



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART III

PLANNING CONTROL

Special provisions as to industrial development

38 Industrial development certificates

- (1) Subject to the provisions of this and the next following section, an application to the local planning authority for permission to develop land by—
 - (a) the erection thereon of an industrial building of one of the prescribed classes, or
 - (b) a change of use whereby premises, not being an industrial building of one of the prescribed classes, will become such an industrial building,shall be of no effect unless a certificate (in this Act referred to as an “industrial development certificate”) is issued under this section by the Board of Trade, certifying that the development in question can be carried out consistently with the proper distribution of industry, and a copy of the certificate is furnished to the local planning authority together with the application.
- (2) In considering whether any development for which an industrial development certificate is applied for can be carried out consistently with the proper distribution of industry, the Board of Trade shall have particular regard to the need for providing appropriate employment in development districts.
- (3) An industrial development certificate shall not be required for the extension of an industrial building if the extension, taken by itself, would not be an industrial building of one of the prescribed classes, but (subject to the provisions of the next following section) an industrial development certificate shall be required for the extension of any building if the extension, taken by itself, would be such an industrial building.
- (4) The preceding provisions of this section shall have effect without prejudice to any provisions for restricting the granting of planning permission by local planning

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

authorities which are included in a development order by virtue of section nineteen of this Act.

- (5) Nothing in section twenty of this Act shall be construed as requiring an industrial development certificate on an application for permission for the retention on land of an industrial building or for the continuance of any use of land.
- (6) In this and the next following section “the prescribed classes ” means such classes of industrial buildings as may be prescribed by regulations made for the purposes of this section by the Board of Trade, “development district” has the meaning assigned to it by subsection (2) of section one of the Local Employment Act, 1960, and subsection (4) of that section (which provides for treating certain areas not forming part of a development district as forming part of such a district) shall apply as if this section were included among the provisions of that Act referred to in that subsection.

39 Exemption of certain classes of development

- (1) Notwithstanding anything in the last preceding section, an industrial development certificate shall not be required if the industrial floor space to be created by the development in question, together with any other industrial floor space created or to be created by any related development, does not exceed five thousand square feet, excluding, where an industrial development certificate has been issued in respect of any related development, any floor space created or to be created by that development or by development carried out, or for which planning permission has been granted, before the issue of that certificate.
- (2) Regulations made for the purposes of the last preceding section by the Board of Trade may direct that no industrial development certificate shall be required in respect of the erection, in any area prescribed by or under the regulations, of industrial buildings of any such class as may be so prescribed, or in respect of a change of use whereby premises in any such area, not being an industrial building of a class so prescribed, will become an industrial building of such a class.
- (3) In this section “industrial floor space ” means floor space comprised in an industrial building or industrial buildings of any of the prescribed classes, and “related development” means development relating to the same building or another building in the same group, being development which has been carried out on or after the first day of April, nineteen hundred and sixty, or for which planning permission has been granted since that date; and in this subsection “group ” means a group of contiguous or adjacent buildings used as parts of a single undertaking, and any reference to development relating to a building is a reference to the erection, extension, alteration or re-erection of the building or to a change of use of the whole or part of the building.

40 Provision for cases where industrial development certificate withheld

- (1) Where such an application as is mentioned in subsection (1) of section thirty-eight of this Act is, by virtue of that subsection, of no effect by reason that the requirements of that subsection are not fulfilled, the local planning authority shall consider whether, if those requirements had been fulfilled, they would nevertheless have refused the permission sought by the application, either in respect of the whole or in respect of part of the land to which the application relates; and if they are of the opinion that they would so have refused that permission, they shall serve on the applicant a notice in writing to that effect.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) Where a notice is served under the preceding subsection in respect of the whole or part of any land, it shall operate, for the purposes of sections twenty-five and twenty-six of this Act, as if the application for planning permission had been an effective application and the notice had been a planning decision of the local planning authority refusing that permission in respect of that land or that part thereof, as the case may be; and the provisions of those sections (if in those circumstances they would have been applicable) shall have effect accordingly.