

authority shall have agreed to bear it wholly or in part on being consulted by the county district council before the order direction or decision giving rise to the claim for compensation was made.

Given under the official seal of the Minister of Housing and Local Government this thirteenth day of November, nineteen hundred and fifty-nine.

(L.S.)

Henry Brooke,
Minister of Housing and
Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations are made under section 34 of the Town and Country Planning Act, 1947, and revoke the Town and Country Planning (Authorisation of Delegation) Regulations, 1947.

The regulations entitle councils of county districts with a population of sixty thousand or more to claim a wide measure of delegation under Part III of the 1947 Act and also authorise the Minister, if satisfied that there are special circumstances justifying such a course, to require similar delegation to a council of a county district with a population of less than sixty thousand. The regulations set out the procedure to be followed by county district councils wishing to claim delegation under these new powers.

The regulations also repeat those parts of the repealed regulations which related to the delegation of functions to county district councils, without regard to population.

1959 No. 1286

The Town and Country Planning General Development Order, 1959

<i>Made - - - -</i>	<i>27th July, 1959</i>
<i>Laid before Parliament</i>	<i>29th July, 1959</i>
<i>Coming into Operation</i>	<i>16th August, 1959</i>

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 13 of the Town and Country Planning Act, 1947(a), and sections 8, 36 and 37 of the Town and Country Planning Act, 1959(b), and of all other powers enabling him in that behalf, hereby makes the following order :—

Application, citation and commencement

1.—(1) This order shall apply to all land in England and Wales: Provided that if a special development order is made as to any such land this order shall apply thereto to such extent only and subject to such modifications as may be specified in the special order.

(2) This order may be cited as the Town and Country Planning General Development Order, 1959, and the Town and Country Planning General Development Order, 1950(a), the Town and Country Planning General Development (Amendment) Order, 1958(b), and this order may be cited together as the Town and Country Planning General Development Orders, 1950 to 1959.

(3) This order shall come into operation on the 16th day of August, 1959.

Interpretation

2.—(1) In this order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely:—“the Act of 1959” means the Town and Country Planning Act, 1959, and “the parties directly concerned” has the meaning assigned to that expression by subsection (10) of section 5, and a section referred to by number is the section so numbered in the Act of 1959.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Application for and issue of certificates

3.—(1) An application to a local planning authority for a certificate under section 5 shall be in writing and shall (as well as complying with the requirements of subsection (3) of section 5) include a plan or map sufficient to identify the land to which the application relates.

(2) The time within which a certificate is to be issued by a local planning authority shall, subject to the provisions of subsection (4) of section 5, be two months of the receipt of such an application by them.

(3) If a local planning authority issue a certificate otherwise than for the class or classes of development specified in the application made to them, or contrary to representations in writing made to them by a party directly concerned, they shall in that certificate include a statement in writing of their reasons for so doing and of the rights of appeal to the Minister given by section 6 and this order.

(4) The local planning authority shall send a copy of every certificate issued by them to the council of every county district, or metropolitan borough, in which is situated any part of the land to which the certificate relates and, where any part of that land is situated within the City of London, to the Common Council.

Appeals

4.—(1) The time for giving notice of an appeal under section 6 shall be within one month of the receipt of the certificate or of the expiry of the time or extended period mentioned in subsection (3) of that section, as the case may be.

(2) Notice of appeal shall be given in writing to the Minister, and a copy of such notice shall be sent by the appellant (a) to the local planning authority, and (b) to the other of the parties directly concerned.

(3) The appellant shall within one month of giving notice of appeal, or such longer period as the Minister may in any particular case allow, furnish to the Minister one copy of the application to the local planning authority, and of the certificate (if any) issued by the local planning authority, together with a statement of the grounds of appeal.

(4) If an appellant does not within the time limited under the last preceding paragraph furnish to the Minister the copies of the documents thereby required, the appeal shall be treated as withdrawn.

Information as to certificates, etc.

5. A local planning authority shall, on a request in writing by any person appearing to them to have an interest in land which is the subject of a certificate under section 5 or of an application for such a certificate, furnish to such person (a) the name and address of the applicant for the certificate and the date of the application, and (b) a copy of the certificate, if any.

Publication of general requirements

6. If a local planning authority on issuing a certificate specify conditions by reference to general requirements formulated by them under subsection (6) of section 5, the authority shall supply with such certificate and every copy thereof a copy of those requirements (or of so much thereof as is relevant to the certificate) unless, before the certificate is issued, the requirements in question have been made available to the public by depositing them for public inspection at all reasonable hours at the offices of the local planning authority and either at the offices of every council of a county district within the area of that authority or, in the case of London, at the offices of each metropolitan borough council and of the Common Council of the City of London.

