
STATUTORY INSTRUMENTS

1988 No. 1813

**The Town and Country Planning
General Development Order 1988**

Citation, commencement and interpretation

1.—(1) This order may be cited as the Town and Country Planning General Development Order 1988 and shall come into force on 5th December 1988.

(2) In this order, unless the context otherwise requires—

“the Act” means the Town and Country Planning Act 1971;

“the 1981 Act” means the Town and Country Planning (Minerals) Act 1981(1);

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960(2);

“aerodrome” means an aerodrome as defined in article 96 of the Air Navigation Order 1985(3) which is—

- (a) licensed under that order,
- (b) a Government aerodrome,
- (c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,
- (d) one used by aircraft engaged in the public transport of passengers or cargo or aerial work, or
- (e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

and for the purposes of this definition, the terms “aerial work”, “Government aerodrome” and “public transport” have the meanings given in article 96;

“aqueduct” does not include an underground conduit;

“area of outstanding natural beauty” means an area designated as such by an order made by the Countryside Commission under section 87 of the National Parks and Access to the Countryside Act 1949(4) as confirmed by the Secretary of State;

“associated apparatus”, in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe;

“building” does not include plant or machinery, and in Schedule 2 to this order does not include any gate, fence, wall or other means of enclosure;

“caravan” has the same meaning as for the purposes of Part I of the 1960 Act;

“caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“classified road” means a highway or proposed highway which—

(1) 1981 c. 36.

(2) 1960 c. 62; the relevant amendment is section 13 of the Caravan Sites Act 1968 (c. 52).

(3) S.I.1985/1643.

(4) 1949 c. 97.

- (a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980⁽⁵⁾; or
- (b) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;

“the Common Council” means the Common Council of the City of London;

“contravention of previous planning control” means a use of land begun in contravention of Part III of the Town and Country Planning Act 1947⁽⁶⁾ or Part III of the Town and Country Planning Act 1962⁽⁷⁾;

“cubic content” means the cubic content of a structure or building measured externally;

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“existing”, in relation to any building or any plant or machinery, means (except in the definition of “original”) existing immediately before the carrying out of development described in this order;

“flat” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

“hazardous substance” and “notifiable quantity” have the meanings assigned to those terms by the Notification Regulations;

“industrial process” means a process for or incidental to any of the following purposes—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

“land drainage” has the meaning it has in the Land Drainage Act 1976⁽⁸⁾;

“landscaping” means the treatment of land (other than buildings) being the site or part of the site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out of gardens or courts, and the provision of other amenity features;

“local authority” includes a parish or community council;

“microwave” means that part of the radio spectrum above 1000 MHz;

“microwave antenna” means a satellite antenna or a terrestrial microwave antenna;

“mine” means any site on which mining operations are carried out;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

(5) 1980 c. 66.
(6) 1947 c. 51.
(7) 1962 c. 38.
(8) 1976 c. 70.

“notifiable pipeline” means a pipeline (as that term is defined in section 65 of the Pipelines Act 1962⁽⁹⁾) which contains or is intended to contain a hazardous substance, but does not include a pipeline which has been authorised under section 1 of the Pipelines Act 1962, or a pipeline which contains, or is intended to contain, no hazardous substance other than—

- (a) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification Regulations) at a pressure of less than 8 bars absolute; or
- (b) a flammable liquid, as specified in item 4 of Part II of the said Schedule;

“Notification Regulations” means the Notification of Installations Handling Hazardous Substances Regulations 1982⁽¹⁰⁾;

“original” means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built;

“outline planning permission” means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

“plant or machinery” includes any structure or erection in the nature of plant or machinery;

“private way” means a highway not maintainable at the public expense and any other way other than a highway;

“proposed highway” has the meaning assigned to that term by section 329 of the Highways Act 1980;

“public service vehicle” means a public service vehicle or tramcar within the meaning of the Public Passenger Vehicles Act 1981⁽¹¹⁾ or a trolley vehicle within the meaning of section 196(1) of the Road Transport Act 1972⁽¹²⁾;

“1988 Regulations” means the Town and Country Planning (Applications) Regulations 1988⁽¹³⁾;

“reserved matters” in relation to an outline permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application, namely—

- (a) siting,
- (b) design,
- (c) external appearance,
- (d) means of access,
- (e) the landscaping of the site;

“satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

“site of archaeological interest” means land which is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979⁽¹⁴⁾, or is within an area of land which is designated as an area of archaeological importance under section 33 of that Act, or which is within a site registered in any record kept by a county council and known as the County Sites and Monuments Record;

⁽⁹⁾ 1962 c. 58.

⁽¹⁰⁾ S.I. 1982/1357.

⁽¹¹⁾ 1981 c. 14.

⁽¹²⁾ 1972 c. 20.

⁽¹³⁾ S.I. 1988/1812.

⁽¹⁴⁾ 1979 c. 46.

“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981⁽¹⁵⁾ applies;

“sludge main” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated therewith) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or the residue thereof;

“slurry” means animal faeces and urine (whether or not water has been added for handling);

“special road” means a highway or proposed highway which is a special road in accordance with section 16 of the Highways Act 1980;

“statutory undertaker” includes, in addition to any person mentioned in section 290(1) of the Act, the Post Office and the Civil Aviation Authority and public gas suppliers within the meaning of section 7 of the Gas Act 1986⁽¹⁶⁾;

“terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of (a) above;

“terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

“transport legislation” means section 14(1)(d) of the Transport Act 1962⁽¹⁷⁾ or section 10(1)(x) of the Transport Act 1968⁽¹⁸⁾;

“trunk road” means a highway or proposed highway which is a trunk road by virtue of sections 10(1) or 19 of the Highways Act 1980 or any other enactment or any instrument made under any enactment;

“unadopted street” means a street as defined by the Public Health Act 1936⁽¹⁹⁾ not being a highway maintainable at the public expense;

“urban development corporation” has the same meaning as in Part XVI of the Local Government, Planning and Land Act 1980⁽²⁰⁾;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987⁽²¹⁾;

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order.

