

1968 No. 1972

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (Determination of appeals by  
appointed persons) (Prescribed Classes) Regulations 1968**

<i>Made</i> - - - -	12th December 1968
<i>Laid before Parliament</i>	17th December 1968
<i>Coming into Operation</i>	1st January 1969

The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 21 and 104 of the Town and Country Planning Act 1968(a) and all of other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation and commencement*

1.—(1) These regulations may be cited as the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1968.

(2) These regulations shall come into operation on 1st January 1969 but shall not affect any appeals notice of which was given before that date.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Town and Country Planning Act 1968;

“the principal Act” means the Town and Country Planning Act 1962(b);

“the Minister concerned” means, except as respects Wales, the Minister of Housing and Local Government and, as respects Wales, the Secretary of State; and “Wales” includes Monmouthshire;

“local planning authority”, except in regulation 5, means—

(a) the local planning authority (within the meaning of section 2 of the principal Act) for the area in which the land is situate; or

(b) in relation to appeals affecting land within Greater London, the authority which, by virtue of section 24 of the London Government Act 1963(c), or of regulations made under that section, is the local planning authority in relation to the class of development concerned in the area of Greater London where the land is;

(c) an authority exercising delegated functions on behalf of any such authority as is mentioned in (a) or (b) above—

as the case may be;

“building” and “building operations” and “engineering operations” have

(a) 1968 c. 72.

(c) 1963 c. 33.

(b) 1962 c. 38.

the meanings assigned to them in the principal Act;

“dwellinghouse” means a building used for a residential purpose and includes a flat or other separate dwelling which is comprised in a larger building of which it forms part;

“the General Development Order” means the Town and Country Planning General Development Order 1963(a);

“local authority” has the meaning assigned to it by section 221(1) of the principal Act (as amended by section 29(5) of the London Government Act 1963);

“operational land” has the meaning assigned to it by section 221(1) of the principal Act as affected by section 69 of the Act;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of electricity, gas, hydraulic power or water or the British Airports Authority and includes companies which are deemed to be statutory undertakers by virtue of section 141(2) of the Transport Act 1968(b).

(2) References in these regulations to the use of land or buildings for residential purposes shall be construed as excluding a use falling within any of Classes XI, XII, XIV or XVI of the Schedule to the Town and Country Planning (Use Classes) Order 1963(c), and references to development for residential purposes shall be construed accordingly.

(3) For the purposes of Class 1 of Schedule 1 to these regulations, 0.8 hectares shall be deemed to be the equivalent of 2 acres.

(4) For the purposes of Schedule 2 to these regulations, development of land is concurrently the subject of another appeal to the Minister concerned or of an application referred to him, where that appeal or application comes into the jurisdiction of the Minister concerned within the period of one month before or after the giving of notice of the appeal to which Schedule 1 of these regulations relates.

(5) The Interpretation Act 1889(d) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

#### *Classes of appeals for determination by appointed persons*

3. Subject to the next following regulation, the Minister of Housing and Local Government hereby prescribes the following classes of appeals as appeals to be determined in accordance with the provisions of Part III of the Act by a person appointed for the purpose by the Minister concerned instead of by such Minister, namely, appeals under section 23 of the principal Act (appeals against planning decisions), as originally enacted or as applied by section 24 of that Act (appeal in default of planning decision) where the development in question falls wholly within any one or more of the classes of case specified in Schedule 1 to these regulations.

#### *Classes of appeals reserved for determination by the Minister concerned*

4. The foregoing regulation shall not apply to any such appeal as is mentioned in that regulation if it relates to development falling within any one or more of the classes of case specified in Schedule 2 to these regulations.

(a) S.I. 1963/709 (1963 I, p. 862).

(b) 1968 c. 73.

(c) S.I. 1963/708 (1963 I, p. 857).

(d) 1889 c. 63.

*Publicity for directions under section 21(1) of the Act.*

5.—(1) For the purposes of this regulation “local planning authority” means either a London Borough Council or the Common Council of the City of London or a local planning authority within the meaning of section 2 of the principal Act, as the case may be.

(2) On the making by the Minister concerned of a direction under section 21(1) of the Act he may by notice in writing enclosing a copy of the direction require the local planning authority of any area for which the direction has effect to publish as soon as may be a notice in at least one newspaper circulating in the area; and this notice shall contain a concise statement of the effect of the direction and shall specify the place or places where a copy of the direction and (where the direction affects less than the whole of the area of the local planning authority) a map defining the area for which the direction has effect, may be seen at all reasonable hours.

## SCHEDULE 1

## CLASSES OF APPEALS FOR DETERMINATION BY APPOINTED PERSONS

*Appeals in respect of development by operations*

1. The development for residential purposes of land not exceeding 2 acres in extent where the application for planning permission is expressed to be an outline application within the terms of article 5(2) of the General Development Order and the appeal arises therefrom or on an application for approval required under the General Development Order.

2. The erection, or the enlargement or other alteration, of a building or buildings for use as not more than 10 dwellinghouses, where the application for planning permission is not expressed to be an outline application.

3. The carrying out of building, engineering or other operations on land for a purpose ancillary to the existing use of land for residential purposes or ancillary or incidental to development of land for residential purposes.

*Appeals in respect of changes in use*

4. The change in the use of a building or buildings to use as not more than 10 dwellinghouses.

5. The change in the use of a building or buildings in use as not more than 10 dwellinghouses to another use for residential purposes.

## SCHEDULE 2

## CLASSES OF CASES EXCEPTED FROM SCHEDULE 1

Where the development the subject of the appeal is:—

1. Development in respect of which the Minister concerned has given a direction under the provisions of article 8 of the General Development Order.

2. Development in respect of which the Minister of Transport or, in Wales, the Secretary of State has given a direction under article 9(2) of the General Development Order.

3. Development by a local authority.

4. Development by statutory undertakers on operational land or on land in the case of which the circumstances mentioned in section 70(2) of the Act apply.

5. Development by the National Coal Board on land of a class specified in regulations made pursuant to section 204 of the principal Act.

6. Development for which planning permission has been refused by a local planning authority, or granted by them subject to conditions, where the local planning authority have included in their reasons for such decision the statement that such decision has been made following an expression of views, by a government department or new town development corporation, that the application should not be granted wholly or in part, or should be granted only subject to conditions.

7. Development where the same development is concurrently the subject or part of the subject of another appeal to the Minister concerned or of an application referred to him, under any provisions of the Act or the principal Act.

8. Development where the same land is concurrently the subject or part of the subject of another appeal to the Minister concerned or of an application referred to him, in respect of development wholly or partly outside the classes specified in Schedule 1 to these regulations.

Given under the official seal of the Minister of Housing and Local Government on 12th December 1968.

(L.S.)

*Anthony Greenwood,*  
Minister of Housing and  
Local Government.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations prescribe classes of planning appeals (set out in Schedule 1) which are to be determined by persons appointed for the purpose by the Minister of Housing and Local Government (in Wales and Monmouthshire, the Secretary of State) instead of being determined by the Minister or the Secretary of State.

Regulation 4 provides that certain excepted classes of appeals (set out in Schedule 2) which would otherwise fall within the prescribed classes are to continue to be determined by the Minister or the Secretary of State.

Regulation 5 provides for the advertisement by local planning authorities of any direction made by the Minister or the Secretary of State under section 21(1) of the Town and Country Planning Act 1968 whereby specified classes of appeals are to be determined by him instead of by an appointed person.