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 STATUTORY INSTRUMENTS
 

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**1977 No. 289**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning General Development  
Order 1977**

*Made* - - - - - *22nd February 1977*  
*Laid before Parliament*      *8th March 1977*  
*Coming into Operation*      *29th March 1977*

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## CLASS

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The Secretary of State for the Environment in exercise of the powers conferred on him by sections 24, 25, 26, 27, 31, 34, 36, 37, 42, 53 and 287 of and Schedule 14 to the Town and Country Planning Act 1971(a) and section 182(3) of and Schedule 16 to the Local Government Act 1972(b) and of all other powers enabling him in that behalf, hereby makes the following order:—

*Application, citation and commencement*

1.—(1) This order shall apply to all land in England and Wales:

Provided that if a special development order is made or has before the

(a) 1971 c. 78.

(b) 1972 c. 70.

coming into operation of this order been made as to any land this order shall apply thereto to such extent only 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.

(3) This order may be cited as the Town and Country Planning General Development Order 1977 and shall come into operation on 29th March 1977.

### *Interpretation*

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

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

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing or departure of aircraft;

“agricultural land” and “agricultural unit” have the meanings respectively assigned to those expressions in the Agriculture Act 1947(a);

“aqueduct” does not include an underground conduit;

“betting office” means any building in respect of which there is for the time being in force a betting office licence pursuant to the provisions of the Betting and Gaming Act 1963(b);

“building” does not include plant or machinery or a structure or erection of the nature of plant or machinery, and in Schedule 1 to this order does not include any gate, fence, wall or other means of enclosure, but except as aforesaid includes any structure or erection and any part of a building as so defined;

“caravan” has the same meaning as for the purposes of Part I of the Caravan Sites and Control of Development Act 1960(c) (as amended by the Caravan Sites Act 1968(d));

“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;

“cemetery” includes a burial ground or any other place of interment for the dead;

“classified road” means a highway or proposed highway which for the time being:—

(i) is classified under section 27(2) of the Local Government Act 1966(e) as a principal road for the purposes of any enactment or instrument which refers to highways classified as principal roads; or

(ii) is classified under section 27(2) of the said Act of 1966 as a classified road for the purposes of this order or of any order revoked by this order or of any previous general development order made under the Act or under the Town and Country Planning Act 1962(f), or for the purposes of enactments and instruments which include this order or any such order as aforesaid; or

(a) 1947 c. 48.

(b) 1963 c. 2.

(c) 1960 c. 62.

(d) 1968 c. 52.

(e) 1966 c. 42.

(f) 1962 c. 38.

(iii) continues by virtue of section 40(1) of the Local Government Act 1974(a) to be treated as a principal road or a classified road for the purposes mentioned in that subsection; or

(iv) continues by virtue of section 27(4) of the Local Government Act 1966 to be treated as a classified road for the purpose of every existing enactment or instrument as defined in section 27(3) of that Act.

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

“contravention of previous planning control”, in relation to any development, has the same meaning as for the purposes of section 23 of the Act;

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

“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;

“highway” has the meaning assigned to that term by section 294 of the Highways Act 1959(b);

“industrial process” means any process for or incidental to any of the following purposes, namely:—

(a) the making of any article or of part of any article, or

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up, or demolition, of any article, or

(c) without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals,

being a process carried on in the course of trade or business, and for the purposes of this definition the expression “article” means an article of any description, including a ship or vessel;

“industrial undertakers” means undertakers by whom an industrial process is carried on, and “industrial undertaking” shall be construed accordingly;

“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, planting of trees, hedges, shrubs or grass, formation of banks, terraces or other earthworks, laying out of gardens or courts, and other amenity features;

“launderette” includes any building for the purpose of washing or cleaning clothes or fabrics in coin-operated machines;

“listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under section 54 of the Act;

“local authority” means the council of a county or district, the Common Council, the Greater London Council, the Council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are a local authority within the meaning of the Local Loans Act 1875(c), and includes any drainage

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(a) 1974 c. 7.

(b) 1959 c. 25.

(c) 1875 c. 83.

board, any joint board or joint committee and any special planning board established under paragraph 3 of Schedule 17 to the Local Government Act 1972, if all the constituent authorities are local authorities within the meaning of the said Act of 1875;

“local highway authority” means a highway authority other than the Secretary of State;

“local planning authority” means, in relation to development of land in Greater London, the authority in Greater London which, by virtue of Schedule 3 to the Act or of regulations made or deemed to be made thereunder, is the local planning authority in relation to that class of development in the area of Greater London where the land is situate;

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

“mineral undertakers” means undertakers engaged in mining operations and includes undertakers licensed under the Petroleum (Production) Act 1934(a) to search and bore for and get petroleum; and for the purposes of this order any land in respect of which a licence is in force under the said Act authorising any undertakers to search and bore for and get petroleum shall be deemed to be comprised in their undertaking;

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

“office” includes a bank and premises occupied by an estate agency, building society or employment agency, or (for office purposes only) for the business of car hire or driving instruction but does not include a post office or betting office;

“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 (in addition to any other conditions) which may be imposed requiring subsequent approval to be obtained from the local planning authority with respect to one or more reserved matters;

“painting” includes any application of colour;

“post office” does not include any building used primarily for the sorting or preparation for delivery of mail or for the purposes of Post Office administration;

“private way” means a highway or footpath which is not a highway maintainable at the public expense;

“proposed highway” has the meaning assigned to that term by section 295(1) of the Highways Act 1959;

“public vehicle” means a public service vehicle, tramcar or trolley vehicle within the meaning of those expressions in the Road Traffic Act 1960(b);

“reserved matters” in relation to an outline permission, or an application for such permission, means any of the following matters relating to the building to which the planning permission or the application relates which are relevant to the proposal and 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;

(a) 1934 c. 36.

(b) 1960 c. 16.

“shop” means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of a hairdresser, undertaker, travel agency, ticket agency or post office or for the reception of goods to be washed, cleaned or repaired, or for any other purpose appropriate to a shopping area, but does not include a building used as a funfair, amusement arcade, pin-table saloon, garage, launderette, petrol filling station, office, betting office, hotel, restaurant, snackbar or café or premises licensed for the sale of intoxicating liquors for consumption on the premises;

“special road” means a highway provided or to be provided in pursuance of a scheme under section 11 of the Highways Act 1959;

“trunk road” means a highway or proposed highway which, by virtue of section 7(1) or section 14 of the Highways Act 1959 or by virtue of an order or direction made or given under the said Act or any other Act is a trunk road;

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

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(3) References in this order to the Secretary of State shall, in relation to Wales, be construed as references to the Secretary of State for Wales.

(4) In this order, unless the context otherwise requires references to any enactment or instrument shall be construed as references to that enactment or instrument as amended, extended or applied by or under any other enactment or instrument.

#### *Permitted development*

3.—(1) Subject to the subsequent provisions of this order, development of any class specified in Schedule 1 to this order is permitted by this order and may be undertaken upon land to which this order applies, without the permission of the local planning authority or of the Secretary of State:

Provided that the permission granted by this order in respect of any such class of development shall be defined by any limitation and be subject to any condition imposed in the said Schedule 1 in relation to that class.

(2) Nothing in this article or in Schedule 1 to this Order shall operate so as to permit any development contrary to a condition imposed in any permission granted or deemed to be granted under Part III of the Act otherwise than by this order.