(3) Unless the context otherwise requires, any reference in this order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(4) References to the use of land for a specified purpose do not include references to the use of land—

(15) 1981 c. 69.
 (16) 1986 c. 44.
 (17) 1962 c. 46.
 (18) 1968 c. 73.
 (19) 1936 c. 49.
 (20) 1980 c. 65.
 (21) S.I. 1987/764.

- (a) without planning permission, or
- (b) in contravention of previous planning control.

(5) The land referred to elsewhere in this order as article 1(5) land is the land described in Part 1 of Schedule 1 to this order (National Parks, areas of outstanding natural beauty and conservation areas etc.)

(6) The land referred to elsewhere in this order as article 1(6) land is the land described in Part 2 of Schedule 1 to this order (National Parks and adjoining land).

Application

2.—(1) This order applies to all land in England and Wales, but where land is the subject of a special development order, whether made before or after the commencement of this order, this order shall apply to that land only to such extent and subject to such modifications as may be specified in the special order.

(2) Nothing in this order shall apply to any permission which is deemed to be granted under section 64 of the Act (applications for planning permission not needed for advertisements complying with regulations).

Permitted development

3.—(1) Subject to the provisions of this order, planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2 and subject to the condition set out in paragraph (9) below (hazardous substances condition).

(3) References in the following provisions of this order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule is a reference to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Act otherwise than by this order.

(5) The permission granted by Schedule 2 shall not, except in relation to development permitted by Parts 9, 11 or 13, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(6) Any development falling within Part 11 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval shall not be treated for the purpose of this order as authorised unless and until that consent or approval is obtained; except where the Act was passed or the order made after 1 July 1948 and it contains provision to the contrary.

(7) Schedule 2 does not grant permission for—

- (a) the laying or construction of a notifiable pipeline, or
- (b) development which involves or is likely to involve a hazardous activity, except in the cases specified in paragraph (8).

(8) The cases specified in this paragraph are—

- (a) where the development is to be carried out in, on, over or under land comprised in a notified site and the carrying out of the development is not likely to result in the presence in, on, over or under the land of a quantity of the hazardous substance notified which exceeds three times the quantity last notified;

- (b) where—
- (i) an exemption certificate under the Notification Regulations applies to the development;
 - (ii) there is, immediately before the development is carried out, a notifiable quantity of a hazardous substance present in, on, over or under that land, and
 - (iii) the carrying out of the development is not likely to result in the presence in, on, over or under that land of a quantity of the substance which exceeds three times the quantity present immediately before development began;
- (c) where the development is to be carried out by a public gas supplier and consists of the laying of mains, pipes or other apparatus;
- (d) where the development is for the purpose of inspecting, repairing or renewing mains, pipes or other apparatus.

(9) The hazardous substances condition referred to in paragraph (2) is a condition that no building erected or extended, no plant or machinery installed or provided (other than a mains, pipe or other apparatus belonging to a public gas supplier), and no works carried out by virtue of permission granted by this article and Schedule 2 on land within any site shall be used for a hazardous activity.

(10) For the purposes of this article—

“hazardous activity” means the manufacture, processing, keeping or use of a hazardous substance in circumstances which will result in there being at any one time a notifiable quantity of a hazardous substance in, on, over or under the land on which the development is carried out or the site which comprises that land,

“notified site” means a site in respect of which notification has been given to the Health and Safety Executive in pursuance of the requirements of the Notification Regulations, and

“site” means the whole of the area of land within a single unit of occupation.

Directions restricting permitted development

4.—(1) If the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2 hereto, other than Class B of Part 22 or Class C of Part 23, should not be carried out unless permission is granted for it on an application, he or they may, subject to paragraph (2), give a direction that the permission granted by Article 3 shall not apply to—

- (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction.

(2) A direction under paragraph (1) shall not affect the carrying out of—

- (a) development permitted by Part 11 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;
- (b) any development in an emergency; or
- (c) any development mentioned in Part 24, unless the direction specifically so provides.

(3) A direction given or having effect as if given under this article shall not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—

- (a) the maintenance of bridges, buildings and railway stations;

- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
 - (c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;
 - (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;
 - (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
 - (f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome;
 - (g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Part 18, Class A of Schedule 2 to this order).
- (4) In this article and in article 5 “appropriate local planning authority” means—
- (a) in relation to a conservation area in a non-metropolitan county, the county planning authority or the district planning authority; and
 - (b) in relation to any other area, the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate.

Approval of Secretary of State for article 4 directions

5.—(1) Except in the cases specified in paragraphs (3) and (4), a direction by a local planning authority under article 4 requires the approval of the Secretary of State, who may approve the direction with or without modifications.

(2) On making a direction under article 4 or submitting such a direction to the Secretary of State for approval—

- (a) a county planning authority shall give notice thereof to the district planning authority in whose area the land to which the direction relates is situated; and
- (b) except in metropolitan districts, a district planning authority shall give notice thereof to the county planning authority.

(3) Unless it affects the carrying out of development by a statutory undertaker as provided by article 4(3), the approval of the Secretary of State is not required for a direction which relates to—

- (a) a listed building;
- (b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or
- (c) development within the curtilage of a listed building,

and does not relate to land of any other description.

(4) Subject to paragraph (6), the approval of the Secretary of State is not required for a direction relating only to development permitted by any of Parts 1 to 4 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

(5) A direction not requiring the Secretary of State’s approval by virtue of paragraph (4) shall, unless disallowed or approved by the Secretary of State, expire at the end of six months from the date on which it was made.

(6) Paragraph (4) does not apply to a second or subsequent direction relating to the same development or to development of the same class or any of the same classes, in the same area or any part of that area.

(7) The local planning authority shall send a copy of any direction made by them to which paragraph (4) applies to the Secretary of State not later than the date on which notice of that direction is given in accordance with paragraph (10) or (12).

(8) The Secretary of State may give notice to the local planning authority that he has disallowed any such direction and the direction shall then cease to have effect.

(9) The local planning authority shall as soon as reasonably practicable give notice that a direction has been disallowed in the same manner as notice of the direction was given.

