
 S T A T U T O R Y I N S T R U M E N T S

1980 No. 1946

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**
**The Town and Country Planning General Development
(Amendment) Order 1980**

Made - - - - - 16th December 1980
Laid before Parliament 23rd December 1980
Coming into Operation 13th January 1981

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24, 31(1) and 287 of the Town and Country Planning Act 1971(a), paragraph 19(5) of Schedule 16 to the Local Government Act 1972(b) and section 86(10) of the Local Government, Planning and Land Act 1980(c), and of all other powers in that behalf, hereby makes the following order:—

1.—(1) This order may be cited as the Town and Country Planning General Development (Amendment) Order 1980, and the Town and Country Planning General Development Order 1977(d) and this order may be cited together as the Town and Country Planning General Development Orders 1977 and 1980.

(2) This order shall come into operation on 13th January 1981.

2. The Town and Country Planning General Development Order 1977 is hereby amended as follows:—

(a) in article 4, the following paragraphs shall be substituted for paragraphs (10) and (11):—

“(10) In this article “appropriate local planning authority” means—

- (a) in relation to a conservation area in Greater London, either the Greater London Council or the London borough council;
- (b) in relation to a conservation area outside Greater London, either the county planning authority or the district planning authority; and
- (c) in relation to any other area, the local planning authority by whom would be exercisable the function of determining an application for planning permission for the development to which the relevant direction under this article relates or is proposed to relate.

(11) On making a direction under this article or submitting such a direction to the Secretary of State for approval, the appropriate local planning authority shall—

(a) 1971 c. 78; section 31(1) was amended by the Local Government, Planning and Land Act 1980 c. 65.

(b) 1972 c. 70; paragraph 19 of Schedule 16 was amended by the Local Government, Planning and Land Act 1980.

(c) 1980 c. 65.

(d) S.I. 1977/289.

- (a) in the case of the Greater London Council or a county planning authority, give notice of the making or submission of the direction to the London borough council or district planning authority (as the case may be) in whose area the land to which the direction relates is situated; and
- (b) in the case of a London borough council or a district planning authority, give notice of the making or submission of the direction to the Greater London Council or to the county planning authority, as the case may be.”.

(b) article 7 shall be amended as follows:—

(i) the following paragraph shall be substituted for paragraph (3):—

“(3) When the local planning authority with whom an application has to be lodged receive—

- (a) in the case of an application made under paragraph (1) or (2) of article 5, the form of application required by article 5(1), together with a certificate under section 27 of the Act;
- (b) in the case of an application made under article 5(3), sufficient information to enable the authority to identify the previous grant of planning permission, together with a certificate under section 27 of the Act;
- (c) in the case of an application made under article 6, the documents and information required by paragraph (1) or paragraph (2) of that article, as the case may be,

and the fee (if any) required to be paid in respect of that application (by virtue of the provisions of regulations made under section 87 of the Local Government, Planning and Land Act 1980) that authority shall as soon as may be send to the applicant an acknowledgment of the application in the terms (or substantially in the terms) set out in Part I of Schedule 2 hereto.”; and

(ii) the following paragraphs shall be substituted for paragraph (6):—

“(6) Where a valid application under article 5 or 6 has been received by a local planning authority, the period within which the authority shall give notice to the applicant of their decision or determination, or of the reference of the application to the Secretary of State, shall (subject to the provisions of paragraph (6C) below) be eight weeks from the date when the application was received or (except where the applicant has already given notice of appeal to the Secretary of State) such extended period as may be agreed upon in writing between the applicant and the local planning authority by whom the application falls to be determined.

(6A) For the purposes of this article, the date when the application was received shall be taken to be—

- (a) in a case where a fee was required to be paid in respect of the application, the date when the form of application or the application in writing (as the case may be) and any certificates required by the Act were lodged with the authority mentioned in paragraph (1) of this article and the appropriate fee was paid to that

authority or, where these events did not all occur on the same day, the date when the last such event occurred; or

- (b) in any other case, the date when the form of application or the application in writing (as the case may be) and any certificates required by the Act were lodged with the authority mentioned in paragraph (1) of this article.

(6B) Subject to the provisions of paragraph (6C) below, where an applicant sends to the local planning authority with whom his application has to be lodged a cheque for the amount of any fee due in respect of his application, the fee shall be taken as being paid on the date when the cheque is received by the authority.

(6C) Where a fee due in respect of an application has been paid in the manner described in paragraph (6B) above and the cheque received by the local planning authority is subsequently dishonoured, the period referred to in paragraph (6) above shall be calculated without regard to any time between the date when the authority send to the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received in full the amount of the fee due.”.