(3) The permission granted by this article and Schedule 1 to this order shall not, except in relation to development permitted by classes IX, XII or XIV in the said Schedule, 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 at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons.

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(a) 1936 c. 49.

(b) 1889 c. 63.

(4) Any development of class XII authorised by an Act or order subject to the grant of any consent or approval shall not be deemed for the purposes of this order to be so authorised unless and until that consent or approval is obtained; and in relation to any development of class XII authorised by any Act passed or order made after 1st July 1948 the foregoing provisions of this article shall have effect subject to any provision to the contrary contained in the Act or order.

*Directions restricting permitted development*

4.—(1) If either the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development of any of the classes specified in Schedule 1 to this order should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out, unless permission is granted on an application in that behalf, the Secretary of State or the appropriate local planning authority may direct that the permission granted by article 3 of this order shall not apply to:—

- (a) all or any development of all or any of those classes in any particular area specified in the direction, or
- (b) any particular development, specified in the direction, falling within any of those classes:

Provided that, in the case of development of class XII, no such direction shall have effect in relation to development authorised by any Act passed after 1st July 1948, or by any order requiring the approval of both Houses of Parliament approved after that date.

(2) Except in the cases specified in the next succeeding paragraph a direction by a local planning authority under this article shall require the approval of the Secretary of State and the Secretary of State may approve the direction with or without modifications.

(3) The approval of the Secretary of State shall not be required in the following cases:—

- (a) a direction relating only to a building included in a list compiled or approved under section 54 of the Act or notified to the authority by the Secretary of State as a building of architectural or historic interest, and not affecting the carrying out by statutory undertakers of any of the operations referred to in paragraph (9) of this article;
- (b) a direction relating only to development in any particular area of any classes I to IV specified in Schedule 1 to this order if in the opinion of the appropriate local planning authority the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area:

Provided that—

- (i) any direction made in pursuance of sub-paragraph (b) hereof shall remain in force for six months from the date on which it was made and shall then expire unless it has before the termination of the said six months been approved by the Secretary of State; and
- (ii) any second or subsequent direction made in pursuance of sub-paragraph (b) which relates to the same development or to development of the same class or classes or any of them in the same area or part of the same area shall require the approval of the Secretary of State.

(4) A copy of any direction made in pursuance of paragraph (3)(b) of this article shall be sent by the local planning authority to the Secretary of State not later than the date on which notice is given as provided by paragraphs (5) or (6) of this article; and the Secretary of State may at any time during the period of six months referred to in paragraph (3)(b) hereof disallow the direction which shall thereupon cease to have effect. Notice of disallowance shall be given as soon as possible by the local planning authority in the same manner as notice of the direction was originally given.

(5) Subject to the provisions of the next succeeding paragraph, notice of any direction made under this article shall as soon as may be after it has been approved by the Secretary of State (or, in the case of a direction to which paragraph (3) of this article applies, as soon as may be after it has been made) be served by the appropriate local planning authority on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part, or if there is no occupier, on the owner thereof.

(6) Where in the case of any direction specifying any particular area given under paragraph (1)(a) of this article the appropriate local planning authority are of the opinion that having regard to the number of persons interested in the land as owners or occupiers, or the difficulty of identifying and locating such persons individual service in accordance with the provisions of the foregoing paragraph is impracticable they shall publish notice of such direction in at least one newspaper circulating in the locality in which the area is situate and on the same or a subsequent date in the London Gazette, and such notice shall contain a concise statement of the effect of the direction and name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which notice thereof is first published.

(7) Any direction made by a local planning authority under this article may be cancelled by a subsequent direction by that authority, which if limited to that purpose shall not require the approval of the Secretary of State. Notice of such a direction shall be given in the same manner as notice of the direction which is being cancelled would be given in accordance with the provisions of paragraphs (5) and (6) of this article.

(8) Any direction in force immediately before the coming into operation of this order under article 4 of the Town and Country Planning General Development Order 1973(a) shall, in so far as it relates to development permitted by this order, continue in force and have effect as if it were a direction given under this article, of which notice has been duly published or served, as the case may be.

(9) No direction given or having effect under this article shall have effect in relation to the carrying out in case of emergency of any development specified in Schedule 1 to this order, or, unless such direction specifically so provides, to the carrying out by statutory undertakers of any of the following operations—

- (a) maintenance of bridges, buildings and railway stations;
- (b) alteration and maintenance of railway track, and 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;

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(a) S.I. 1973/31 (1973 I, p. 207).



- (c) maintenance of docks, harbours, quays, wharves, canals and towing paths;
- (d) 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) maintenance of buildings, runways, taxiways or aprons at an aerodrome;
- (g) provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (but excepting buildings, the construction, erection, reconstruction or alteration of which is permitted by paragraph H of Class XVIII of Schedule 1 to this order).

(10) In this article “appropriate local planning authority”, except in relation to a conservation area, means the local planning authority by whom would be exercisable the function of granting permission, if so decided, for the development to which the relevant direction under this article relates or is proposed to relate, and in relation to a conservation area, means either the county planning authority or the district planning authority.

(11) A county planning authority or a district planning authority on making a direction under this article or submitting such a direction to the Secretary of State for approval shall notify the district planning authority or the county planning authority, as the case may be, of the making or submission of the direction.

#### *Applications for planning permission*

5.—(1) Subject to the following paragraphs of this article, an application to a local planning authority for planning permission shall be made on a form issued by the local planning authority and obtainable from that authority or from the council with whom the application is to be lodged and shall include the particulars required by such form to be supplied and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application, together with such additional number of copies, not exceeding three, of the form and plans and drawings as may be required by the local planning authority; and a local planning authority may by a direction in writing addressed to the applicant require such further information as may be specified in the direction to be given to them in respect of an application for permission made to them under this paragraph, to enable them to determine that application.

(2) Where an applicant so desires, an application may be made for outline planning permission for the erection of a building and, where such permission is granted, the subsequent approval of the local planning authority shall be required to such matters (being reserved matters as defined) as may be reserved by condition. The application shall be made on a form, as required by the preceding paragraph, shall describe the development to which it relates, shall be accompanied by a plan sufficient to identify the land to which it relates (together with such additional copies, not exceeding three, of the form and plan as may be required by the local planning authority) and may contain such further information (if any) as to the proposal as the applicant desires:

Provided that where, in Greater London, the local planning authority, and elsewhere, either the authority to whom the application is made or the authority by whom the function of determining the application is exercisable are of the opinion that in the circumstances of the case the application ought not to be considered separately from the siting or the design or external appearance of the building, or the means of access thereto or the landscaping of the site, they shall within the period of one month from the receipt of the application notify the applicant that they are unable to entertain it unless further details are submitted, specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development; and the applicant may either furnish the information so required or appeal to the Secretary of State within six months of receiving such notice, or such longer period as the Secretary of State may at any time allow, as if his application had been refused by the authority.

(3) Where a planning permission has previously been granted for development and that development has not yet been commenced, and where a time limit imposed by or under section 41 or section 42 of the Act (that is to say, a time limit on the commencement of the development or, in the case of an outline planning permission, on the submission of an application for the approval of reserved matters) has not yet expired, an application may be made for planning permission for the same development without complying with paragraphs (1) and (2) of this article; but such application shall be in writing and shall give sufficient information to enable the authority to identify the previous grant of planning permission. Where the local planning authority are of the opinion that further information is necessary to enable them to deal with the application, they may by a direction in writing addressed to the applicant require the submission of information, plans or drawings on such matters as may be specified in the direction.

