



Planning Act 2008

2008 CHAPTER 29

PART 5

APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 3

ASSISTANCE FOR APPLICANTS AND OTHERS

52 Obtaining information about interests in land

- (1) Where a person is applying, or proposes to apply, for an order granting development consent, [^{F1}subsections (2) and (2A) apply] for the purpose of enabling the person (“the applicant”) to comply with provisions of, or made under, Chapter 2 of this Part or Chapter 1 of Part 6.
- (2) The [^{F2}Secretary of State] may authorise the applicant to serve a notice on a person mentioned in subsection (3) requiring the person (“the recipient”) to give to the applicant in writing the name and address of any person the recipient believes is one or more of the following—
 - (a) an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
 - (b) a person interested in the land;
 - (c) a person having power—
 - (i) to sell and convey the land, or
 - (ii) to release the land.

- [^{F3}(2A) The Secretary of State may authorise the applicant to serve a notice on a person mentioned in subsection (3) requiring the person (“the recipient”) to give to the applicant in writing the name and address of any person the recipient believes is a person who, if the order sought by the application or proposed application were to be made and fully implemented, would or might be entitled—
- (a) as a result of the implementing of the order,
 - (b) as a result of the order having been implemented, or

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- (c) as a result of the use of the land once the order has been implemented, to make a relevant claim.]
- (3) The persons are—
- (a) an occupier of the land;
 - (b) a person who has an interest in the land as freeholder, mortgagee or lessee;
 - (c) a person who directly or indirectly receives rent for the land;
 - (d) a person who, in pursuance of an agreement between that person and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.
- (4) A notice under subsection (2) [^{F4}or (2A)] must—
- (a) be in writing,
 - (b) state that the [^{F5}Secretary of State] has authorised the applicant to serve the notice,
 - (c) specify or describe the land to which the application, or proposed application, relates,
 - (d) specify the deadline by which the recipient must give the required information to the applicant, and
 - (e) draw attention to the provisions in subsections (6) to (9).
- (5) A deadline specified under subsection (4)(d) in a notice must not be earlier than the end of the 14 days beginning with the day after the day on which the notice is served on the recipient of the notice.
- [^{F6}(5A) A notice under subsection (2A) must explain the circumstances in which a person would or might be entitled as mentioned in that subsection.]
- (6) A person commits an offence if the person fails without reasonable excuse to comply with a notice under subsection (2) [^{F7}or (2A)] served on the person.
- (7) A person commits an offence if, in response to a notice under subsection (2) [^{F7}or (2A)] served on the person—
- (a) the person gives information which is false in a material particular, and
 - (b) when the person does so, the person knows or ought reasonably to know that the information is false.
- (8) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body,
 - (b) a person purporting to act in any such capacity, or
 - (c) in a case where the affairs of the body are managed by its members, a member of the body,
- that person, as well as the body, is guilty of that offence and liable to be proceeded against accordingly.
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) In subsections [^{F8}(2) to (3)] “the land” means—
- (a) the land to which the application, or proposed application, relates, or

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- (b) any part of that land.
- (11) Any other expression that appears in either of paragraphs (b) and (c) of subsection (2) and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in those paragraphs the meaning that it has in section 5(1) of that Act.
- [^{F9}(12) In subsection (3) as it applies for the purposes of subsection (2A) “the land” also includes any relevant affected land (see subsection (13)).
- (13) Where the applicant believes that, if the order sought by the application or proposed application were to be made and fully implemented, there would or might be persons entitled—
- (a) as a result of the implementing of the order,
 - (b) as a result of the order having been implemented, or
 - (c) as a result of the use of the land once the order has been implemented,
- to make a relevant claim in respect of any land or in respect of an interest in any land, that land is “relevant affected land” for the purposes of subsection (12).
- (14) In this section “relevant claim” means—
- (a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for compulsory purchase of land or not made for injurious affection resulting from compulsory purchase);
 - (b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works);
 - (c) a claim under section 152(3).]

Textual Amendments

- F1** Words in s. 52(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(2)**, 240(2) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**
- F2** Words in s. 52(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 11**; [S.I. 2012/628](#), **art. 7(a)**
- F3** S. 52(2A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(3)**, 240(2) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**
- F4** Words in s. 52(4) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(4)**, 240(2) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**
- F5** Words in s. 52(4) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 11**; [S.I. 2012/628](#), **art. 7(a)**
- F6** S. 52(5A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(5)**, 240(2) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**
- F7** Words in s. 52(6)(7) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(4)**, 240(2) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**
- F8** Words in s. 52(10) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(6)**, 240(2) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**
- F9** S. 52(12)-(14) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(7)**, 240(2) (with s. 144); [S.I. 2012/628](#), **art. 7(a)**

Commencement Information

- I1** S. 52 in force at 1.10.2009 by [S.I. 2009/2260](#), **art. 2(b)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)