(10) Subject to paragraph (12), notice of any direction made under article 4 shall be served by the appropriate local planning authority on the owner and occupier of every part of the land affected as soon as practicable after the direction has been made or, where the direction is required to be approved by the Secretary of State, as soon as practicable after it has been so approved; and a direction shall come into force in respect of any part of the land on the date on which notice is so served on the occupier of that part, or, if there is no occupier, on the owner.

(11) If a direction to which paragraph (4) applies is approved by the Secretary of State within the period of 6 months referred to in paragraph (5), then (unless paragraph (12) applies) the authority who made the direction shall, as soon as practicable, serve notice of that approval on the owner and occupier of every part of the land affected by the direction; and where the Secretary of State has approved the direction with modifications the notice shall indicate the effect of the modifications.

(12) Where in the case of a direction under article 4(1)(a) an authority consider that individual service in accordance with paragraph (10) or (11) is impracticable for the reasons set out in paragraph (14) they shall publish a notice of the direction, or of the approval, in at least one newspaper circulating in the locality in which the land is situated.

(13) A notice published pursuant to paragraph (12) shall contain a statement of the effect of the direction and of any modification made to it by the Secretary of State, and shall name a place or places where a copy of the direction, and of a map defining the area to which it relates, may be seen at all reasonable hours.

(14) The reasons referred to in paragraph (12) are that the number of owners and occupiers of the land to which the direction relates makes individual service impracticable, or that it is difficult to identify or locate one or more of them.

(15) Where notice of a direction has been published in accordance with paragraph (12), the direction shall come into force on the date on which the notice is first published.

(16) A local planning authority may, by making a subsequent direction and without the approval of the Secretary of State, cancel any direction made by them under article 4, and the Secretary of State may make a direction cancelling any direction under article 4 made by the local planning authority.

(17) Paragraphs (10) and (12) to (15) shall apply to any direction made under paragraph (16).

Directions restricting permitted development under Part 22, Class B or Part 23, Class C

6.—(1) If, on receipt of a notification from any person that he proposes to carry out development within Part 22, Class B or Part 23, Class C in Schedule 2 to this order, a mineral planning authority are satisfied as mentioned in paragraph (2) below, they may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by article 3 of this order shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The mineral planning authority may make a direction under this article if they are satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

- (a) the land on which the development is to be carried out is within—
 - (i) a National Park,
 - (ii) an area of outstanding natural beauty,
 - (iii) a site of archaeological interest, and the operation to be carried out is not one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984(22), or
 - (iv) a site of special scientific interest;
- (b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in pursuance of the provisions of Part 22, Class B or Part 23, Class C, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a building shown as grade 1 in the list of buildings of special architectural or historic interest compiled by the Secretary of State under section 54 of the Act;
- (c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
- (d) the development would endanger aircraft using a nearby aerodrome.

(3) A direction made under this article shall contain a statement as to the day on which (if it is not disallowed under paragraph (5) below) it will come into force, which shall be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4) below.

(4) As soon as is reasonably practicable a copy of a direction under this article shall be sent by the mineral planning authority to the Secretary of State and to the person who gave notice of the proposal to carry out development.

(5) The Secretary of State may, at any time within a period of 28 days beginning with the date on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Secretary of State that he has disallowed the direction, the mineral planning authority shall give notice in writing to the person who gave notice of the proposal that he is authorised to proceed with the development.

Outline applications

7.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of one month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

Application for approval of reserved matters

8. An application for approval of reserved matters—

- (a) shall be made in writing to the local planning authority and shall give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;

- (b) shall include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline planning permission; and
- (c) except where the authority indicate that a lesser number is required, shall be accompanied by 3 copies of the application and the plans and drawings submitted with it.

Application under section 53 to determine whether planning permission required

9.—(1) An application to a local planning authority for a determination under section 53 of the Act shall be made in writing and shall contain a description of the operations or change of use proposed and be accompanied by plans or drawings sufficient to identify the land to which the application relates and the nature of the operations.

(2) Where the proposal relates to a change of use, a full description shall be given of the proposed use and of any use of land at the date when the application is made (or, where the land is not in active use at that date, the purpose for which it was last used).

General provisions relating to applications

10.—(1) Any application made under regulation 3 of the 1988 Regulations or article 8 or 9 above, shall be made—

- (a) where the land is in Greater London or a metropolitan county, to the local planning authority;
 - (b) where the land is situated elsewhere, to the district planning authority.
- (2) When the local planning authority with whom an application has to be lodged receive—
- (a) in the case of an application made under paragraph (1) of regulation 3 of the 1988 Regulations, the form of application required by that paragraph, together with the certificate or other documents required by section 27 (notification to owners and agricultural tenants) of the Act;
 - (b) in the case of an application made under regulation 3(3) of the 1988 Regulations, sufficient information to enable the authority to identify the previous grant of planning permission, together with the certificate or other documents required by section 27 of the Act;
 - (c) in the case of an application made under article 8 or 9 above, the documents and information required by that article,

and the fee (if any) required to be paid in respect of the application⁽²³⁾, the authority shall as soon as is reasonably practicable send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Part 1 of Schedule 3 hereto.

(3) In the case of an application which falls to be determined by the county planning authority, the district planning authority shall, as soon as is reasonably practicable—

- (a) notify the applicant that the application will be so determined;
- (b) provide the county planning authority with all relevant plans, drawings, particulars and documents submitted with or in support of the application; and
- (c) notify the county planning authority of all action taken by the district planning authority in relation to the application.

(4) Where, after sending an acknowledgement as required by paragraph (2) of this article, the local planning authority consider that the application is invalid by reason of a failure to comply with the requirements of regulation 3 of the 1988 Regulations or article 8 or 9 above or any other statutory

⁽²³⁾ Fees are prescribed by regulations made under section 87 of the Local Government, Planning and Land Act 1980 (c. 65); S.I. 1983/1674, as amended by S.I. 1985/1182 and 1987/101.

requirement, they shall as soon as reasonably practicable notify the applicant that his application is invalid.