(4) A local planning authority may by a direction in writing addressed to the applicant require to be produced to an officer of the authority such evidence in respect of an application for permission made to them as they may reasonably call for to verify any particulars of information given to them.

(5) This article shall be the regulations to be made for the purposes of section 25 of the Act.

#### *Other forms of application*

6.—(1) An application to a local planning authority for approval of reserved matters shall be in writing, shall give particulars sufficient to identify the outline planning permission in respect of which it is made and 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 together with such additional number of copies of the application and plans and drawings as were required by the authority in relation to the application for outline planning permission.

(2) An application to a local planning authority for a determination under section 53 of the Act shall be in writing and shall contain a description of the operations or change of use proposed and be accompanied by a plan sufficient to identify the land to which the application relates. Where the proposal relates to the carrying out of operations, the application shall in addition be accompanied by such plans or drawings as are necessary to show the nature of the operations which are covered by the proposal. Where the proposal relates to

a change of use, full descriptions shall be given of the proposed use and of the use of the 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). The local planning authority may by a direction in writing require the applicant to furnish such further information as may be specified in the direction, to enable the application to be dealt with.

*General provisions relating to applications*

7.—(1) Any application made under article 5 or 6 shall—

- (a) where the land is in Greater London be lodged with the council of the London borough in which the land is situated, or the Common Council as the case may be;
- (b) where the land is situated elsewhere than in Greater London be made to the district planning authority.

(2) Where an application is lodged with a London borough in accordance with paragraph (1)(a) of this article the authority shall, if necessary, transfer the application to the local planning authority.

(3) On receipt of—

- (a) in the case of an application made under paragraph (1) or (2) of article 5, the form of application required by article 5(1) together with a certificate under section 27 of the Act; or
- (b) in the case of an application made under article 5(3), sufficient information to enable the authority to identify the previous grant of planning permission, together with a certificate under section 27 of the Act; or
- (c) in the case of an application made under article 6, the documents and information required by paragraph (1) or paragraph (2) of that article as the case may be;

the local planning (in Greater London) or the district planning authority (elsewhere than in Greater London) shall send to the applicant an acknowledgment thereof in the terms (or substantially in the terms) set out in Part I of Schedule 2 hereto.

(4) In the case of an application which falls to be determined by the county planning authority the district planning authority shall as soon as may be notify the applicant that the application will be so determined and shall transmit to the county planning authority all relevant plans, drawings, particulars and documents submitted with or in support of the application and notify the county planning authority of all action taken by the district planning authority in relation to the application.

(5) Where, after the sending of an acknowledgment as required by paragraph (3) of this article, the local planning authority, county planning authority or district planning authority (as the case may be) form the opinion that the application is invalid by reason of failure to comply with the requirements of article 5 or 6 or with any other statutory requirement they shall as soon as may be notify the applicant that his application is invalid.

(6) Where a valid application under article 5 or 6 has been received by a local planning authority, the period within which the authority shall give notice to the applicant of their decision or determination or of the reference of the application to the Secretary of State shall be eight weeks from the date when the form of application or application in writing, as the case may be, and any

certificates required by the Act were lodged as required by paragraph (1) of this article, 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 (a) in Greater London, the local planning authority, (b) elsewhere, the district planning authority or, in the case of an application which falls to be determined by the county planning authority, either the district planning authority or the county planning authority.

(7) Every such notice shall be in writing and—

- (a) in the case of an application for planning permission or for approval of reserved matters, where the local planning authority decide to grant permission or approval subject to conditions or to refuse it, the notice shall—
- (i) state the reasons for the decision; and
  - (ii) where the Secretary of State has given a direction restricting the grant of permission for the development referred to in the application 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
  - (iii) where a local highway authority has given a direction restricting the grant of planning permission for the development referred to in the application or a county planning authority have given a direction as to how the application is to be determined, give details of the direction,

and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part II of Schedule 2 hereto;

- (b) in the case of an application for a determination under section 53 of the Act (whether forming part of an application for planning permission or not), the local planning authority shall (except where they 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 in such notice the 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.

(8) A local planning authority shall furnish to such persons as may be prescribed by directions given by the Secretary of State under this order such information as may be so prescribed with respect to applications made to them under article 5 or 6 of this order including information as to the manner in which any such application has been dealt with.

*Notice under section 26*

8.—(1) The following classes of development are designated for the purposes of section 26 of the Act:—

- (a) construction of buildings for use as public conveniences;
- (b) construction of buildings or other operations, or use of land, for the disposal of refuse or waste materials or as a scrap yard or coal yard or for the winning or working of minerals;

- (c) construction of buildings or other operations (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 buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto) or use of land, for the purpose of the retention, treatment or disposal of sewage, trade waste or sludge;
- (d) construction of buildings to a height exceeding 20 metres;
- (e) construction of buildings or use of land for the purposes of a slaughter-house or knacker's yard; or for killing or plucking poultry;
- (f) construction of buildings and use of buildings for any of the following purposes, namely, as a casino, a funfair or a bingo hall, a theatre, a cinema, a music hall, a dance hall, a skating rink, a swimming bath or gymnasium (not forming part of a school, college or university), or a Turkish or other vapour or foam bath;
- (g) construction of buildings and use of buildings or land as a zoo or for the business of boarding or breeding cats or dogs;
- (h) construction of buildings and use of land for motor car or motorcycle racing;
- (i) use of land as a cemetery.

(2) The form of notice required to be published under section 26(2) of the Act shall be that set out in Part I of Schedule 3 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) Certificates issued for the purposes of section 26(2) of the Act shall be in the forms set out in Part II of Schedule 3 hereto.

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

#### *Certificates and notices under section 27*

9.—(1) Certificates issued for the purposes of section 27 of the Act shall be in the forms set out in Part I of Schedule 4 hereto.

(2) The requisite notices for the purposes of the provisions of the said section 27 in relation to applications shall be in the forms set out in Part II of Schedule 4 hereto.

(3) The requisite notices for the purposes of the provisions of the said section 27 in relation to appeals under section 36 of the Act shall be in the forms set out in Part III of Schedule 4 hereto.

#### *Directions restricting the grant of permission*

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

(2) A local planning authority to which a direction has been given under this article shall deal with applications for permission for development to which such direction relates in such manner as to give effect to the terms of the direction.

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

11.—(1) This article applies to the following highways and proposed highways:—

- (i) trunk roads;
- (ii) any highway which is comprised in the route of a special road to be provided by the Secretary of State in pursuance of a scheme under the provisions of Part II of the Highways Act 1959 and which has not for the time being been transferred to him;
- (iii) any highway which has been or is to be provided by the Secretary of State in pursuance of an order under the provisions of Part II of the said Act relating to trunk roads and special roads and has not for the time being been transferred to any other highway authority;
- (iv) any highway which the Secretary of State proposes to improve in pursuance of an order under the provisions of Part II of the said Act;
- (v) any highway which the Secretary of State proposes to construct or improve, being a highway the route of which is shown as such in the development plan, or in respect of which the Secretary of State has given notice in writing to (a) in Greater London, the local planning authority, or (b) elsewhere than in Greater London, the district planning authority, together with maps or plans sufficient to identify the route of the highway to be constructed or the length of the highway to be improved.

