



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART XIV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

221 Interpretation

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

“the Act of 1944” means the Town and Country Planning Act, 1944;

“the Act of 1947” means the Town and Country Planning Act, 1947;

“the Act of 1954” means the Town and Country Planning Act, 1954;

“the Act of 1959” means the Town and Country Planning Act, 1959;

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“the appointed day” means the first day of July, nineteen hundred and forty-eight;

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“the appropriate Minister ”—

- (a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, means the Minister of Power ;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of water, means the Minister; and
- (c) in relation to any other statutory undertakers, means the Minister of Transport;

“area of extensive war damage ” and “area of bad lay-out or obsolete development ” mean respectively an area consisting of land shown to the satisfaction of the Minister to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development, or consisting of such land together with other land contiguous or adjacent thereto, being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development;

“authority possessing compulsory purchase powers ”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition, and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected, or a body (being a parish council or parish meeting or the council of a borough included in a rural district) on whose behalf a county council could be or have been so authorised;

“authority to whom Part II of the Act of 1959 applies ” means a body of any of the descriptions specified in Part I of the Fourth Schedule to the Act of 1959 ;

“building ” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“buildings or works ” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

“building operations ” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

“building preservation order ” has the meaning assigned to it by section thirty of this Act;

“caravan site ” has the meaning assigned to it by subsection (4) of section one of the Caravan Sites and Control of Development Act, 1960;

“clearing ”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed;

“common ” includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;

“compulsory acquisition ” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person ;

“corporate land ” has the same meaning as in the Local Government Act, 1933 ;

“development ” has the meaning assigned to it by section twelve of this Act, and “develop ” shall be construed accordingly;

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“development order ” has the meaning assigned to it by section fourteen of this Act;

“development plan ” has the meaning assigned to it by section four of this Act, and includes a plan made in accordance with subsection (5) of that section;

“disposal ” means disposal by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other manner, except by way of appropriation, gift or mortgage, and “dispose of ” shall be construed accordingly;

“enactment ” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, bye-law or scheme made under an Act of Parliament;

“enforcement notice ” means a notice under section forty-five of this Act;

“engineering operations ” includes the formation or laying out of means of access to highways ;

“erection ” in relation to buildings includes extension, alteration and re-erection;

“fuel or field garden allotment ” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“functions ” includes powers and duties ;

“government department ” includes any Minister of the Crown;

“highway ” has the same meaning as in the Highways Act, 1959;

“improvement ”, in relation to a highway, has the same meaning as in the Highways Act, 1959 ;

“industrial building ” (except in Part VI of this Act) has the meaning assigned to it by section twenty-one of the Local Employment Act, 1960 ;

“industrial development certificate ” has the meaning assigned to it by section thirty-eight of this Act;

“joint planning board ” has the meaning assigned to it by section two of this Act;

“land ” means any corporeal hereditament, including a building, and, in relation to the acquisition of land under Part V of this Act, includes any interest in or right over land;

“lease ” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “leasehold interest” means the interest of the tenant under a lease as so defined;

“local authority ” (except in section one hundred and fifty-four of this Act) means the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London, and any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are local authorities within the meaning of that Act;

“local highway authority ” means a highway authority other than the Minister of Transport;

“local planning authority ” has the meaning assigned to it by section two of this Act;

“means of access ” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

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“minerals ” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale;

“Minister ” (except where the reference is to “the Minister ”) means any Minister of the Crown or other government department;

“the Minister ” (subject to the transitional provisions hereinafter contained in relation to any time before the third day of November, nineteen hundred and fifty-one) has the meaning assigned to it by section one of this Act ;

“mortgage ” includes any charge or lien on any property for securing money or money's worth;

“National Trust ” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907 ;

“new development ” has the meaning assigned to it by subsection (5) of section twelve of this Act;

“open space ” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground ;

“operational land ”, in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings ;

“owner ”, in relation to any land, means (except in sections sixteen, seventeen and forty-seven of this Act) a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let;

“planning decision ” means a decision made on an application under Part III of this Act;

“planning permission ” means permission under Part III of this Act, and in construing references to planning permission to develop land or to carry out any development of land, or to applications for such permission, regard shall be had to subsection (2) of section twenty of this Act;

“planning permission granted for a limited period ” has the meaning assigned to it by subsection (2) of section eighteen of this Act;

“prescribed ” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

“previous apportionment ”, in relation to an apportionment for any of the purposes of the relevant provisions, means an apportionment made before the apportionment in question, being—

- (a) an apportionment for any of the purposes of the relevant provisions as made, confirmed or varied by the Lands Tribunal on a reference to that Tribunal, or
- (b) an apportionment for any of the purposes which might have been referred to the Lands Tribunal by virtue of any of the relevant provisions, where the time for such a reference has expired without its being required to be so referred, or where, after it had been so referred, the reference was withdrawn before the Tribunal gave their decision thereon, or

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(c) an apportionment made by or with the approval of the Central Land Board in connection with the approval by the Board, under subsection (2) of section two of the Town and Country Planning Act, 1953, of an assignment of part of the benefit of an established claim (as defined by subsection (4) of section eighty-nine of this Act),

and in this definition “the relevant provisions ” means any of the provisions of Part VI of this Act, any of those provisions as applied by any other provision of this Act, and any of the provisions of the Act of 1954;

“purchase notice ” has the meaning assigned to it by section one hundred and twenty-nine of this Act;

“relocation of population or industry ”, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, means the rendering available elsewhere than in that area (whether in an existing community or a community to be newly established) of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;

“replacement of open space ”, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;

“statutory undertakers ” means persons authorised by any enactment to carry on any railway, light railway, tramway, road -transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “statutory undertaking ” shall be construed accordingly;

“tenancy ” has the same meaning as in the Landlord and Tenant Act, 1954;

“tree preservation order ” has the meaning assigned to it by section twenty-nine of this Act;

“use ”, in relation to land, does not include the use of land for the carrying out of any building or other operations thereon;

“Valuation Office ” means the Valuation Office of the Inland Revenue Department;

“war damage ” has the same meaning as in the War Damage Act, 1943.

- (2) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if any question so arises whether land of statutory undertakers is operational land, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.
- (3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.
- (4) With respect to references in this Act to planning decisions.—

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- (a) in relation to a decision altered on appeal by the reversal or variation of the whole or part thereof, such references shall be construed as references to the decision as so altered;
 - (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Minister on the appeal;
 - (c) in relation to a decision given on an appeal in the circumstances mentioned in section twenty-four of this Act, such references shall be construed as references to the decision so given ;
 - (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances mentioned in section twenty-four of this Act, the time when in accordance with that section notification of a decision of the local planning authority is deemed to have been received.
- (5) 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 the preceding paragraphs.
- (6) References in this Act to a contract are references to a contract in writing, or a contract attested by a memorandum or note thereof in writing signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to an interest in land conveyed or assigned without a preliminary contract, are references to the conveyance or assignment; and references to the making of a contract are references to the execution thereof or (if it was not in writing) to the signature of the memorandum or note by which it was attested.
- (7) In this Act—
- (a) references to a person from whom title is derived by another person include references to any predecessor in title of that other person;
 - (b) references to a person deriving title from another person include references to any successor in title of that other person;
 - (c) references to deriving title are references to deriving title either directly or indirectly.
- (8) For the avoidance of doubt it is hereby declared that where, under any provision of this Act, the value of an interest in land is required to be assessed on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to this Act, that assumption is to be made on the footing that any such development must comply with the provisions of any enactment, other than this Act, which would be applicable thereto.
- (9) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.