Notice under section 26

11.—(1) The following classes of development are designated for the purposes of section 26 of the Act (publication of notices as to applications)—

- (a) the construction of buildings for use as public conveniences;
- (b) the construction of buildings or other operations or the use of land for the disposal of waste materials or the use of land as a scrap yard;
- (c) the winning or working of minerals or the use of land for mineral working deposits;
- (d) the construction of buildings or other operations or the use of land for retaining, treating or disposing of sewage, trade waste or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers or the construction of septic tanks and cesspools serving single dwellinghouses, single buildings or single caravans in which not more than ten people will normally reside, work or congregate, and works ancillary thereto);
- (e) the construction of buildings to a height exceeding 20 metres;
- (f) the construction of buildings or the use of land for the purposes of a slaughter-house or knacker's yard or for killing or plucking poultry;
- (g) the construction of buildings or the use of land for the purposes of a casino, a funfair or a bingo hall, a theatre, a cinema, a music hall, a dance hall, a skating rink, a sportshall, a swimming bath or gymnasium (not forming part of a school, college or university), or a Turkish or other vapour or foam bath;
- (h) the construction of buildings or the use of land as a zoo or for the business of boarding or breeding cats or dogs;
- (i) the construction of buildings or the use of land for motor car or motorcycle racing, including trials of speed;
- (j) the construction of a stadium;
- (k) the use of land as a cemetery or crematorium.

(2) The notice of an application required to be published under section 26(2)(a) of the Act shall be in the form set out in Part 1 of Schedule 4 hereto, and the copy of the notice accompanying the application shall be certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate.

(3) The notice required by section 26(3)(a) of the Act to be posted on the land shall be in the form set out in Part 1 of Schedule 4 hereto.

(4) Certificates issued for the purposes of section 26(2)(b) of the Act shall be in the forms set out in Part 2 of Schedule 4 hereto.

Notification of applications to owners and agricultural tenants

12.—(1) Subject to paragraph (2)—

- (a) the certificate issued for the purposes of section 27 of the Act shall be in the appropriate form set out in Part 1 of Schedule 5 hereto;
- (b) the requisite notice for the purposes of section 27 as it applies to applications shall be in the form set out in Part 2 of Schedule 5 hereto;

(c) the requisite notice for the purposes of section 27 as it applies to appeals under section 36 of the Act shall be in the form set out in Part 3 of Schedule 5 hereto.

(2) The certificate issued for the purpose of section 27(1)(cc) (winning and working of minerals by underground mining) shall be in the form set out in Part 4 of Schedule 5 and the requisite notice for the purpose of section 27(2A) (notice to be posted in the case of development to which section 27(1)(cc) applies) shall be in the form set out in Part 5 or, as the case may be, Part 6 of that Schedule.

Notification of mineral applications

13.—(1) Where notice has been given for the purposes of this article to a mineral planning authority as respects land which is in their area and specified in the notice—

- (a) by the British Coal Corporation that the land contains coal;
- (b) by the Secretary of State for Energy that it contains gas or oil; or
- (c) by the Crown Estates Commissioners that it contains silver or gold,

the mineral planning authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the body or person who gave the notice that an application has been made.

(2) In this article, “coal” means coal other than that won or worked by virtue of section 36(1) of the Coal Industry Nationalisation Act 1946⁽²⁴⁾.

Directions by the Secretary of State

14.—(1) The Secretary of State may give directions restricting the grant of permission by a local planning authority, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

(2) The Secretary of State may give directions—

- (a) that particular proposed development of a description set out in Schedule 1 or Schedule 2 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988⁽²⁵⁾ is exempted from the application of those Regulations;
- (b) as to whether particular proposed development is or is not development in respect of which those Regulations require the consideration of environmental information (as defined in those Regulations) before planning permission can be granted; or
- (c) that development of any class described in the direction is development in respect of which those Regulations require the consideration of such information before such permission can be granted.

(3) A local planning authority shall deal with applications for planning permission for development to which a direction given under this article applies in such manner as to give effect to the direction.

Special provisions as to permission for development affecting certain existing and proposed highways

15.—(1) On receipt of an application for planning permission for development which consists of or includes—

- (a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or

⁽²⁴⁾ 1946 c. 59.

⁽²⁵⁾ S.I. 1988/1199.

- (b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under this article) from the middle of—
 - (i) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide, in pursuance of an order under Part II of the Highways Act 1980(26) and which has not for the time being been transferred to any other highway authority;
 - (ii) any highway which he proposes to improve under Part V of that Act and in respect of which notice has been given to the local planning authority;
 - (iii) any highway to which he proposes to carry out improvements in pursuance of an order under Part II of that Act; or
 - (iv) any highway which he proposes to construct, the route of which is shown on the development plan or in respect of which he has given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the relevant local planning authority shall notify the Secretary of State and, in the case of an application which falls to be determined by the county planning authority, the county planning authority.

- (2) An application referred to in paragraph (1) above shall not be determined unless—
 - (a) the relevant local planning authority receive a direction given under article 14 of this order (and in accordance with the terms of that direction);
 - (b) they receive notification by or on behalf of the Secretary of State that he does not propose to give any such direction in respect of the development to which the application relates; or
 - (c) a period of 28 days (or such longer period as may be agreed in writing between the relevant local planning authority and the Secretary of State) from the date when notification was given to the Secretary of State has elapsed without receipt of such a direction.
- (3) The Secretary of State may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph 1(b) above.
- (4) In this article, “the relevant local planning authority” means—
 - (a) in relation to land in an urban development area in respect of which the urban development corporation is the local planning authority for all kinds of development, the urban development corporation;
 - (b) where subparagraph (a) does not apply and the land is in Greater London or a metropolitan county, the local planning authority; and
 - (c) in any other case, the district planning authority.

(5) Where under this article a relevant local planning authority are required to notify the Secretary of State or the county planning authority of an application for planning permission, they shall send to the Secretary of State at such office or address as he may appoint and to the county planning authority a copy of the relevant application and of every plan submitted therewith.