Notices under section 36

7.—(1) The following classes of development are designated for the purposes of section 36:—

- (a) construction of buildings for use as a public convenience ;
- (b) construction of buildings or other operations, or use of land, for the disposal of refuse or waste materials ;
- (c) construction of buildings or other operations (other than the laying of sewers, the construction of septic tanks serving single dwelling houses, and works ancillary thereto) or use of land, for the purpose of sewage disposal ;
- (d) construction of buildings or use of land for the purposes of a slaughterhouse or knacker's yard ;
- (e) construction of buildings and use of buildings for any of the following purposes, namely, as a theatre, a cinema, a music hall, a dance hall, a skating rink, a swimming bath, a Turkish or other vapour or foam-bath, a gymnasium, or a building for indoor games.

(2) The form of notice required to be published under section 36 shall be that set out in the first schedule hereto, and the copy of the notice accompanying the application shall be certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate.

Certificates and notices under section 37

8.—(1) A certificate issued for the purposes of section 37 shall be in the form set out in Part I of the second schedule hereto.

(2) The requisite notices for the purposes of the provisions of the said section 37 in relation to applications shall be in the forms set out in Part II of the second schedule hereto.

(3) The requisite notices for the purposes of the provisions of the said section 37 in relation to appeals shall be in the forms set out in Part III of the second schedule hereto.

FIRST SCHEDULE

TOWN AND COUNTRY PLANNING ACT, 1959

Notice under section 36

Proposed development at (a).....

(a) Insert address or location of proposed development.

(b) Insert name of Council.

(c) Insert name of applicant.

(d) Insert description and address or location of proposed development.

(e) Insert address within locality in which land proposed to be developed is situated.

(f) Insert address of Council.

Notice is hereby given that application is being made to the (b).....
Council by (c).....for planning permission in respect of
(d).....

A copy of the application and of the plans and other documents submitted with it may be inspected at all reasonable hours at (e).....
during the 21 days following the date of publication of this notice.

Any person who wishes to make representations to the above-mentioned Council about the application should do so by writing within that period to the *Town Clerk
Clerk of the Council at (f).....

Signed.....

*On behalf of.....

Date.....

* Delete where inappropriate.

SECOND SCHEDULE

PART I

TOWN AND COUNTRY PLANNING ACT, 1959

Certificate under section 37

I hereby certify that:

Certificate A*.

1. I am
*The applicant is *the estate owner in respect of the fee simple of every
appellant entitled to a tenancy

part of the land to which the accompanying *application
relates; appeal dated.....

or:—

I hereby certify that:

Certificate B*

1. I have
*The applicant has given the requisite notice to all the persons who,
appellant

21 days before the date of the accompanying *application,
appeal were owners of

any of the land to which the *application
relates, viz.:—
appeal

Name of owner
(33333)

Address

Date of service of notice
2 C 2

or:—

Certificate C*

I hereby certify that :

I am

- 1.—(i) *The applicant is unable to issue a certificate in accordance with
appellant
 either paragraph (a) or paragraph (b) of section 37 (1) of the Town and
 Country Planning Act, 1959, in respect of the accompanying *application
appeal
 dated.....

I have

- (ii) *The applicant has given the requisite notice to the following persons
appellant

who, 21 days before the date of the *application,
appeal were owners of the land,
 or part thereof, to which the *application
appeal relates, viz.:—

*Name of owner**Address**Date of service of notice*

I do not

- (iii) *The applicant does not know the names and addresses of the other
appellant
 owners of the land or part thereof;

- (iv) Notice of the *application
appeal as set out below has been published in the
 (a)..... on (b).....

(a) Insert name
 of local
 newspaper
 circulating in
 the locality in
 which the land
 is situated.

(b) Insert date
 of publication
 (which must not
 be earlier than
 21 days before
 the application
 or appeal).

Copy of notice as published

or:—

Certificate D*

I hereby certify that:

I am

- 1.—(i) *The applicant is unable to issue a certificate in accordance with
appellant
 paragraph (a) of section 37 (1) of the Town and Country Planning Act,
 1959, in respect of the accompanying *application
appeal dated.....
 and * I do not
he does not know the names and addresses of any of the owners of
 any of the land to which the *application
appeal relates;

- (ii) Notice of the *application
appeal as set out below has been published in the
 (a)..... on (b).....

(a) Insert name
 of local
 newspaper
 circulating in
 the locality in
 which the land
 is situated.

(b) Insert date
 of publication
 (which must not
 be earlier than
 21 days before
 the application
 or appeal).

