

Status: Point in time view as at 30/04/2005.

Changes to legislation: Town and Country Planning Act 1990, SCHEDULE 3 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Sections 55, 107 and 114.

DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

PART I

DEVELOPMENT NOT RANKING FOR COMPENSATION UNDER S. 114

- 1 The carrying out of—
- (a) the rebuilding, as often as occasion may require, of any building which was in existence on 1st July 1948, or of any building which was in existence before that date but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building;
 - (b) the rebuilding, as often as occasion may require, of any building erected after 1st July 1948 which was in existence at a material date;
 - (c) the carrying out for the maintenance, improvement or other alteration of any building, of works which—
 - (i) affect only the interior of the building, or do not materially affect the external appearance of the building, and
 - (ii) are works for making good war damage,so long as the cubic content of the original building is not substantially exceeded.
- 2 The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.

PART II

DEVELOPMENT RANKING FOR COMPENSATION UNDER S. 114

F13

Textual Amendments

F1 Sch. 3 paras 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

F24

Textual Amendments

F2 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), **Sch. 19 Pt.II** (with s. 84(5)); S.I. 1991/2067, **art. 3** (subject to art. 4)

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F35

Textual Amendments
F3 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch.6 para. 40(1), Sch. 19 Pt. II (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

F46

Textual Amendments
F4 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch.6 para. 40(1), Sch. 19 Pt.II (with s. 84(5)); S.I. 1991/2067, art. 3 (subject to art. 4)

F57

Textual Amendments
F5 Sch. 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), Sch. 19 Pt.II (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

F68

Textual Amendments
F6 Sch 3 paras. 3-8 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), Sch. 19 Pt. II (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

PART III

SUPPLEMENTARY PROVISIONS

- 9 Where after 1st July 1948—
 - (a) any buildings or works have been erected or constructed, or any use of land has been instituted, and
 - (b) any condition imposed under Part III of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation to those buildings or works or that use,
 this Schedule shall not operate except as respects the period specified in that condition.
- 10 (1) Any reference in this Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.
- (2) For the purposes of [F7 paragraph 1] the cubic content of a building is substantially increased or exceeded—
 - (a) in the case of a dwellinghouse, if it is increased or exceeded by more than one-tenth or 1,750 cubic feet, whichever is the greater; and
 - (b) in any other case, if it is increased or exceeded by more than one-tenth.

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Textual Amendments

F7 Words in Sch. 3 para. 10(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(5), Sch. 6 para. 40(2) (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

^{F8}11

Textual Amendments

F8 Sch. 3 para. 11 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), Sch. 19 Pt.II (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

12 (1) In this Schedule “at a material date” means at either—
(a) 1st July 1948; or
(b) the date by reference to which this Schedule falls to be applied in the particular case in question.

(2) Sub-paragraph (1)(b) shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.

13 (1) In relation to a building erected after 1st July 1948 which results from the carrying out of any such works as are described in paragraph 1, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.

[^{F9}(2) This paragraph does not apply for the purposes of sections 111 and 138.]

Textual Amendments

F9 Sch. 3 para. 13(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(5), Sch. 6 para. 40(3) (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

^{F10}14

Textual Amendments

F10 Sch. 3 para. 14 repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31, 84(6), Sch. 6 para. 40(1), Sch. 19 Pt.II (with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

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