Application of bye-laws in relation to construction of new streets

16.—(1) A local planning authority which is not the local highway authority shall not grant permission for development which consists of or includes the laying out or construction of a new street without first consulting the local highway authority.

(2) Where permission is granted under Part III of the Act for any development mentioned in paragraph (1), no bye laws mentioned in paragraph (3) shall apply to the development except so

far as the bye laws in question, by virtue of section 50 of the Public Health Act 1961⁽²⁷⁾, require a person constructing a new street to provide separate sewers for foul water drainage and surface water drainage.

- (3) The bye-laws referred to in paragraph (2) are—
- (a) the bye-law made by the Metropolitan Board of Works on 17th March 1857 and confirmed by them on 3rd April 1857 under the Metropolis Management Act 1855⁽²⁸⁾;
 - (b) any bye-law made under section 186 of the Highways Act 1980⁽²⁹⁾ or made under an earlier enactment corresponding to section 186 and continued in force by an order made under section 312(6) of the Highways Act 1959⁽³⁰⁾.

Development not in accordance with the development plan

17. —A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this order grant permission for development which does not accord with the provisions of the development plan.

Consultations before the grant of permission

18.—(1) Before granting permission for development which, in their opinion, falls within a category set out in the table below, a local planning authority shall consult the authority or person mentioned in relation to that category, except where—

- (i) the local planning authority are the authority so mentioned;
- (ii) the local planning authority are required to consult the authority so mentioned under articles 19 or 20; or
- (iii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted.

TABLE

Para	Description of Development	Consultee
(a)	Development likely to affect land in Greater London or in a metropolitan county	The local planning authority concerned
(b)	Development likely to affect land in a non-metropolitan county, other than land in a National Park	The district planning authority concerned
(c)	Development likely to affect land in a National Park	The county planning authority concerned
(d)	Development involving the manufacture,	The Health and Safety Executive

⁽²⁷⁾ 1961 c. 64.

⁽²⁸⁾ 1855 c. 120.

⁽²⁹⁾ 1980 c. 66.

⁽³⁰⁾ 1959 c. 25; the operation of orders under section 312(6) is preserved by paragraph 11 of Schedule 23 to the Highways Act 1980.

Para	Description of Development	Consultee
	processing, keeping or use of a hazardous substance in such circumstances that there will at any one time be, or is likely to be, a notifiable quantity of such substance in, on, over or under any land	
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic—	
	(i) entering or leaving a trunk road; or	In England, the Secretary of State for Transport, in Wales the Secretary of State for Wales
	(ii) using a level crossing over a railway	The British Railways Board or other railway undertakers likely to be affected, and in England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales
(f)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified or proposed road	The local highway authority concerned
(g)	Development likely to prejudice the improvement or construction of a classified or proposed road	The local highway authority concerned
(h)	Development involving the formation, laying out or alteration of any means of access to a highway (other than a trunk road)	The local highway authority concerned

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Para	Description of Development	Consultee
(i)	Development which involves the provision of a building or pipeline in an area of coal working notified by the British Coal Corporation to the local planning authority	The British Coal Corporation
(j)	Development involving or including mining operations	The water authority concerned
(k)	Development involving or including the winning and working of coal by opencast methods	The Secretary of State for Energy
(l)	Development within three kilometres of Windsor Castle, Windsor Great Park, or Windsor Home Park, or within 800 metres of any other royal palace or park, which might affect the amenities (including security) of that palace or park	The Secretary of State for the Environment
(m)	Development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building	The Historic Buildings and Monuments Commission
(n)	Development likely to affect the site of a scheduled ancient monument	In England, The Historic Buildings and Monuments Commission, in Wales, the Secretary of State for Wales
(o)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The water authority concerned
(p)	Development for the purpose of refining or	The water authority concerned

Para	Description of Development	Consultee
	storing mineral oils and their derivatives	
(q)	Development involving the use of land for the deposit of refuse or waste	The water authority concerned
(r)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The water authority concerned
(s)	Development relating to the use of land as a cemetery	The water authority concerned
(t)	Development in an area of special scientific interest of which notification has been given or has effect as if given to the local planning authority by the Nature Conservancy Council in accordance with section 28 of the Wildlife and Countryside Act 1981(31)	The Nature Conservancy Council
(u)	Development involving any land on which	The Theatres Trust

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Para	Description of Development	Consultee
(v)	<p>there is a theatre as defined in the Theatres Trust Act 1976⁽³²⁾</p> <p>Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—</p> <p>(i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or</p> <p>(ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more</p>	In England, the Minister of Agriculture, Fisheries and Food and in Wales, the Secretary of State for Wales
(w)	<p>Development within 250 metres of land which—</p> <p>(i) is or has, at any time in the 30 years before the relevant application, been</p>	The waste disposal authority concerned.

(32) 1976 c. 27.

Para	Description of Development	Consultee
	(ii) used for the deposit of refuse or waste; and has been notified to the local planning authority by the waste disposal authority for the purposes of this provision	

(2) In paragraph (1)(w) “waste disposal authority” means—

- (a) in the area of the London Waste Regulation Authority, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority⁽³³⁾ respectively, that authority;
- (b) elsewhere in England, the county council or metropolitan district council; or
- (c) in Wales, the district council.

(3) The Secretary of State may give directions to a local planning authority requiring that authority to consult with any person or body named in the directions, in any case or class of case specified in the directions.

(4) Where, by or under this article, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission—

- (a) they shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) they shall not determine the application until at least 14 days after the date on which notice is given under paragraph (a), or if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(5) The local planning authority shall, in determining the application, take into account any representations received from a consultee.

Consultation with county planning authority

19. Where a district planning authority are required by paragraph 19 of Schedule 16 to the Local Government Act 1972⁽³⁴⁾ to consult the county planning authority before determining an application for planning permission, they shall not determine the application until the expiry of at least 14 days after the date of the notice given to the county planning authority in accordance with sub-paragraph (5)(a) of that paragraph.

Applications relating to county matters

20.—(1) A county planning authority shall, before determining—

- (a) an application for planning permission under Part III of the Act;
- (b) an application under section 53 of the Act;

⁽³³⁾ Established by Schedule 1 of the Waste Regulation and Disposal (Authorities) Order 1985 (S.I. 1985/1884).

