



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART III

PLANNING CONTROL

Special provisions as to industrial development

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.
- (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.