



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XIII

APPLICATION OF ACT TO CROWN LAND

Modifications etc. (not altering text)

- C1** Pt. XIII (ss. 293-302) modified (17.7.1992) by S.I. 1992/1732, **art. 2(1)(2)**
Pt. XIII (ss. 293-302) extended (17.7.1992) by S.I. 1992/1732, **art. 2(1)(a)**

Preliminary

[^{F1}292A Application to the Crown

- (1) This Act binds the Crown.
- (2) But subsection (1) is subject to express provision made by this Part.]

Textual Amendments

- F1** S. 292A inserted (6.8.2004 for certain purposes and otherwise 7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 79(1), 121** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2(a)**

293 Preliminary definitions.

- (1) In this Part—
 - “Crown land” means land in which there is a Crown interest or a Duchy interest;
 - [^{F2}“Crown interest” means any of the following—
 - (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;

Status: Point in time view as at 12/08/2012.

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- (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
 - (c) such other interest as the Secretary of State specifies by order;]
- “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall;
- “private interest” means an interest which is neither a Crown interest nor a Duchy interest.

- (2) For the purposes of this Part “the appropriate authority”, in relation to any land—
 - (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners;
 - (b) in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;
 - [^{F3}(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;]
 - (c) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
 - (d) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
 - (e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.
 - [^{F4}(f) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
 - (g) in relation to Her Majesty’s Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.]

[^{F5}(2A) For the purposes of an application for planning permission made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.]

(3) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

[^{F6}(3A) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.

- (3B) In subsection (2A) the Crown includes—
 - (a) the Duchy of Lancaster;
 - (b) the Duchy of Cornwall;
 - (c) a person who is an appropriate authority by virtue of subsection (2)(f) and (g).]

(4) ^{F7}.....

[^{F8}(5) An order made for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.

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- (6) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.]

Textual Amendments

- F2** Definition in s. 293(1) substituted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(2\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F3** S. 293(2)(ba) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(3\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F4** S. 293(2)(f)(g) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(4\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F5** S. 293(2A) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(5\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F6** S. 293(3A)(3B) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(6\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F7** S. 293(4) repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 22](#), [Sch. 9](#) (with s. 111); S.I. 2006/1281, [art. 2](#)
- F8** S. 293(5)(6) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(7\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)

Modifications etc. (not altering text)

- C2** S. 293(2)(b) modified (17.7.1992) by S.I. 1992/1732, [art. 2\(4\)\(a\)](#)
- C3** S. 293(3) applied (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), [ss. 221\(5\)](#), 223(2) (with [ss. 82\(3\)](#), 186(1), 188, 222(1), [Sch. 14 para. 6](#)) and (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), [ss. 222\(8\)\(9\)](#), 225(2) (with [ss. 16\(6\)](#), 178, 179, 222(3), 224(1), [Sch. 22 para. 1](#))
S. 293(3) applied (1.12.2000) by 1991 c. 56, [s. 221\(8\)](#) (as substituted (1.12.2000) by 1995 c. 25, s. 116, [Sch. 21 Pt. I para. 1\(1\)](#) (with [ss. 7\(6\)](#), 115, 117)); S.I. 2000/3033, [art. 2](#)
S. 293(3) applied (1.7.1997 for certain purposes and otherwise prosp.) by 1991 c. 57, [s. 222\(10\)](#) (as substituted by 1995 c. 25, [ss. 116](#), 125(3), [Sch. 21 Pt. I para. 2\(4\)](#) (with [ss. 7\(6\)](#), 115, 117); S.I. 1997/1626, [art. 2](#)
- C4** S. 293(3) applied (1.10.2004 for E. and 11.11.2004 for W.) by [Reservoirs Act 1975 \(c. 23\)](#), s. 27A(8) (as inserted by 2003 c. 37, [s. 80](#); S.I. 2004/2528, [art. 2\(p\)](#); S.I. 2004/2916, [art. 2\(c\)](#))

Application of Act as respects Crown land

[^{F9}293A Urgent Crown development: application

- (1) This section applies to a development if the appropriate authority certifies—
- that the development is of national importance, and
 - that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may, instead of making an application for planning permission to the local planning authority in accordance with Part 3, make an application for planning permission to the Secretary of State under this section.

Status: Point in time view as at 12/08/2012.