⁽³⁴⁾ 1972 c. 70; a substituted paragraph 19 was inserted into Schedule 16 to the Local Government Act 1972 by section 86(2) of the Local Government, Planning and Land Act 1980.

- (c) an application for an established use certificate under section 94 of the Act; or
- (d) an application for approval of reserved matters,

give the district planning authority for the area in which the relevant land lies a period of at least 14 days, from the date of receipt of the application by the district authority, within which to make recommendations about the manner in which the application shall be determined; and shall take any such recommendations into account.

- (2) A county planning authority shall—
 - (a) on determining an application of a kind mentioned in paragraph (1), as soon as reasonably practicable notify the district planning authority of the terms of their decision; or
 - (b) if any such application is referred to the Secretary of State, inform the district planning authority of the date when it was so referred and, when notified to them, of the terms of the decision.

Notice to parish and community councils

21.—(1) A district planning authority (or, in a metropolitan county, a local planning authority) on receiving any application of which the council of a parish or community are, by virtue of paragraph 20 of Schedule 16 to the Local Government Act 1972(35) entitled to be informed, shall as soon as practicable inform that council in writing of the application, indicating the nature of the development to which the application relates and identifying the land to which it relates.

(2) Where a district planning authority receives an application to which paragraph (1) applies and the application falls to be determined by another authority, the district planning authority shall so inform the parish or community council and shall give notice of the date on which they have done so to that other authority.

(3) Where the council of the parish or community are given information pursuant to paragraph (1), they shall as soon as practicable notify the relevant authority whether they propose to make any representations about the manner in which the application should be determined, and shall make any such representations to that authority within 14 days of the notification to them of the application.

(4) A local planning authority shall not determine any application to which paragraph (1) applies before—

- (i) the council of the parish or community inform them that they do not propose to make any representations;
- (ii) representations are made by that council; or
- (iii) the period of 14 days mentioned in paragraph (3) has elapsed,

whichever shall first occur; and in determining the application the authority shall take into account any representations received from the council of the parish or community.

(5) The district planning authority (or, in a metropolitan county, the local planning authority) shall notify the council of the parish or community of the terms of the decision on any such application or, where the application is referred to the Secretary of State, of the date when it was so referred and, when notified to them, of the terms of his decision.

Notice of reference of applications to the Secretary of State

22. On referring any application to the Secretary of State under section 35 of the Act, pursuant to a direction in that behalf, a local planning authority shall serve on the applicant a notice—

- (a) setting out the terms of the direction and any reasons given by the Secretary of State for issuing it;

(35) Paragraph 20 was amended by the Local Government (Miscellaneous Provisions) (No. 4) Order 1986 (S.I. 1986/452).

- (b) stating that the application has been referred to the Secretary of State; and
- (c) containing a statement that the Secretary of State will, if the applicant so desires, afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and that the decision of the Secretary of State on the application will be final.

Time periods for decision

23.—(1) Where a valid application under article 8 or 9 or regulation 3 of the 1988 Regulations has been received by a local planning authority, they shall within the period specified in paragraph (2) give the applicant notice of their decision or determination or notice that the application has been referred to the Secretary of State.

(2) The period specified in this paragraph is—

- (a) a period of eight weeks beginning with the date when the application was received by a local planning authority;
- (b) except where the applicant has already given notice of appeal to the Secretary of State, such extended period as may be agreed in writing between the applicant and the local planning authority by whom the application falls to be determined; or
- (c) where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured, the appropriate period specified in (a) or (b) above calculated without regard to any time between the date when the authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee.

(3) For the purposes of this article, the date when the application was received shall be taken to be the date when each of the following events has occurred—

- (a) the application form or application in writing has been lodged with the authority mentioned in article 10(1);
- (b) any certificate or documents required by the Act has been lodged with that authority; and
- (c) any fee required to be paid in respect of the application has been paid to that authority and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment.

(4) A local planning authority shall provide such information about applications made under article 8 or 9 or regulation 3 of the 1988 Regulations (including information as to the manner in which any such application has been dealt with) as the Secretary of State may by direction require; and any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.

Applications made under planning condition

24. Where an application has been made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission (other than an application for approval of reserved matters) the authority shall give notice to the applicant of their decision on the application within a period of eight weeks from the date when the application was received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

Written notice of decision or determination relating to a planning application

25. When the local planning authority give notice of a decision or determination—

- (a) on an application for planning permission or for approval of reserved matters, and a permission or approval is granted subject to conditions or the application is refused, the notice shall—
- (i) state clearly and precisely their full reasons for the refusal or for any condition imposed; and
 - (ii) where the Secretary of State has given a direction restricting the grant of permission for the development for which application is made or where he or a government department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions, give details of the direction or of the view expressed,
- and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part 2 of Schedule 3 hereto;
- (b) on an application for a determination under section 53 (whether forming part of an application for planning permission or not), the notice shall (except where the local planning authority determine that the carrying out of operations or the making of a change in the use of land would not constitute or involve development of the land) state clearly and precisely the full grounds for their determination, and include a statement to the effect that, if the applicant is aggrieved by their decision, he may appeal to the Secretary of State under section 36 of the Act (as applied by section 53 of the Act) within six months of receipt thereof or such longer period as the Secretary of State may at any time allow.

Appeals

26.—(1) An applicant who wishes to appeal to the Secretary of State under section 36 of the Act (including section 36 as applied by sections 37 or 53) shall give notice of appeal to the Secretary of State by—

- (a) serving on him, within the time limit specified in paragraph (2) a form obtained from him, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and
 - (b) serving on the local planning authority a copy of the form mentioned in paragraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (3)(f).
- (2) The time limit mentioned in paragraph (1) is 6 months from—
- (a) the date of the notice of the decision or determination giving rise to the appeal;
 - (b) the expiry of the period specified in article 23 or, as the case may be, article 24; or
 - (c) in a case in which the authority have served a notice on the applicant in accordance with article 7(2) that they require further information, and he has not provided the information, the date of service of that notice,

or such longer period as the Secretary of State may, at any time, allow.

