission for development specified in the order, or for development of any class so specified, or
 - (b) in respect of development for which planning permission is not granted by the order itself, provide for the granting of planning permission by the local planning authority (or, in the cases hereinafter provided, by the Minister) on an application in that behalf made to the local planning authority in accordance with the provisions of the order.
- (3) A development order may be made either as a general order applicable (subject to such exceptions as may be specified therein) to all land, or as a special order applicable only to such land as may be so specified.

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- (4) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.
- (5) Without prejudice to the generality of the last preceding subsection.—
 - (a) where planning permission is granted by a development order for the erection, extension or alteration of any buildings, the order may require the approval of the local planning authority to be obtained with respect to the design or external appearance of the buildings;
 - (b) where planning permission is granted by a development order for development of a specified class, the order may enable the Minister or the local planning authority to direct that the permission shall not apply either in relation to development in a particular area or in relation to any particular development.
- (6) Any provision of a development order whereby permission is granted for the use of land for any purpose on a limited number of days in a period specified in that provision shall (without prejudice to the generality of references in this Act to limitations) be taken to be a provision granting permission for the use of land for any purpose subject to the limitation that the land shall not be used for any one purpose in pursuance of that provision on more than that number of days in that period.
- (7) For the purpose of enabling development to be carried out in accordance with planning permission, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment to which this subsection applies, or any regulations, orders or byelaws made at any time under any such enactment, shall not apply to any development specified in the order, or shall apply thereto subject to such modifications as may be so specified.
- (8) The last preceding subsection applies—
 - (a) to any enactment passed before the sixth day of August, nineteen hundred and forty-seven (being the date of the passing of the Act of 1947), and
 - (b) to any enactment contained in the Highways Act, 1959, being an enactment which re-enacts (with or without modifications) any such enactment as is mentioned in the preceding paragraph.

15 Publication of notices of applications for planning permission

- (1) An application for planning permission for development of any class to which this section applies—
 - (a) shall not be entertained by the local planning authority unless it is accompanied by a copy of a notice of the application, in such form as may be prescribed by a development order, and by such evidence as may be so prescribed that the notice has been published in a local newspaper circulating in the locality in which the land to which the application relates is situated; and
 - (b) shall not be determined by the local planning authority before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which the notice was published as mentioned in the preceding paragraph.
- (2) Any such notice as is mentioned in paragraph (a) of the preceding subsection shall (in addition to any other matters required to be contained therein) name a place within the locality where a copy of the application, and of all plans and other documents

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submitted therewith, will be open to inspection by the public at all reasonable hours during such period (not being less than twenty-one days, beginning with the date of publication of the notice) as may be specified in the notice.

- (3) Provision may be made by a development order for designating the classes of development to which this section applies, and this section shall apply accordingly to any class of development which is for the time being so designated.

16 Notification of applications for planning permission to owners and agricultural tenants

- (1) Without prejudice to the last preceding section, a local planning authority shall not entertain any application for planning permission unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—
- (a) a certificate stating that, in respect of every part of the land to which the application relates, the applicant is either the estate owner in respect of the fee simple or is entitled to a tenancy thereof;
 - (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
 - (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of the service of each such notice) and that he does not know the names and addresses of the remainder of those persons ;
 - (d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) of this subsection, and that he does not know the names and addresses of any of the persons mentioned in paragraph (b) of this subsection.
- (2) Any such certificate as is mentioned in paragraph (c) or paragraph (d) of the preceding subsection shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (b) of the preceding subsection) been published in a local newspaper circulating in the locality in which the land in question is situated.
- (3) In addition to any other matters required to be contained in a certificate issued for the purposes of this section, every such certificate shall contain one or other of the following statements, that is to say.—
- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding;
 - (b) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the

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application relates, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

- (4) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of subsection (1) of this section, or by a certificate containing a statement in accordance with paragraph (b) of the last preceding subsection, the local planning authority shall not determine the application before the end of the period of twenty-one days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later.
- (5) If any person issues any certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.
- (6) Any certificate issued for the purposes of this section shall be in such form as may be prescribed by a development order; and any reference in any provision of this section to the requisite notice, where a form of notice is prescribed by a development order for the purposes of that provision, is a reference to a notice in that form.
- (7) In this and the next following section “owner”, in relation to any land, means a person who is for the time being the estate owner in respect of the fee simple thereof or is entitled to a tenancy thereof granted or extended for a term of years certain of which not less than ten years remain unexpired, and “agricultural holding” has the same meaning as in the Agricultural Holdings Act, 1948.