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- (3) If the appropriate authority proposes to make the application to the Secretary of State it must publish in one or more newspapers circulating in the locality of the proposed development a notice—
- (a) describing the proposed development, and
 - (b) stating that the authority proposes to make the application to the Secretary of State.
- (4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State—
- (a) any matter required to be provided by an applicant for planning permission in pursuance of regulations made under section 71A;
 - (b) a statement of the authority’s grounds for making the application.
- (5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.
- (6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.
- (7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.
- (8) The Secretary of State must in accordance with such requirements as are contained in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.
- (9) The Secretary of State must consult—
- (a) the local planning authority for the area to which the proposed development relates, and
 - (b) such other persons as are specified or described in a development order, about the application.
- (10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under section 321(3)(matters related to national security).
- (11) Subsections (4) to (7) of section 77 apply to an application under this section as they apply to an application in respect of which a direction under section 77 has effect.]

Textual Amendments

- F9** S. 293A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 82, 121** (with s. 111); [S.I. 2004/2097](#), **art. 2**; [S.I. 2006/1281](#), **art. 2**

294 Control of development on Crown land: special enforcement notices.

F10

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Textual Amendments

F10 S. 294 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 9\(1\)](#), [Sch. 9](#) (with s. 111, [Sch. 3 para. 9\(2\)](#)); S.I. 2006/1281, [art. 2](#)

295 Supplementary provisions as to special enforcement notices.

F11

Textual Amendments

F11 S. 295 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 9](#), [Sch. 9](#) (with s. 111, [Sch. 3 para. 9\(2\)](#)); S.I. 2006/1281, [art. 2](#)

296 Exercise of powers in relation to Crown land.

F12

Textual Amendments

F12 S. 296 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 84(1), 120, 121, [Sch. 9](#) (with s. 111); S.I. 2006/1281, [art. 2](#)

[^{F13}296A Enforcement in relation to the Crown

- (1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.
- (2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.
- (3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.
- (4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.
- (5) A step taken for the purposes of enforcement includes—
 - (a) entering land;
 - (b) bringing proceedings;
 - (c) the making of an application.
- (6) A step taken for the purposes of enforcement does not include—
 - (a) service of a notice;
 - (b) the making of an order (other than by a court).

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Textual Amendments

F13 Ss. 296A, 296B inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 84(2), 121 (with s. 111); S.I. 2006/1281, art. 2

296B References to an interest in land

- (1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.
- (2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.
- (3) An interest in land includes an interest only as occupier of the land.]

Textual Amendments

F13 Ss. 296A, 296B inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 84(2), 121 (with s. 111); S.I. 2006/1281, art. 2

297 Agreements relating to Crown land.

^{F14}

Textual Amendments

F14 S. 297 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 23, Sch. 9 (with s. 111); S.I. 2006/1281, art. 2

298 Supplementary provisions as to Crown and Duchy interests.

- (1) ^{F15}
- (2) ^{F15}
- (3) Where, in accordance with an agreement under section 297, the approval of a local planning authority is required in respect of any development of land in which there is [^{F16}a Crown interest or] a Duchy interest, [^{F17}sections 109 to 112] shall have effect in relation to the withholding of that approval, or the giving of it subject to conditions, as if it were a refusal of planning permission or, as the case may be, a grant of planning permission subject to conditions.

Textual Amendments

F15 S. 298(1)(2) repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 24(2), Sch. 9 (with s. 111); S.I. 2006/1281, art. 2

F16 Words in s. 298(3) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 24(3) (with s. 111); S.I. 2006/1281, art. 2

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F17 Words in s. 298(3) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31, [Sch. 6 para. 25](#) (2) (with saving in Sch. 6 para. 25(3) and with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

[^{F18}298A Applications for planning permission by Crown

- (1) This section applies to an application for planning permission or for a certificate under section 192 made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.]

Textual Amendments

F18 S. 298A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 10\(1\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)

Provisions relating to anticipated disposal of Crown land

299 Application for planning permission etc. in anticipation of disposal of Crown land.

F19

Textual Amendments

F19 S. 299 repealed (6.8.2004 for certain purposes and prosp. otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 10\(2\)](#), [Sch. 9](#) (with s. 111); S.I. 2004/2097, [art. 2](#)

299A Crown planning obligations.

F20

Textual Amendments

F20 S. 299A repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, [Sch. 3 para. 25](#), [Sch. 9](#), (with s. 111); S.I. 2006/1281, [art. 2](#)

Modifications etc. (not altering text)

C5 S. 299A modified (1.4.1996) by 1994 c. 19, s. 66(7), [Sch. 17 para. 15\(4\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1995/3198, [art. 6\(3\)](#), [Sch. 5](#)

300 Tree preservation orders in anticipation of disposal of Crown land.

F21

Status: Point in time view as at 12/08/2012.