- (3) The documents mentioned in paragraph (1) are—
- (a) the application made to the local planning authority which has occasioned the appeal;
 - (b) all plans, drawings and documents sent to the authority in connection with the application;
 - (c) all correspondence with the authority relating to the application;
 - (d) any notice provided to the authority in accordance with section 26 of the Act;
 - (e) any certificate provided to the authority under section 26 or 27 of the Act;
 - (f) any other plans, documents or drawings relating to the application which were not sent to the authority;

- (g) the notice of the decision or determination, if any;
- (h) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.

Register of applications

27.—(1) In this article and in article 28 “the local planning register authority” means—

- (i) in Greater London or a metropolitan county, the local planning authority;
- (ii) in a National Park (except in a metropolitan county), the county planning authority;
- (iii) elsewhere, the district planning authority.

(2) The register of applications for planning permission required by section 34(36) of the Act shall be kept in two parts. Part I shall contain a copy of every application for planning permission and of any application for approval of reserved matters submitted to the local planning authority and not finally disposed of, together with copies of plans and drawings submitted in relation thereto. Part II shall contain, in respect of every application for planning permission—

- (a) a copy (which may be photographic) of the application and of plans and drawings submitted in relation thereto;
- (b) particulars of any direction given under the Act or this order in respect of the application;
- (c) the decision (if any) of the local planning authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the local planning authority;
- (d) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 35 of the Act;
- (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application.

(3) Where, on any appeal to the Secretary of State under section 88(37) (enforcement notices) or 95 (applications for established use certificates) of the Act, the appellant is deemed to have made an application for planning permission and the Secretary of State has granted permission, the local planning register authority shall, on receipt of notification of the Secretary of State’s decision, enter into Part II of the register referred to in paragraph (2) particulars of the development concerned, the land on which it was carried out, and the date and effect of the Secretary of State’s decision.

(4) The register of applications for a determination under section 53 of the Act required by section 34(1) of the Act (as applied by section 53(2)) shall contain the following information—

- (a) particulars of the application, including the name and address of the applicant, the date of the application and brief particulars of the proposal forming the subject of the application;
- (b) the decision (if any) of the local planning authority in respect of the application, the date of such decision and the name of the local planning authority;
- (c) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 35 of the Act.

(5) In the case of a register kept by the Common Council or by a London borough council, the register shall contain the same particulars (including, where appropriate, copies of applications, plans and drawings) in respect of applications made to the Greater London Council which relate to land in the area of the council keeping the register as are required by paragraph (2), paragraph (3) or

(36) Section 34 was amended by Schedule 6, Part II, paragraph 1 to the Housing and Planning Act 1986 (c. 63).

(37) Section 88 was substituted by paragraph 5 of the Schedule to the Local Government and Planning (Amendment) Act 1981 (c. 41).

paragraph (4) of this article, as the case may be, in respect of applications made to the local planning authority.

(6) The register shall contain the following information about simplified planning zone schemes in the area of the authority—

- (a) brief particulars of any action taken by the authority or the Secretary of State in accordance with section 24A(4)(38) or Schedule 8A(39) to the Act to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
- (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 8A of the Act;
- (c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under (a) and (b) above.

(7) To enable any person to trace any entry in the register, every register shall include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.

(8) Every entry in the register shall be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.

(9) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

(10) For the purposes of paragraph (2) of this article, an application shall not be treated as finally disposed of unless—

- (a) it has been decided by the authority (or the appropriate period allowed under article 23(2) of this order has expired without their giving a decision) and the period of six months specified in article 26 of this order has expired without any appeal having been made to the Secretary of State;
- (b) if it has been referred to the Secretary of State under section 35 of the Act or an appeal has been made to the Secretary of State under section 36 of the Act, the Secretary of State has issued his decision and the period of six weeks specified in section 245 of the Act has expired without any application having been made to the High Court under that section;
- (c) an application has been made to the High Court under section 245 of the Act and the matter has been finally determined, either by final dismissal of the application by a court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under the said section 245); or
- (d) it has been withdrawn before being decided by the authority, or an appeal has been withdrawn before the Secretary of State has issued his decision.

Register of enforcement and stop notices

28.—(1) Subject to paragraph (2) of this article the register under section 92A of the Act(40) shall contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register—

(38) Schedule 24A was inserted by section 25(1) of the Housing and Planning Act 1986.

(39) Schedule 8A was inserted by Part I of Schedule 6 to the Housing and Planning Act 1986.

(40) Section 92A was inserted by paragraph 6 of the Schedule to the Local Government and Planning (Amendment) Act 1981 (c. 41).

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
 - (b) the name of the issuing authority;
 - (c) the date of issue of the notice;
 - (d) the date of service of copies of the notice;
 - (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
 - (f) the date specified in the notice as the date on which it is to take effect;
 - (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 88(10) of the Act (appeal to the Secretary of State) and the date of the final determination or withdrawal of any appeal;
 - (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice;
 - (i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 87(10)(b)(41) of the Act (removal or alleviation of injury to amenity) have been taken.
- (2) The entry relating to any enforcement notice or stop notice and everything relating to any such notice shall be removed from the register if the enforcement notice is quashed by the Secretary of State or withdrawn.
- (3) Every register shall include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.
- (4) Where a county planning authority issue an enforcement notice or serve a stop notice, they shall supply the information specified in paragraph (1) of this article to the district planning authority in whose area the land to which the notice relates is situated and shall inform the district planning authority of the withdrawal or quashing of any enforcement notice.
- (5) The information prescribed in paragraph (1) of this article shall be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information shall be so supplied under paragraph (4) that entries may be made within the said period of 14 days.
- (6) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

Established use certificates

29.—(1) An application to a local planning authority for an established use certificate shall be in writing, shall be accompanied by plans identifying clearly the land to which the application relates and shall give—

- (a) the address or location of the land;
- (b) a description of the use in respect of which a certificate is sought (being a use subsisting on the date when the application is made);
- (c) if there is more than one use of the land at the date when the application is made, a full description of all uses of the land at the date and, where appropriate, an indication of the part of the land to which each of the uses relates;

- (d) whether the use referred to in sub-paragraph (b) was begun before 1st January 1964 and, if not, the date when it was begun;
- (e) if the use referred to in sub-paragraph (b) was begun on or after 1st January 1964, particulars of the use of the land at 31st December 1963 and all subsequent intervening uses, including the date when each such use began and ended;
- (f) the nature of the applicant's interest in the land;
- (g) a statement of the grounds (as set out in section 94(1) of the Act) upon which a certificate is sought;
- (h) such other information as the applicant considers necessary to substantiate or make good his claim.