17 Determination by local planning authorities of applications for planning permission

- (1) Subject to the provisions of sections fifteen and sixteen of this Act, and to the following provisions of this Part of this Act, where an application is made to a local planning authority for planning permission, that authority, in dealing with the application, shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations, and—
 - (a) may grant planning permission, either unconditionally or subject to such conditions as they think fit, or
 - (b) may refuse planning permission.
- (2) In determining any application for planning permission for development of a class to which section fifteen of this Act applies, the local planning authority shall take into account any representations relating to that application which are received by them before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which notice of the application was published as mentioned in subsection (1) of that section.
- (3) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of subsection (1) of the last preceding section, or by a certificate containing a statement in accordance with paragraph (b) of subsection (3) of that section, the local planning authority—

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- (a) in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period mentioned in subsection (4) of that section, by any person who satisfies them that he is an owner of any land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land, and
 - (b) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the preceding paragraph.
- (4) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority having power to issue a site licence for that land, consult the local authority having that power.
- (5) In this section “site licence ” means a licence under Part I of the Caravan Sites and Control of Development Act, 1960, authorising the use of land as a caravan site.

18 Conditional grant of planning permission

- (1) Without prejudice to the generality of subsection (1) of the last preceding section, conditions may be imposed on the grant of planning permission thereunder—
- (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission ;
 - (b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.
- (2) Any planning permission granted subject to such a condition as is mentioned in paragraph (b) of the preceding subsection is in this Act referred to as “planning permission granted for a limited period ”.
- (3) Where—
- (a) planning permission is granted for development consisting of or including the carrying out of building or other operations, subject to a condition that the operations shall be commenced not later than a time specified in the condition, and
 - (b) any building or other operations are commenced after the time so specified, the commencement and carrying out of those operations do not constitute development for which that permission was granted.

19 Supplementary provisions as to applications for planning permission

- (1) Any application to a local planning authority for planning permission shall be made in such manner as may be prescribed by regulations under this Act, and shall include such particulars, and be verified by such evidence, as may be required by the regulations or by any directions given by the local planning authority thereunder.
- (2) Subject to the provisions of subsections (2) to (4) of section seventeen of this Act, provision may be made by a development order for regulating the manner in which

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applications for planning permission to develop land are to be dealt with by local planning authorities, and in particular—

- (a) for enabling the Minister (or, in the case of development falling within the next following subsection, the Minister of Transport) to give directions restricting the grant of planning permission by the local planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified ;
 - (b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order, or by directions given by the Minister thereunder, to grant planning permission for development which does not accord with the provisions of the development plan;
 - (c) for requiring the local planning authority, before granting or refusing planning permission for any development, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;
 - (d) for requiring the local planning authority to give to any applicant for planning permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;
 - (e) for requiring the local planning authority to give to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for planning permission made to the authority, including information as to the manner in which any such application has been dealt with.
- (3) The reference in paragraph (d) of the last preceding subsection to development falling within this subsection is a reference to any development affecting trunk roads, or affecting any road which—
- (a) is comprised in the route of a special road to be provided by the Minister of Transport in accordance with a scheme under 'the provisions of Part II of the Highways Act, 1959, relating to special roads, and has not for the time being been transferred to him, or
 - (b) has been or is to be provided by that Minister in pursuance of an order under the provisions of Part II of that Act relating to trunk roads and special roads, and has not for the time being been transferred to any other highway authority.
- (4) Every local planning authority shall keep, in such manner as may be prescribed by a development order, a register containing such information as may be so prescribed with respect to applications for planning permission made to that authority, including information as to the manner in which such applications have been dealt with.
- (5) Every register kept under the last preceding subsection shall be available for inspection by the public at all reasonable hours.

20 Permission to retain buildings or works or continue use of land

- (1) An application for planning permission may relate to buildings or works constructed or carried out, or a use of land instituted, before the date of the application, whether—
 - (a) the buildings or works were constructed or carried out, or the use instituted, without planning permission or in accordance with planning permission granted for a limited period, or

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- (b) the application is for permission to retain the buildings or works, or continue the use of the land, without complying with some condition subject to which a previous planning permission was granted.
- (2) Any power to grant planning permission to develop land under this Act shall include power to grant planning permission for the retention on land of buildings or works constructed or carried out, or for the continuance of a use of land instituted, as mentioned in the preceding subsection; and references in this Act to planning permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly:

Provided that this subsection shall not affect the construction of section fifteen, of subsection (2) of section seventeen or of Part VI of this Act.

- (3) Any planning permission granted in accordance with the last preceding subsection may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or (in the case of buildings or works constructed or a use instituted in accordance with planning permission granted for a limited period) so as to take effect from the end of that period, as the case may be.

21 Supplementary provisions as to effect of planning permission

- (1) Without prejudice to the provisions of this Part of this Act as to the revocation or modification of planning permission, any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested therein.
- (2) Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.