- (c) the following article shall be inserted after article 7:—

“7A. Where application has been made to a local planning authority for any consent, agreement or approval required by a condition imposed on a grant of planning permission (other than an application for approval of reserved matters) the authority shall give notice to the applicant of their decision on the application within a period of eight weeks from the date when the application was received by the authority.”;

- (d) the following article shall be inserted after article 15:—

“15A. Where a district planning authority are required by paragraph 19 of Schedule 16 to the Local Government Act 1972 to consult the county planning authority before determining an application for planning permission, they shall not determine the application until the expiration of a period of 28 days from the date of the notice which was given to the county planning authority under subparagraph (5)(a) of the said paragraph, or such longer period as may at any time be agreed in writing by the district planning authority.”;

- (e) article 18 shall be deleted;

- (f) in article 20, the following paragraphs shall be substituted for paragraph (1):—

“(1) An applicant who desires to appeal—

- (a) against a decision of a local planning authority refusing to grant—

- (i) permission to develop land; or
(ii) any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission; or

- (iii) any approval required under this order, or granting any such permission, consent, agreement or approval subject to conditions; or
- (b) against a determination of a local planning authority under section 53 of the Act; or
- (c) on the failure of a local planning authority to give notice of their decision or determination, or of the reference of the application to the Secretary of State,

shall give notice of appeal to the Secretary of State within six months of notice of the decision or determination or of the expiry of the appropriate period allowed under article 7(6) or 7A of this order (as the case may be) or such longer period as the Secretary of State may at any time allow.

(1A) In the case of any appeal under paragraph (1) of this article in respect of—

- (a) an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission (other than an application for approval of a reserved matter); or
- (b) an application for a determination under section 53 of the Act,

the applicant shall give notice of his appeal in writing, and in every other case the applicant shall give notice of his appeal on a form obtained from the Secretary of State.”.

16th December 1980.

Michael R. D. Heseltine,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Town and Country Planning General Development Order 1977. The amendments relate mainly to provisions added to the Town and Country Planning Act 1971 or to Schedule 16 to the Local Government Act 1972 by section 86 of and Schedule 15 to the Local Government, Planning and Land Act 1980, and are mainly concerned with procedural matters relating to the handling of planning applications and the making of appeals. The principal amendments are as follows:—

- (a) paragraphs (10) and (11) of article 4 (directions restricting permitted development) have been redrafted for greater clarity, and provisions have been added concerning the exercise of functions under article 4 by local planning authorities in Greater London;
- (b) paragraphs (3) and (6) of article 7 (which makes provision for the procedure to be followed in respect of applications) have been amended, and three new paragraphs have been added, to take account of the provisions of section 87 of the 1980 Act giving the Secretary of State power to make regulations requiring the payment of fees in respect of applications: the article as amended provides that where a fee is required it must accompany the application, and that in such cases the prescribed period within which notice of decision must be given (which continues to be eight weeks from the date of receipt of the application or such extended period as may be agreed) is suspended, in the event of the cheque by which the fee is paid being dishonoured, until such time as the authority are satisfied that they have received the appropriate fee;
- (c) a new article 7A has been added, which (in pursuance of the provisions of section 31(1) of the 1971 Act as amended by paragraph 4(1) of Schedule 15 to the 1980 Act) prescribes the period for the giving of notice of decision on an application for any consent, agreement or approval required by a condition on a planning permission: this period is eight weeks, or such extended period as may be agreed;
- (d) a new article 15A is added which prescribes a period for the purposes of the provisions of paragraph 19 of Schedule 16 to the Local Government Act 1972 (as amended by section 86 of the 1980 Act), subparagraph (5)(b) of which prohibits a district planning authority from determining for a prescribed period any application in respect of which they are required to consult the county planning authority under the paragraph: the prescribed period is 28 days from the date of the notice of the application given to the county planning authority, or such longer period as may be agreed;
- (e) article 18 (provisions for applications affecting listed buildings) has been deleted: the provisions of this article, which related to applications where the permission, if granted, would operate as a listed building consent, are rendered obsolete by the repeal of section 56(2) of the 1971 Act by paragraph 7 of Schedule 15 to the 1980 Act;
- (f) article 20 (which prescribes the procedures to be followed in making an appeal) has been amended to include provision for appeals made in pursuance of the new rights of appeal in relation to applications for any consent, agreement or approval required by a condition on a planning permission which are given by sections 36(1) and 37 of the 1971 Act as amended by paragraph 4(2) and (3) of Schedule 15 to the 1980 Act.

Some minor drafting amendments have also been made.

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