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

- (a) the formation, laying out or alteration of any means of access to a highway to which this article applies; or
- (b) any other development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under article 15(4) of this order) from the middle of a highway or proposed highway to which this article applies;

the local planning authority, in Greater London, shall notify the Secretary of State and, elsewhere than in Greater London, the district 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; and the local planning authority by whom the application falls to be determined shall not determine the application until they have received either—

- (i) a direction under article 10 of this order; or
- (ii) notification by or on behalf of the Secretary of State that he does not propose to give such a direction on grounds relating to any highway or proposed highway to which this article applies.

(3) Where under this article a 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.

*Power of local highway authority to issue directions restricting the grant of planning permission.*

12.—(1) A local highway authority may give directions restricting the grant of planning permission by a local planning authority for the following descriptions of development relating to land in the area of the local highway authority:—

- (a) the formation, laying out or alteration of any means of access to a classified road or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the local planning authority;
- (b) any other operations or use of land which appear to the local highway authority to be likely to result in a material increase in the volume of traffic entering or leaving such a classified or proposed road, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road.

(2) A local planning authority shall not determine an application for planning permission for development to which paragraph (1) of this article applies until they have received either—

- (i) a direction under this article; or
- (ii) notification by a local highway authority that they do not propose to give such a direction.

(3) A local planning authority to which a direction has been given under this article shall deal with the application for permission for development to which such direction relates in such a manner as to give effect to the terms of the direction.

(4) This article does not apply to Greater London.

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

13.—(1) Where permission is granted under Part III of the Act for development which consists of or includes the laying out or construction of a new street the bye-laws to which this article applies (except in so far as any such bye-law, by virtue of section 50 of the Public Health Act 1961(a) requires any person constructing a new street to provide separate sewers for foul water drainage and surface water drainage respectively) shall not apply to such development. Before granting permission for such development, whether unconditionally or subject to conditions, a local planning authority who are not also the local highway authority shall consult with the local highway authority.

(2) This article applies to the following bye-laws:—

- (i) the bye-law made by the Metropolitan Board of Works on 17th March 1857 and confirmed by them on 3rd April 1857 under the Metropolitan Management Act 1855(b);
- (ii) any bye-law made under section 157 of the Highways Act 1959 and any bye-law made under an enactment corresponding to the provisions of that section (being an enactment repealed by virtue of section 312 of the Highways Act 1959, or being an enactment so repealed as amended or extended by a local Act) which is for the time being in force by virtue of an order made by the Secretary of State under the said section 312 extending the period during which such bye-law is to remain in force.

(a) 1961 c. 64.

(b) 1855 c. 120.

*Development not in accordance with the development plan*

**14.** 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*

**15.—(1)** Before permission is granted by a local planning authority for development in any of the following cases, whether unconditionally or subject to conditions, a local planning authority shall consult with the following authorities or persons, namely:—

- (a) where it appears to the local planning authority that the development is likely to affect land in the area of any other local planning authority—
  - (i) with the district planning authority in whose area the land affected is situate (except where that land is in Greater London or a National Park);
  - (ii) where the land affected is in Greater London, with the Common Council or council of the London borough, as the case may be, in whose area that land is situate;
  - (iii) where the land affected is in a National Park, with the county planning authority in whose area that land is situate;
- (b) where it appears to the local planning authority that the development is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving a trunk road or using a level crossing over a railway, with the Secretary of State at such office or address as he may appoint;
- (c) where the development involves the formation, laying out or alteration of any means of access to a highway (other than a trunk road) and the local highway authority concerned are not the authority making the decision, with the local highway authority concerned;
- (d) where the development consists of the erection of a building (other than an alteration, extension or re-erection of an existing building or the erection of a building of a temporary character) in an area of coal working notified by the National Coal Board to the local planning authority, with the National Coal Board;
- (e) where the development is of land which is situate within three kilometres from Windsor Castle, Windsor Great Park, or Windsor Home Park, or which is within 800 metres from any other royal palace or park, and might affect the amenities of that palace or park, with the Secretary of State at such office or address as he may appoint;
- (f) where the development consists of or includes—
  - (i) the carrying out of works or operations in the bed of or on the banks of a river or stream;
  - (ii) the carrying out of building or other operations or use of land for the purpose of refining or storing mineral oils and their derivatives;
  - (iii) the use of land for the deposit of any kind of refuse or waste;



- (iv) the carrying out of building or other operations (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 buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto) on land or use of land for the retention treatment or disposal of sewage, trade-waste or sludge;
  - (v) the use of land as a cemetery;
- with the water authority exercising functions in the area in which the development is to take place;
- (g) where the development is of land in an area of special interest notified to the local planning authority by the Nature Conservancy Council in accordance with section 23 of the National Parks and Access to the Countryside Act 1949(a), with the Nature Conservancy Council; except where the Council dispense with this requirement;
  - (h) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976(b), with the Theatres Trust;
  - (i) where the development is not development for agricultural purposes and is not in accordance with the provisions of a development plan and—
    - (i) it would, in the opinion of the local planning authority, involve the loss of not less than 10 acres of land which is for the time being used (or was last used) for agricultural purposes; or
    - (ii) it would, in the opinion of the local planning authority, involve the loss of less than 10 acres of land which is for the time being used (or was last used) for agricultural purposes, but the circumstances are such that the development of that land is likely to lead to further loss of agricultural land,

with the Minister of Agriculture, Fisheries and Food.

(2) For the purposes of paragraph (1)(i) of this article, development is to be treated as not being in accordance with the provisions of a development plan if it would be inconsistent in any respect with the provisions of—

- (i) a local plan adopted or approved in accordance with the provisions of section 14 of the Act; or
- (ii) a development plan approved under Part I of Schedule 5 to the Act, or any other enactment which is re-enacted in that Schedule, which is in force in the area in which the land is situated; or
- (iii) an old development plan within the meaning of paragraph 2 of Schedule 7 to the Act.

(3) Before granting permission for development of any land in Greater London, whether unconditionally or subject to conditions, the Greater London Council shall consult with the Common Council or with the council of the London borough in which the land is situate, as the case may be.

(4) The Secretary of State may give directions to a local planning authority requiring that authority to consult with the authorities, persons or bodies named in such directions in any case or class of case which may be specified in such directions and, before granting permission in any such case or class of case, the local planning authority shall enter into consultation accordingly.

(a) 1949 c. 97.

(b) 1976 c. 27.

(5) Where under this article a local planning authority are required to consult with any authority, person or body as to any application, they shall give not less than 14 days' notice to such authority, person or body that such application is to be taken into consideration, shall not determine the application until after the expiration of the period of such notice, and shall, in determining the application, take into account any representations received from such authority, person or body.

*Applications relating to county matters*

16.—(1) A county planning authority, before determining any of the following matters relating to a county matter, namely:—

- (a) an application for planning permission under Part III of the Act;
- (b) an application for determining under section 53 of the Act whether an application for such permission is required;
- (c) an application for an established use certificate under section 94 of the Act;
- (d) an application for approval of reserved matters;

shall afford the district planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the county planning authority as to the manner in which the application shall be determined and shall take any such recommendations into account.

