



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IX **E+W**

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Appropriation, disposal and development of land held for planning purposes, etc.

232 Appropriation of land held for planning purposes. **E+W**

- (1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part or in Chapter V of Part I of the ^{M1}Planning (Listed Buildings and Conservation Areas) Act 1990.
- (2) Land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act shall not be appropriated under this section without the consent of the Secretary of State.
- (3) Such consent may be given—
 - (a) either in respect of a particular appropriation or in respect of appropriations of any class, and
 - (b) either subject to or free from any conditions or limitations.
- (4) Before appropriating under this section any land which consists of or forms part of an open space, a local authority—
 - (a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
 - (b) shall consider any objections to the proposed appropriation which may be made to them.
- (5) In relation to any appropriation under this section—

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- (a) subsection (4) of section 122 of the ^{M2}Local Government Act 1972 (which relates to the operation of section 68 of the ^{M3}Lands Clauses Consolidation Act 1845 and section 10 of the ^{M4}Compulsory Purchase Act 1965) shall have effect as it has effect in relation to appropriations under section 122 of that Act of 1972; and
- (b) subsections (5) and (6) of section 229 of this Act shall have effect as they have effect in relation to appropriations under that section.
- (6) In relation to any such land as is mentioned in subsection (1), this section shall have effect to the exclusion of the provisions of section 122(1) of the ^{M5}Local Government Act 1972.

Modifications etc. (not altering text)

- C1** Pt. 9 applied (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **13(4)**
- C2** Pt. 9 applied (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **9(4)**
- C3** Pt. 9 applied (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **10(4)**
- C4** Ss. 232, 233, 235(1) amended by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), s. **66(2)**
- C5** S. 232 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **6(1)(e)(2)**
- C6** S. 232 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **19(1)(e)**
- C7** S. 232 functions made exercisable concurrently (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **7(1)(e)**
- C8** S. 232 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **11(1)(e)(2)**
- C9** S. 232 functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **8**
- C10** S. 232: functions made exercisable concurrently (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **8**

Marginal Citations

- M1** 1990 c. 9.
M2 1972 c. 70.
M3 1845 c.18.
M4 1965 c.56.
M5 1972 c. 70.

233 Disposal by local authorities of land held for planning purposes. E+W

- (1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by them for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as appear to them to be expedient in order—
- (a) to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by themselves or by any other person), or

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- (b) to secure the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.
- (2) Land which consists of or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act shall not be disposed of under this section without the consent of the Secretary of State.
- (3) The consent of the Secretary of State is also required where the disposal is to be for a consideration less than the best that can reasonably be obtained and is not—
 - (a) the grant of a term of seven years or less; or
 - (b) the assignment of a term of years of which seven years or less are unexpired at the date of the assignment.
- [^{F1}(3A) The Secretary of State may give consent under subsection (3)—
 - (a) in relation to any particular disposal or disposals, or in relation to a particular class of disposals,
 - (b) in relation to local authorities generally, or local authorities of a particular class, or to any particular local authority or authorities, and
 - (c) either unconditionally or subject to conditions (either generally, or in relation to any particular disposal or disposals or class of disposals).]
- (4) Before disposing under this section of any land which consists of or forms part of an open space, a local authority—
 - (a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
 - (b) shall consider any objections to the proposed disposal which may be made to them.
- (5) In relation to land acquired or appropriated for planning purposes for a reason mentioned in section 226(1)(a) or (3) the powers conferred by this section on a local authority, and on the Secretary of State in respect of the giving of consent to disposals under this section, shall be so exercised as to secure to relevant occupiers, so far as may be practicable, a suitable opportunity for accommodation.
- (6) A person is a relevant occupier for the purposes of subsection (5) if—
 - (a) he was living or carrying on business or other activities on any such land as is mentioned in that subsection which the authority have acquired as mentioned in subsection (1),
 - (b) he desires to obtain accommodation on such land, and
 - (c) he is willing to comply with any requirements of the authority as to the development and use of such land;and in this subsection “development” includes redevelopment.
- (7) In subsection (5) a suitable opportunity for accommodation means, in relation to any person, an opportunity to obtain accommodation on the land in question which is suitable to his reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from him.
- (8) In relation to any such land as is mentioned in subsection (1), this section shall have effect to the exclusion of section 123 of the ^{M6}Local Government Act 1972 (disposal of land by principal councils).