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Textual Amendments

F21 S. 300 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 26, **Sch. 9** (with s. 111, Sch. 3 para. 26(2)); S.I. 2006/1281, **art. 2**

301 Requirement of planning permission for continuance of use instituted by the Crown.

F22

Textual Amendments

F22 S. 301 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 27, **Sch. 9** (with s. 111, Sch. 3 para. 27(2)); S.I. 2006/1281, **art. 2**

Enforcement in respect of war-time breaches of planning control by Crown

302 Enforcement in respect of war-time breaches of planning control by the Crown.

- (1) This section applies where during the war period—
 - (a) works not complying with planning control were carried out on land, or
 - (b) a use of land not complying with planning control was begun by or on behalf of the Crown.
- (2) Subject to subsection (4), if at any time after the end of the war period there subsists in the land a permanent or long-term interest which is neither held by or on behalf of the Crown nor subject to any interest or right to possession so held, the planning control shall, so long as such an interest subsists in the land, be enforceable in respect of those works or that use notwithstanding—
 - (a) that the works were carried out or the land used by or on behalf of the Crown, or
 - (b) the subsistence in the land of any interest held by or on behalf of the Crown in reversion (whether immediate or not) expectant on the termination of that permanent or long-term interest.
- (3) A person entitled to make an application under this subsection with respect to any land may apply at any time before the relevant date to an authority responsible for enforcing any planning control for a determination—
 - (a) whether works on the land carried out, or a use of the land begun, during the war period fail to comply with any planning control which the authority are responsible for enforcing, and
 - (b) if so, whether the works or use should be deemed to comply with that control.
- (4) Where any works on land carried out, or use of land begun, during the war period remain or continues after the relevant date and no such determination has been given, the works or use shall by virtue of this subsection be treated for all purposes as complying with that control unless steps for enforcing the control have been begun before that date.

Status: Point in time view as at 12/08/2012.

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(5) Schedule 15 shall have effect for the purpose of making supplementary provision concerning the enforcement of breaches of planning control to which this section applies and the making and determination of applications under subsection (3).

(6) In this section and that Schedule—

“authority responsible for enforcing planning control” means, in relation to any works on land or use of land, the authority empowered by virtue of section 75 of the 1947 Act or of paragraph 34 of Schedule 24 to the 1971 Act (including that paragraph as it continues in effect by virtue of Schedule 3 to the ^{M1}Planning (Consequential Provisions) Act 1990) to serve an enforcement notice in respect of it or the authority who would be so empowered if the works had been carried out, or the use begun, otherwise than in compliance with planning control;

“the relevant date”, in relation to any land, means the date with which the period of five years from the end of the war period ends, but for the purposes of this definition any time during which, notwithstanding subsection (2), planning control is unenforceable by reason of the subsistence in or over the land of any interest or right to possession held by or on behalf of the Crown shall be disregarded;

“owner” has the same meaning as in the ^{M2}Housing Act 1985 and “owned” shall be construed accordingly;

“permanent or long-term interest”, in relation to any land, means the fee simple in the land, a tenancy of the land granted for a term of more than ten years and not subject to a subsisting right of the landlord to determine the tenancy at or before the expiration of ten years from the beginning of the term, or a tenancy granted for a term of ten years or less with a right of renewal which would enable the tenant to prolong the term of the tenancy beyond ten years;

“tenancy” includes a tenancy under an underlease and a tenancy under an agreement for a lease or underlease, but does not include an option to take a tenancy and does not include a mortgage;

“war period” means the period extending from 3rd September 1939 to 26th March 1946;

“works” includes any building, structure, excavation or other work on land.

(7) References in this section and that Schedule to non-compliance with planning control mean—

(a) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to a resolution to prepare a scheme under the ^{M3}Town and Country Planning Act 1932, that the works were carried out or the use begun otherwise than in accordance with the terms of an interim development order or of permission granted under such an order;

(b) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to such a scheme, that the works were carried out or the use begun otherwise than in conformity with the provisions of the scheme;

and references in this Act to compliance with planning control shall be construed accordingly.

(8) References in this section and that Schedule to the enforcement of planning control shall be construed as references to the exercise of the powers conferred by section 75 of the 1947 Act or by paragraph 34 of Schedule 24 to the 1971 Act (including

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that paragraph as it continues in effect by virtue of Schedule 3 to the ^{M4}Planning (Consequential Provisions) Act 1990).

Marginal Citations

- M1** 1990 c. 9.
- M2** 1985 c. 68.
- M3** 1932 c. 48.
- M4** 1990 c. 9.

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Changes to legislation:

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