(2) A county planning authority or a district planning authority who determine an application of any of the descriptions referred to in paragraph (1) of this article relating to a county matter (including any such application relating to land in a National Park) shall immediately notify the district planning authority or the county planning authority, as the case may be, of the terms of their decision, or, where such application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of the decision.

(3) In this article "county matter" has the meaning in relation to all matters which is assigned to that term in relation to certain matters in paragraph 32 of Schedule 16 to the Local Government Act 1972.

*Notice to parish and community councils*

17.—(1) A district planning authority, on receiving any application of which the council of a parish or community are entitled to be informed, shall as soon as practicable notify that council of the application and of the name of the local planning authority who will determine it and shall notify that authority, if not the district planning authority, of the date on which they give such notification.

(2) On being notified of any such application the council of the parish or community shall as soon as practicable notify the local planning authority by whom the application will be determined whether they propose to make any representations as to the manner in which the application should be determined, and shall deliver any such representations to that authority within 14 days of the notification to them of the application.

(3) The local planning authority shall not determine any such application before—

- (i) notification by the council of the parish or community that they do not propose to make any representations; or

- (ii) receipt of representations from the council of the parish or community;  
or
- (iii) the expiration of 14 days from the date when the council of the parish or community are notified,

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

(4) The district 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, the date when it was so referred and, when notified to them, the terms of his decision.

#### *Provisions for applications affecting listed buildings*

18.—(1) Before granting permission whether unconditionally or subject to conditions, where the permission if so granted would operate as consent for the execution of works for the alteration or extension of a listed building, a local planning authority (other than the Common Council, the Greater London Council and the Council of a London borough, shall notify the Secretary of State of the relevant application, giving particulars of the proposed development and of the alterations to the listed building which are involved; and the authority shall not determine the application until after the expiration of 28 days from the date of giving notice of it to the Secretary of State.

(2) In respect of applications for permission for development of the kind described in the preceding paragraph, the Secretary of State may give directions to local planning authorities requiring them, in such cases or classes of cases as may be specified in the directions, to give to him and to such other persons as may be so specified notice of the application and of the decision (if any) taken by the authority thereon.

#### *Notice of reference of applications to the Secretary of State*

19. 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 notice of the terms of the direction and of any reasons given by the Secretary of State for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Secretary of State, and shall contain a statement that the Secretary of State will, if the applicant so desires, afford to the applicant 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.

#### *Appeals*

20.—(1) An applicant who desires to appeal—

- (a) against a decision of a local planning authority refusing permission to develop land, refusing to grant any approval required under this order, or granting permission or approval subject to conditions; or
- (b) against a determination of a local planning authority under section 53 of the Act; or
- (c) on the failure of a local planning authority to give notice of their decision or determination or of the reference of the application to the Secretary of State,

shall give notice of appeal to the Secretary of State within six months of notice of the decision or determination or of the expiry of the appropriate period allowed under article 7(6) of this order, as the case may be, or such longer period as the Secretary of State may at any time allow. In the case of an appeal in respect of an application for a determination under section 53 of the Act (whether the appeal is made under sub-paragraph (b) or sub-paragraph (c) above) the notice shall be given in writing; and in every other case it shall be given on a form obtained from the Secretary of State.

(2) Such person shall also furnish to the Secretary of State a copy of each of the following documents—

- (i) the application;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application (including, in the case of an application for planning permission, a copy of any notice provided in accordance with section 26 of the Act and of the relevant certificate under that section and a copy of the certificate given in accordance with section 27 of the Act);
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with the local planning authority.

*Register of applications.*

21.—(1) In this article—

- (a) “the local planning register authority” means
  - (i) the district planning authority (except in Greater London or a National Park);
  - (ii) in Greater London, the Common Council or council of the London borough, as the case may be; and
  - (iii) in a National Park, the county planning authority;
- (b) references to the Secretary of State shall be construed as including references to a person appointed by the Secretary of State under Schedule 9 to the Act to determine an appeal.

(2) The register of applications for planning permission which every local planning authority is required to keep under the provisions of section 34 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 the following copies and information in respect of every application for planning permission—

- (a) a copy (which may be a photographic or other image or copy) 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, the date of such decision and the name of the local planning authority;

- (d) 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 an appeal to the Secretary of State under section 88 (enforcement notices) or 95 (applications for established use certificates) of the Act, the appellant is deemed to have made an application for planning permission for any development to which the appeal relates and the Secretary of State has granted permission for such development, 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 the last preceding paragraph particulars of the development concerned and of 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 which every local planning authority is required to keep under the provisions of section 34(1) of the Act (as applied by section 53(2) of the Act) shall contain the following information in respect of all applications relating to land within their area, namely—

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

(6) Every register shall include an index for enabling a person to trace any entry in the register.

(7) Every entry in a register (including, in the case of a register of applications for planning permission, the placing in Part I of the register of the copies of the application, plans and drawings required by paragraph (2) of this article) 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.

(8) Registers shall be kept at the office of the local planning register authority:

Provided that so much of any register as relates to land in a part of the area of that authority may be kept at a place within or convenient to that part.

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

- (a) if it has been decided by the authority (or the appropriate period allowed under article 7(6) of this order has expired without their giving a decision) and the period of six months specified in article 20 of this order has expired without any appeal having been made to the Secretary of State; or
- (b) 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; or
- (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);
- (d) it has been withdrawn by the applicant before being decided by the authority, or an appeal has been withdrawn by the applicant before the Secretary of State has issued his decision.

*Established use certificates*

22.—(1) An application to a local planning authority for an established use certificate shall be in writing, shall be accompanied by such plans as are sufficient to identify clearly the land to which the application relates and shall give the following particulars:—

- (a) the address or location of the land to which the application relates;
- (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 relevant 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) above 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) above was begun on 1st January 1964 or a later date, particulars of the use of the land at 31st December 1963 and all subsequent 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.

The application shall be accompanied by such documentary evidence as the applicant is able to furnish in proof of his statements and, in a case where a certificate is being sought on ground (b) of section 94(1) of the Act (that is,

that the use was begun before the beginning of 1964 under a planning permission granted subject to conditions or limitations, which either have never been complied with or have not been complied with since the end of 1963), a copy of the relevant planning permission or, where it is not possible to supply a copy, details of the condition in question and such particulars as the applicant is able to furnish in order that the permission may be identified. The local planning authority may by a direction in writing require the applicant to furnish such further information as may be specified in the direction, to enable them to deal with the application.

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

- (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 them respectively, 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 such one or more of the persons mentioned in the last preceding sub-paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively and the date of the service of each such 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;
- (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.

For the purposes of this paragraph the persons who are to be treated as owners of the land to which the application for an established use certificate relates are:—

- (i) a person who, in respect of any part of the land, is entitled to the freehold or a lease the unexpired term of which at the relevant time is not less than 7 years; and
- (ii) any other person who is the occupier of any part of the said land.

(3) Any such certificate as is mentioned in sub-paragraph (c) or sub-paragraph (d) of the last preceding paragraph 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 sub-paragraph (b) of the said paragraph) been published in a local newspaper circulating in the locality in which the land in question is situated.

