



Town and Country Planning Act 1968

1968 CHAPTER 72

PART VI

MISCELLANEOUS CHANGES IN PLANNING LAW

Duration of planning permission

67 Provisions supplementary to ss.65 and 66.

- (1) For the purposes of sections 65 and 66 above, development shall be taken to be begun on the earliest date on which any specified operation (as defined in section 64(3) of the Land Commission Act 1967) comprised in the development begins to be carried out.
- (2) The authority referred to in section 65(2)(b) and section 66(6) above is the local planning authority or the Minister, in the case of planning permission granted by them, and—
 - (a) in the case of planning permission granted by an order under section 28 of the principal Act (requirement of discontinuance of use of land or alteration or removal of buildings or works) is the local planning authority making the order or, where the Minister in confirming the order exercises his powers under section 28(5) of that Act, the Minister ;
 - (b) in the case of planning permission under section 41 of the principal Act (grant by direction of a government department) is the department on whose direction planning permission is deemed to be granted.
- (3) For the purposes of section 66(2) and (4) above, a reserved matter shall be treated as finally approved when an application for approval is granted or, in a case where the application is made to the local planning authority and there is an appeal to the Minister against the authority's decision on the application and the Minister grants the approval, on the date of the determination of the appeal.
- (4) Where after the commencement of sections 65 and 66 above a local planning authority grant planning permission, the fact that any of the conditions of the permission are required by this Act to be imposed, or are deemed by this Act to be imposed, shall not

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prevent the conditions being the subject of an appeal under section 23 of the principal Act against the decision of the authority.

- (5) Section 18(3) of the principal Act (planning permission not to be taken as authorising operations carried out after the time limited in that behalf by the permission) shall not have effect in relation to a planning permission having conditions attached to it by or under section 65(1), (2) or (3) or section 66(2), (4) or (5) above; but in the case of such a planning permission (whether outline or other),—
- (a) development carried out after the date by which the conditions of the permission require it to be carried out shall be treated as not authorised by the permission; and
 - (b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.
- (6) Compensation under Part VI of the principal Act shall not be payable in respect of the application to any planning permission of any of the conditions referred to in sections 65 and 66 of this Act.
- (7) The said conditions shall be disregarded for the purposes—
- (a) of section 123 of the principal Act (compensation for planning decisions restricting development);
 - (b) of section 129 of that Act (right of landowner to serve purchase notice, where he claims that the land has become incapable of reasonably beneficial use on account of the refusal of planning permission or the imposition of conditions); and
 - (c) of section 170 of that Act (compensation of statutory undertakers in respect of certain planning decisions).