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[^{F2}(9) Section 128(2) of the Local Government Act 1972 (which already gives protection to purchasers etc in respect of certain land transactions, including disposals under this section by certain authorities) applies in relation to every disposal of land under this section by a local authority for an area in England; and section 29 of the Town and Country Planning Act 1959 does not apply in relation to such a disposal.]

Textual Amendments

- F1** S. 233(3A) inserted (25.6.2013 for E.) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 8(2)**, 35(1); [S.I. 2013/1124](#), art. 3
- F2** S. 233(9) inserted (25.6.2013 for E.) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 8(3)**, 35(1); [S.I. 2013/1124](#), art. 3

Modifications etc. (not altering text)

- C11** Ss. 232, 233, 235(1) amended by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9\)](#), [SIF 123:1](#), **s. 66(2)**
- C12** S. 233 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **6(1)(f)(2)**
- C13** S. 233 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **19(1)(f)**
- C14** S. 233 functions made exercisable concurrently (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **7(1)(f)**
- C15** S. 233 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **11(1)(f)(2)**
- C16** S. 233 functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **8**
- C17** S. 233: functions made exercisable concurrently (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **8**

Marginal Citations

- M6** 1972 c. 70.

234 Disposal by Secretary of State of land acquired under s. 228. **E+W**

- (1) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under section 228 to such person, in such manner and subject to such conditions as appear to him expedient.
- (2) In particular, the Secretary of State may under subsection (1) dispose of land held by him for any purpose in order to secure its use for that purpose.

Modifications etc. (not altering text)

- C18** S. 234 applied (with modifications) (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), **ss. 49(4)(a)**, 70(1)
- C19** S. 234 applied (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), **ss. 45(4)(a)**, 64(1)

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235 Development of land held for planning purposes. **E+W**

- (1) A local authority may—
 - (a) erect, construct or carry out on any land to which this section applies any building or work other than a building or work for the erection, construction or carrying out of which, whether by that local authority or by any other person, statutory power exists by virtue of, or could be conferred under, an alternative enactment; and
 - (b) repair, maintain and insure any buildings or works on such land and generally deal with such land in a proper course of management.
- (2) This section applies to any land which—
 - (a) has been acquired or appropriated by a local authority for planning purposes, and
 - (b) is for the time being held by the authority for the purposes for which it was so acquired or appropriated.
- (3) A local authority may exercise the powers conferred by subsection (1) notwithstanding any limitation imposed by law on their capacity by virtue of their constitution.
- (4) A local authority may enter into arrangements with an authorised association for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements.
- (5) Nothing in this section shall be construed—
 - (a) as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any grounds other than such a limitation as is mentioned in subsection (3); or
 - (b) as authorising an authorised association to carry out any operation which they would not have power to carry out apart from subsection (4).
- (6) In this section—

“alternative enactment” means any enactment which is not contained in this Part, in section 2, 5 or 6 of the ^{M7}Local Authorities (Land) Act 1963, in section 14(1) or (4) or 17(3) of the ^{M8}Industrial Development Act 1982 or in Chapter V of Part I of the ^{M9}Planning (Listed Buildings and Conservation Areas) Act 1990; and

“authorised association” means any society, company or body of persons—

 - (a) whose objects include the promotion, formation or management of garden cities, garden suburbs or garden villages and the erection, improvement or management of buildings for the working classes and others, and
 - (b) which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

Modifications etc. (not altering text)

- C20** S. 235 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **6(1)(g)(2)**
- C21** S. 235 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **19(1)(g)**

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- C22** S. 235 functions made exercisable concurrently (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **7(1)(g)**
- C23** S. 235 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **11(1)(g)(2)**
- C24** S. 235 functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **8**
- C25** S. 235: functions made exercisable concurrently (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **8**
- C26** Ss. 232, 233, 235(1) amended by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\)](#), s. **66(2)**

Marginal Citations

- M7** 1963 c.29.
M8 1982 c.52.
M9 1990 c. 9.

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