(4) In addition to any other matters required to be contained in a certificate issued for the purposes of paragraph (2) of this article, every such certificate shall contain one or other of the following statements, that is to say:—

- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding;
- (b) 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, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

(5) Where an application for an established use certificate is accompanied by such a certificate as is mentioned in sub-paragraph (b), sub-paragraph (c) or sub-paragraph (d) of paragraph (2) of this article, or by a certificate containing a statement in accordance with sub-paragraph (b) of paragraph (4) of this article, 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 relating thereto which are made to them, before the end of the period mentioned in the preceding sub-paragraph, by any person who satisfies them that he is an owner (within the meaning of that term as defined in paragraph (2) of this article) of any land to which the application relates or that he is the tenant of an agricultural holding any 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 the last preceding sub-paragraph.

(6) The provisions of paragraphs (1), (3) and (8) of article 7 of this order shall apply to an application for an established use certificate as they apply to an application for planning permission, with the modification that the form of the notice of receipt of the application which is to be sent to the applicant shall be as set out in Part I of Schedule 6 to this order. In the case of an application relating to land outside Greater London which falls to be determined by the county planning authority, the district planning authority shall as soon as may be 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.

(7) The local planning authority shall give notice to the applicant of their decision (or of the reference of the application to the Secretary of State, as the case may be) within a period of eight weeks from 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 (a) in Greater London, the local planning authority, (b) elsewhere, the district planning authority or, in the case of an application which falls to be determined by the county planning authority, either the district planning authority or the county planning authority.

(8) Where an established use certificate is not granted by the local planning authority on an application, the notice of their decision to refuse the application shall be given in writing, and state the grounds for their decision and include 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.

(9) 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 receipt of notice of the decision or of the expiry of the period allowed under paragraph (7) of this article, as the case may be, or such longer period as the Secretary of State may at any time allow. Such person shall also furnish to the Secretary of State copies of each of the following documents:—

- (i) the application;
- (ii) all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph (2) of this article);
- (iii) the notice of the decision, if any;
- (iv) all other relevant documents and correspondence with the local planning authority.

(10) The provisions of paragraphs (2) to (4) of this article shall apply 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.

(11) The provisions of article 21 of this order relating to the register kept by the local planning authority in pursuance of section 34(1) of the Act shall apply in relation to applications for established use certificates as they apply 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.

(12) Certificates issued for the purposes of paragraph (2) of this article shall be in the form set out in Part I of Schedule 5 hereto. The requisite notices for the purposes of the provisions of the said paragraph in relation to applications for established use certificates shall be in the form set out in Part II of the said Schedule 5, and the requisite notices for the purposes of the provisions of paragraphs (9) and (10) of this article (that is, notices in relation to appeals against refusal of an established use certificate) shall be in the forms set out in Part III of the said Schedule.

(13) Established use certificates shall be issued in the form set out in Part II of Schedule 6 to this order adapted as may be necessary in the case of certificates granted on the grounds referred to in paragraph (b) of section 94(1) of the Act.

*Directions and notices*

23.—(1) Any power conferred by this order to give a direction shall be construed as including power to cancel or vary the direction by a subsequent direction.

(2) Any notice or other document to be served or given under this order may be served or given in the manner prescribed by section 283 of the Act and by any regulations made under that section.

*Revocations and savings*

24.—(1) The statutory instruments specified in Schedule 7 hereto are hereby revoked, but without prejudice to any permission granted or determination made or certificate issued thereunder; and any application for planning permission or for a determination or for an established use certificate which at the coming into operation of this order is outstanding shall have effect as if made and be determined under and in accordance with the provisions of this order.

(2) Any directions in force immediately before the coming into operation of this order under articles 4, 5, 6, 7, 10, 11, 12, 14, 15, 18, 19, 22 or 23, of the Town and Country Planning General Development Orders 1973 to 1976 shall continue in force and have effect as if given under this order.

## SCHEDULE 1

The following development is permitted under article 3 of this order subject to the limitations contained in the description of that development in column (1) and subject to the conditions set out opposite that description in column (2).

Column (1) Description of Development	Column (2) Conditions
<p><i>Class I.—Development within the curtilage of a dwellinghouse</i></p> <p>1. The enlargement improvement or other alteration of a dwellinghouse so long as:</p> <p>(a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or one-tenth whichever is the greater, subject to a maximum of 115 cubic metres:</p> <p>(b) the height of the building as so enlarged altered or improved does not exceed the height of the highest part of the roof of the original dwellinghouse;</p> <p>(c) no part of the building as so enlarged altered or improved projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway:</p> <p>Provided that the erection of a garage, stable loose-box or coach-house within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission including the calculation of cubic contents.</p>	

Column (1) Description of Development	Column (2) Conditions
<p>2. The erection or construction of a porch outside any external door of a dwellinghouse so long as:</p> <ul style="list-style-type: none"> <li>(a) the floor area does not exceed 2 square metres;</li> <li>(b) no part of the structure is more than 3 metres above the level of the ground;</li> <li>(c) no part of the structure is less than 2 metres from any boundary of the curtilage which fronts on a highway.</li> </ul> <p>3. The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building or enclosure (other than a dwelling, garage, stable, loose-box or coach-house) required for a purpose incidental to the enjoyment of the dwellinghouse, as such including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, so long as:</p> <ul style="list-style-type: none"> <li>(a) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;</li> <li>(b) the height does not exceed, in the case of a building with a ridged roof, 4 metres, or in any other case, 3 metres;</li> <li>(c) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed one half of the total area of the curtilage excluding the ground area of the original dwellinghouse.</li> </ul> <p>4. The construction within the curtilage of a dwellinghouse of a hardstanding for vehicles for a purpose incidental to the enjoyment of the dwellinghouse as such.</p> <p>5. The erection or placing within the curtilage of a dwellinghouse of a tank for the storage of oil for domestic heating so long as:</p> <ul style="list-style-type: none"> <li>(a) the capacity of the tank does not exceed 3500 litres;</li> <li>(b) no part of the tank is more than 3 metres above the level of the ground;</li> <li>(c) no part of the tank projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway.</li> </ul>	
<p style="text-align: center;"><i>Class II.—Sundry minor operations</i></p> <p>1. The erection or construction of gates, fences, walls or other means of enclosure not exceeding 1 metre in height where abutting on a highway used by vehicular traffic or 2 metres in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure: so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.</p>	

Column (1) Description of Development	Column (2) Conditions
<p>2. The formation, laying out and construction of a means of access to a highway not being a trunk or classified road, where required in connection with development permitted by article 3 of and Schedule I to this order (other than under this class).</p> <p>3. The painting of the exterior of any building or work otherwise than for the purpose of advertisement, announcement or direction.</p> <p style="text-align: center;"><i>Class III.—Changes of use</i></p> <p>Development consisting of a change of use to:—</p> <p>(a) use as a light industrial building as defined by the Town and Country Planning (Use Classes) Order 1972(a) from use as a general industrial building as so defined;</p> <p>(b) use as a shop for any purpose included in Class I of the Schedule to the Town and Country Planning (Use Classes) Order 1972 from use as:—</p> <p>(i) a shop for the sale of hot food;</p> <p>(ii) a tripe shop;</p> <p>(iii) a shop for the sale of pet animals or birds;</p> <p>(iv) a cats meat shop; or</p> <p>(v) a shop for the sale of motor vehicles.</p> <p style="text-align: center;"><i>Class IV.—Temporary buildings and uses</i></p> <p>1. The erection or construction on land in, on, over or under which operations other than mining operations are being or are about to be carried out (being operations for which planning permission has been granted or is deemed to have been granted under Part III of the Act, or for which planning permission is not required), or on land adjoining such land, of buildings, works, plant or machinery needed temporarily in connection with the said operations, for the period of such operations.</p> <p>2. The use of land (other than a building or the curtilage of a building) for any purpose or purposes except as a caravan site on not more than 28 days in total in any calendar year (of which not more than 14 days in total may be devoted to use for the purpose of motor car or motor-cycle racing or for the purpose of the holding of markets), and the erection or placing of moveable structures on the land for the purposes of that use:</p> <p>Provided that for the purpose of the limitation imposed on the number of days on which land may be used for motor car or motor-cycle racing, account shall be taken only of those days on which races are held or practising takes place.</p>	<p>Such buildings, works, plant or machinery shall be removed at the expiration of the period of such operations and where they were sited on any such adjoining land, that land shall be forthwith reinstated.</p>