(2) An application for an established use certificate shall be accompanied by such supporting evidence as the applicant can provide and, where a certificate is being sought on ground (b) of section 94(1) of the Act (use begun before 1964 under a planning permission granted subject to conditions or limitations which have not been complied with), a copy of the relevant planning permission or, where this cannot be supplied, details of the condition in question and such other particulars as the applicant can provide.

(3) The local planning authority may, by notice in writing, require the applicant for an established use certificate to provide such further information as may be specified, to enable them to deal with the application.

(4) An application for an established use certificate shall not be entertained by the local planning authority unless it is accompanied by one of the following certificates signed by or on behalf of the applicant—

- (a) a certificate stating that at the beginning of the period of twenty-one days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates;
 - (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to each of them, and the date of service of each such notice;
 - (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding sub-paragraphs, that he has given the requisite notice of the application to one or more of the persons mentioned in sub-paragraph (b) as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to each of them and the date of the service of each notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so; or
 - (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a) of this paragraph, that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) of this paragraph and that he has been unable to do so.
- (5) For the purposes of this article a person shall be treated as an owner of the land if—
- (a) in respect of any part of the land, he is entitled to the freehold or a lease, the unexpired term of which at the relevant time is not less than 7 years; or
 - (b) he is the occupier of any part of the land.
- (a) (6) (a) All certificates given pursuant to paragraph (4) shall contain—

- (i) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding; or
 - (ii) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, with the names of each such person, the address at which notice of the application was given to him, and the date of service of that notice.
- (b) A certificate of the kind mentioned in paragraph (4)(c) or (d) shall also contain a statement that the requisite notice of the application, as set out in the certificate, has, on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (4)(b)), been published in a local newspaper circulating in the locality in which the land in question is situated.
- (7) Where an application for an established use certificate is accompanied by such a certificate as is mentioned in paragraph (4)(b),(c) or (d) of this article, or by a certificate containing a statement in accordance with paragraph (6)(a)(ii), the local planning authority—
- (a) shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later;
 - (b) in determining the application, shall take into account any representations made before the end of the period mentioned in the preceding sub-paragraph, by any person who satisfies them that he is an owner of land to which the application relates or that he is the tenant of an agricultural holding the whole or part of which is comprised in that land; and
 - (c) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with sub-paragraph (b).
- (8) Article 10(1) and (2) and 23(4) of this order shall apply to an application for an established use certificate as they apply to an application for planning permission.
- (9) In the case of an application which falls to be determined by the county planning authority, the district planning authority shall as soon as practicable notify the applicant that the application will be so determined and transmit to the county planning authority the application, all relevant plans, drawings, statements, particulars, certificates and correspondence and a statement of any action taken by the district planning authority in relation to the application.
- (10) The local planning authority shall give notice to the applicant of their decision (or the reference of the application to the Secretary of State, as the case may be) within a period of eight weeks beginning with the date of receipt of the application, or (except where the applicant has already given notice of appeal to the Secretary of State) such extended period as may be agreed upon in writing between the applicant and the authority responsible for determining the application.
- (11) Where an established use certificate is refused, the local planning authority shall give notice of their decision in writing with a clear and precise statement of the full grounds for their decision and a statement to the effect that if the applicant is aggrieved by the decision he may appeal to the Secretary of State under section 95(2) of the Act.
- (12) An applicant who desires to appeal against a decision of a local planning authority refusing an established use certificate, or refusing it in part, or against a deemed refusal of such a certificate, shall give notice of appeal in writing to the Secretary of State within six months of the date of notice of the decision or of the expiry of the period allowed under paragraph (10) of this article, as the case may be, or such longer period as the Secretary of State may at any time allow. Such persons shall also provide the Secretary of State with copies of each of the following documents—

- (a) the application;
- (b) all relevant plans, drawings, statements and particulars submitted with it (including the certificate given under paragraph (4) of this article);
- (c) the notice of the decision, if any;
- (d) all other relevant documents and correspondence with the local planning authority.

(13) The provisions of paragraphs (3) to (6) of this article shall apply with any necessary modifications in relation to an appeal to the Secretary of State as they apply in relation to an application to the local planning authority for an established use certificate.

(14) Article 27 of this order (registers) shall apply in relation to applications for established use certificates as it applies in relation to applications for a determination under section 53 of the Act, with the modification that for the reference in paragraph (4)(a) to the proposal forming the subject of the application there shall be substituted a reference to the use in respect of which a certificate is sought.

(15) Any certificate given pursuant to paragraph (4) of this article shall be in the appropriate form set out in Part 1 of Schedule 5 hereto, and “requisite notice” for the purposes of that paragraph means a notice in the appropriate form set out in Part 1 or Part 2 of Schedule 6.

(16) Established use certificates shall be issued in the form set out in Part 3 of Schedule 6 to this order.

Directions

30. Any power conferred by this order to give a direction includes power to cancel or vary the direction by a subsequent direction.

Revocations and savings

31.—(1) The statutory instruments specified in Schedule 7 hereto are hereby revoked.

(2) Any direction made by a local highway authority under article 12 of the Town and Country Planning General Development Order 1977(**42**) shall cease to have effect except insofar as it relates to applications made before the date of coming into force of this order.

20th October 1988

Nicholas Ridley
Secretary of State for the Environment

21st October 1988

Peter Walker
Secretary of State for Wales