



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Meaning of development*

#### **56 Time when development begun.**

- (1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—
  - (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
  - (b) if the development consists of a change in use, at the time when the new use is instituted;
  - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).
- (2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.
- (3) The provisions referred to in subsection (2) are sections [<sup>F1</sup>61L(5) and (7),] 85(2), 86(6), 87(4), [<sup>F2</sup>89] 91, 92[<sup>F3</sup>, 94 and 108(3E)(c)(i)] .
- (4) In subsection (2) “material operation” means—
  - (a) any work of construction in the course of the erection of a building;
  - <sup>F4</sup>[(aa) any work of demolition of a building;]
  - (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
  - (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

*Status: Point in time view as at 15/11/2011. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 56 is up to date with all changes known to be in force on or before 03 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)*

- (d) any operation in the course of laying out or constructing a road or part of a road;
  - (e) any change in the use of any land which constitutes material development.
- (5) In subsection (4)(e) “material development” means any development other than—
- (a) development for which planning permission is granted by a general development order [<sup>F5</sup>or a local development order] for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted;
  - [<sup>F6</sup>(b) development of a class specified in paragraph 1 or 2 of Schedule 3; ] and
  - (c) development of any class prescribed for the purposes of this subsection.
- (6) In subsection (5) “general development order” means a development order (within the meaning of section 59) made as a general order applicable (subject to such exceptions as may be specified in it) to all land in England and Wales.

#### Textual Amendments

- F1** Words in s. 56(3) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 2(a)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F2** Word in s. 56(3) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(2)-(4), **Sch. 7 para. 10(1)** (with s. 84(5)); S.I. 1991/2067, art. 3 (subject to art. 4)
- F3** Words in s. 56(3) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 2(b)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F4** S. 56(4)(aa) inserted (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 10(2)** (with s. 84(5)); S.I. 1992/1279, art. 2 (with art. 3)
- F5** Words in s. 56(5)(a) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 40(2)(a) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2
- F6** S. 56(5)(b) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(2)-(4), **Sch. 6 para. 10**; S.I. 1991/2067, art. 3 (subject to art. 4)

#### Modifications etc. (not altering text)

- C1** S. 56 applied (with modifications) (3.11.1995) by S.I. 1995/2863, reg. 3, **Sch.**

**Status:**

Point in time view as at 15/11/2011. This version of this provision has been superseded.

**Changes to legislation:**

Town and Country Planning Act 1990, Section 56 is up to date with all changes known to be in force on or before 03 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.