Column (1) Description of Development	Column (2) Conditions
<p data-bbox="368 557 820 609"><i>Class V.—Uses by members of recreational organisations</i></p> <p data-bbox="300 607 871 775">The use of land, other than buildings and not within the curtilage of a dwellinghouse, for the purposes of recreation or instruction by members of an organisation which holds a certificate of exemption granted under section 269 of the Public Health Act 1936, and the erection or placing of tents on the land for the purposes of that use.</p> <p data-bbox="325 795 847 824"><i>Class VI.—Agricultural buildings, works and uses</i></p> <p data-bbox="300 822 871 990">1. The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture (other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings), so long as:—</p> <p data-bbox="325 987 871 1227">(a) the ground area covered by a building erected pursuant to this permission does not, either by itself or after the addition thereto of the ground area covered by any existing building or buildings (other than a dwellinghouse) within the same unit erected or in course of erection within the preceding two years and wholly or partly within 90 metres of the nearest part of the said building, exceed 465 square metres;</p> <p data-bbox="325 1225 871 1323">(b) the height of any buildings or works does not exceed 3 metres in the case of a building or works within 3 kilometres of the perimeter of an aerodrome, nor 12 metres in any other case;</p> <p data-bbox="325 1321 871 1395">(c) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.</p> <p data-bbox="300 1393 871 1491">2. The erection or construction and the maintenance, improvement or other alteration of roadside stands for milk churns, except where they would abut on any trunk or classified road.</p> <p data-bbox="300 1489 871 1588">3. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including—</p> <p data-bbox="363 1585 871 1615">(i) the fertilisation of the land so used, and</p> <p data-bbox="363 1612 871 1686">(ii) the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid, so long as no excavation is made within 25 metres of the metalled portion of a trunk or classified road.</p> <p data-bbox="379 1749 815 1778"><i>Class VII.—Forestry buildings and works</i></p> <p data-bbox="300 1776 871 1850">The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or altera-</p>	

Column (1) Description of Development	Column (2) Conditions
<p>tion of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways on such land, so long as:—</p> <ul style="list-style-type: none"> <li>(a) the height of any buildings or works within 3 kilometres of the perimeter of an aerodrome does not exceed 3 metres;</li> <li>(b) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.</li> </ul> <p><i>Class VIII.—Development for industrial purposes</i></p> <p>1. Development of the following descriptions, carried out by an industrial undertaker on land used (otherwise than (i) in contravention of previous planning control or (ii) without planning permission granted or deemed to be granted under Part III of the Act) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purposes of an industrial undertaking:—</p> <ul style="list-style-type: none"> <li>(i) the provision, rearrangement or replacement of private ways or private railways, sidings or conveyors;</li> <li>(ii) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus;</li> <li>(iii) the installation or erection, by way of addition or replacement, of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;</li> <li>(iv) the extension or alteration of buildings (whether erected before or after 1st July 1948) so long as the height of the original building is not exceeded and the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than one tenth nor the aggregate floor space thereof by more than 500 square metres;</li> </ul> <p>So long as:—</p> <ul style="list-style-type: none"> <li>(a) in the case of operations carried out under sub-paragraphs (iii) or (iv) the external appearance of the premises of the undertaking is not materially affected; and</li> <li>(b) in the case of operations carried out under sub-paragraph (iv) no certificate would be required under section 67 of the Act if an application for planning permission for the development in question were made:</li> </ul>	

Column (1) Description of Development	Column (2) Conditions
<p>Provided that the erection on land within the curtilage of any such building of an additional building to be used in connection with the original building shall be treated as an extension of the original building, and where any two or more original buildings comprised in the same curtilage are used as one unit for the purposes of the undertaking, the reference in this permission to the cubic content shall be construed as a reference to the aggregate cubic content of those buildings, and the reference to the aggregate floor space as a reference to the total floor space of those buildings.</p> <p>2. The deposit by an industrial undertaker of waste material or refuse resulting from an industrial process on any land comprised in a site which was used for such deposit on 1st July 1948, whether or not the superficial area or the height of the deposit is thereby extended.</p> <p style="text-align: center;"><i>Class IX.—Repairs to unadopted streets and private ways</i></p> <p>The carrying out of works required for the maintenance or improvement of an unadopted street or private way, being works carried out on land within the boundaries of the street or way.</p> <p style="text-align: center;"><i>Class X.—Repairs to services</i></p> <p>The carrying out of any works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables, or other apparatus, including the breaking open of any land for that purpose.</p> <p style="text-align: center;"><i>Class XI.—War damaged buildings, works and plant</i></p> <p>The rebuilding, restoration or replacement of buildings, works or plant which have sustained war damage, so long as:—</p> <ul style="list-style-type: none"> <li>(a) the cubic content of the building or of the works or plant immediately before the occurrence of such damage is not increased by more than such amount (if any) as is permitted under Class I or Class VIII;</li> <li>(b) there is no material alteration from the external appearance immediately before the occurrence of such damage except with the approval of the local planning authority.</li> </ul> <p style="text-align: center;"><i>Class XII.—Development under local or private Acts, or orders</i></p> <p>Development authorised (i) by any local or private Act of Parliament or (ii) by any order approved by both Houses of Parliament or (iii) by any order</p>	

Column (1) Description of Development	Column (2) Conditions
<p>made under section 14 or section 16 of the Harbours Act 1964(a) being, in any such case, a local or private Act, or an order, which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out:</p> <p>Provided that where the development consists of or includes the erection, construction, alteration or extension of any building (which expression shall include any bridge, aqueduct, pier or dam, but not any other structure or erection), or the formation laying out or alteration of a means of access to any highway used by vehicular traffic this permission shall be exercisable in respect of such building or access as the case may be only if the prior approval of (a) the district planning authority (except in Greater London or a National Park); (b) in Greater London, the local planning authority, or (c) in a National Park, the county planning authority is obtained for the detailed plans and specifications thereof; but that authority shall not refuse to grant approval, or impose conditions on the grant thereof, unless they are satisfied that it is expedient so to do on the ground that:—</p> <p>(a) the design, or external appearance of such building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification so as to conform with such amenity; or</p> <p>(b) in the case of a building, bridge, aqueduct, pier or means of access, the erection, construction, formation, laying out, alteration or extension, ought to be and could reasonably be carried out elsewhere on the land.</p> <p><i>Class XIII.—Development by local authorities</i></p> <p>1. The erection or construction and the maintenance, improvement or other alteration by a local authority of:—</p> <p>(i) such small ancillary buildings, works and equipment as are required on land belonging to or maintained by them, for the purposes of any functions exercised by them on that land otherwise than as statutory undertakers;</p> <p>(ii) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse-troughs, refuse bins or baskets, barriers for the control of persons waiting to enter public vehicles, and such similar structures or works as may be required in connection with the operation of any public service administered by them.</p>	