Copy of notice as published

- *2. None of the land to which the application relates constitutes or forms part of an agricultural holding. [Whichever is appropriate of these alternatives should form part of any certificate in form A, B C or D above.]

or:—

- *2 I have

*The applicant has given the requisite notice to every person who, 21 days appellant

before the date of the *application,
appeal was a tenant of any agricultural

holding any part of which was comprised in the land to which the

*application
appeal relates, viz.:—

Name of tenant

Address

Date of service of notice

Signed.....

*On behalf of.....

Date.....

* Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING ACT, 1959

[Notice for service on individuals.]

Notice under section 37 of application for planning permission

Proposed development at (a).....

TAKE NOTICE that application is being made to the (b).....

(a) Insert address or location of proposed development.

Council by (c).....for planning permission to

(b) Insert name of Council.

(d).....

(c) Insert name of applicant.

If you should wish to make representations about the application, you should do so by writing within 21 days of the date of service of this notice to the

(d) Insert description and address or location of proposed development.

* Town Clerk
Clerk of the Council at (e).....

(e) Insert address of Council.

Signed.....

*On behalf of.....

Date.....

* Delete where inappropriate.

TOWN AND COUNTRY PLANNING ACT, 1959

[Notice for
publication
in local
newspaper.

Notice under section 37 of application for planning permission

Proposed development at (a).....

(a) Insert
address or
location of
proposed
development.

(b) Insert name
of Council.

(c) Insert name
of applicant.

(d) Insert
description and
address or
location of
proposed
development.

(e) Insert
address of
Council.

Notice is hereby given that application is being made to the (b).....
Council by (c).....for planning permission to
(d)..... Any owner of the land (namely a freeholder
or a person entitled to an unexpired term of at least 10 years under a tenancy)
who wishes to make representations to the above-mentioned council about the
application should do so by writing within 21 days of the date of publication
of this notice to the * Town Clerk
Clerk of the Council at (e).....

Signed.....

*On behalf of.....

Date.....

* Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING ACT, 1959

Notice under section 37 of appeal

Proposed development at (a).....

[Notice for
service on
individuals.]

(a) Insert
address or
location of
proposed
development.

(b) Insert name
of appellant.

(c) Insert name
of Council.

(d) Insert
description and
address or
location of
proposed
development.

TAKE NOTICE that an appeal is being made to the Minister of Housing
and Local Government, Whitehall, London, S.W.1 (in Wales and Monmouth-
shire—Cathays Park, Cardiff) by (b).....

* (i) against the decision of the (c).....Council

* (ii) on the failure of the (c).....Council to give a decision
on an application to (d).....

If you should wish to make representations to the Minister about the appeal
you should do so by writing within 21 days of the date of service of this notice
to the Secretary (in Wales and Monmouthshire, the Welsh Secretary), Ministry
of Housing and Local Government at the above address.

Signed.....

*On behalf of.....

Date.....

* Delete where inappropriate.

TOWN AND COUNTRY PLANNING ACT, 1959

*Notice under section 37 of appeal**Proposed development at (a).....*[Notice for
publication
in local
newspaper.]

Notice is hereby given that an appeal is being made to the Minister of Housing and Local Government, Whitehall, London, S.W.1 (in Wales and Monmouthshire—Cathays Park, Cardiff) by (b).....

* (i) against the decision of the (c).....Council

* (ii) on the failure of the (c).....Council to give a decision
on an application to (d).....

(a) Insert
address or
location of
proposed
development.

(b) Insert name
of appellant.

(c) Insert name
of Council.

(d) Insert
description and
address or
location of
proposed
development.

Any owner of the land (namely, a freeholder or a person entitled to an unexpired term of at least 10 years under a tenancy) who wishes to make representations to the Minister about the appeal should do so by writing within 21 days of the date of publication of this notice to the Secretary (in Wales and Monmouthshire, the Welsh Secretary), Ministry of Housing and Local Government at the above address.

Signed.....

*On behalf of.....

Date.....

* Delete where inappropriate.

Given under the official seal of the Minister of Housing and Local Government this twenty-seventh day of July, nineteen hundred and fifty-nine.

(L.S.)

Henry Brooke,

Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes the procedure for obtaining and for appealing against the terms of a certificate under section 5 of the Act ; for obtaining copies of such certificates ; and for securing that copies of any conditions specified by reference to general requirements formulated under that section shall be supplied with the certificate where these requirements have not been made generally public. The Order also designates the classes of development, applications for permission for which must be advertised in accordance with section 36, and prescribes the form of the advertisement. Further, in accordance with section 37, it prescribes the form of certificate to accompany applications for planning permission and appeals against decisions on such applications together with the forms of the notice to be served on the specified persons or published in a newspaper under that section.