Column (1) Description of Development	Column (2) Conditions
<p>2. The deposit by a local authority of waste material or refuse on any land comprised in a site which was used for that purpose on 1st July 1948, whether or not the superficial area or the height of the deposit is thereby extended.</p> <p><i>Class XIV.—Development by local highway authorities or the Greater London Council</i> The carrying out by a local highway authority or the Greater London Council of any works required for or incidental to the maintenance or improvement of existing highways being works carried out on land outside but abutting on the boundary of the highway.</p> <p><i>Class XV.—Development by drainage authorities</i> Any development by a drainage authority within the meaning of the Land Drainage Act 1930(a), in, on or under any watercourse or drainage works, in connection with the improvement or maintenance of such watercourse or drainage works.</p> <p><i>Class XVI.— Development by water authorities</i> Development of any of the following descriptions by a water authority established under the Water Act 1973(b):—</p> <ul style="list-style-type: none"> <li>(a) the laying underground of mains, pipes or other apparatus;</li> <li>(b) the improvement, maintenance or repair of watercourses or land drainage works;</li> <li>(c) the erection, construction or placing of buildings, plants, or apparatus on land or the carrying out of engineering operations in, on, over or under land, for the purpose of surveys or investigations.</li> </ul> <p><i>Class XVII.—Development for sewerage and sewage disposal</i> Any development by or on behalf of a water authority (established under the Water Act 1973), or by a Development Corporation authorised under section 34 of the New Towns Act 1965(c) to exercise powers relating to sewerage or sewage disposal, being development not above ground level required in connection with the provision, improvement or maintenance of sewers.</p>	<p>On completion of the survey or investigation, or at the end of 6 months from the commencement of the development permitted by this class, whichever is the sooner, all such operations shall cease and all such buildings, plant or apparatus shall be removed and the land restored to its former condition.</p>

(a) 1930 c. 44.

(b) 1973 c. 37.

(c) 1965 c. 59.

Column (1) Description of Development	Column (2) Conditions
<i>Class XVIII.—Development by statutory undertakers</i>	
A. Railway or light railway undertakings.	
Development by the undertakers of operational land of the undertaking, being development which is required in connection with the movement of traffic by rail, other than:	
(i) the construction of railways;	
(ii) the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of—	
(a) any railway station or bridge;	
(b) any hotel;	
(c) any residential or educational building, office, or building to be used for manufacturing or repairing work which is not situate wholly within the interior of a railway station;	
(d) any car park, shop, restaurant, garage, petrol filling station or other building or structure provided in pursuance of the powers contained in section 14 (1) (d) of the Transport Act 1962(a) or section 10 (1) (x) of the Transport Act 1968(b) which is not situate wholly within the interior of a railway station.	
B. Dock, pier, harbour, water transport, canal or inland navigation undertakings.	
1. Development by the undertakers or their lessees of operational land of the undertaking, being development which is required for the purpose of shipping, or in connection with the embarking, disembarking, loading, discharging or transport of passengers, live-stock or goods at a dock, pier or harbour, or the movement of traffic by canal or inland navigation, or by any railway forming part of the undertaking, other than the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of:—	
(a) any bridge or other building not required in connection with the handling of traffic;	
(b) any hotel;	
(c) any educational building not situate wholly within the limits of a dock, pier or harbour;	
(d) any car park, shop, restaurant, garage, petrol filling station or other building not situate wholly within the limits of a dock, pier or harbour, provided in pursuance of the powers contained in any of the following enactments:—	
the Transport Act 1962 section 14 (1) (d);	

(a) 1962 c. 46.

(b) 1968 c. 73.

Column (1) Description of Development	Column (2) Conditions
<p>the Transport Act 1968 section 10 (1) (x); the Transport Act 1968 section 50 (6).</p> <p>2. The improvement, maintenance or repair of any inland waterway to which section 104 of the Transport Act 1968 applies which is not a commercial waterway or a cruising waterway, and the repair or maintenance of culverts, weirs, locks, aqueducts, sluices, reservoirs, let-off valves or other works used in connection with the control and operation of such waterways.</p> <p>3. The use of any land for the spreading of dredgings.</p> <p>C. Water or hydraulic power undertakings. Development required for the purposes of the undertakings of any of the following descriptions, that is to say:—</p> <ul style="list-style-type: none"> <li>(i) the laying underground of mains, pipes, or other apparatus;</li> <li>(ii) the improvement, maintenance or repair of watercourses or land drainage works;</li> <li>(iii) the maintenance or repair of works for measuring the flow in any watercourse or channel or the improvement of any such works (otherwise than by the erection or installation, by way of addition or replacement, of any structures of the nature of buildings or of any plant or machinery);</li> <li>(iv) the installation in a water distribution system of booster stations, meter or switch gear houses, not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic meters in capacity;</li> <li>(v) the erection, construction or placing of buildings, plant or apparatus on land, or the carrying out of engineering operations, in, on, over or under land, for the purpose of surveys or investigations.</li> <li>(vi) any other development carried out in, on, over or under the operational land of the undertaking except:— <ul style="list-style-type: none"> <li>(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</li> </ul> </li> </ul>	<p>On completion of the survey or investigation or at the expiration of six months from the commencement of the development the subject of this permission, whichever is the sooner, all such operations shall cease and all such buildings, plant or apparatus shall be removed and the land restored to its former condition.</p>

Column (1) Description of Development	Column (2) Conditions
<p>(b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structure or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.</p> <p>D. Gas undertakings. Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p> <p>(i) the laying underground of mains, pipes, or other apparatus;</p> <p>(ii) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure flow or volume of gas, and structures for housing such apparatus not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity;</p> <p>(iii) the construction, in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965(a) of boreholes, other than those shown in the order as approved by the Secretary of State for Energy for the purpose of subsection (6) of the said section 4, and the erection or construction, in any such area, of any plant or machinery, or structure or erections in the nature of plant or machinery, not exceeding 6 metres in height which is required in connection with the construction of any such borehole;</p> <p>(iv) the placing and storage on land of pipe and other apparatus needed for inclusion in a main or pipe which is being or is about to be laid or constructed in pursuance of a planning permission granted or deemed to be granted under Part III of the Act;</p> <p>(v) the erection on operational land of the undertaking, solely for the protection of plant or machinery, or structures or erections of the nature of plant or machinery, of buildings not exceeding 15 metres in height;</p>	<p>On completion of the laying or construction of the main or pipe, or at the expiration of nine months from the commencement of the development, the subject of this permission, whichever is the sooner, such pipe and apparatus shall be removed and the land shall be restored to its condition before the development took place.</p> <p>Approval of the details of the design and external appearance of the buildings shall be obtained from (a) the district planning autho-</p>

(a) 1965 c. 36.

Column (1) Description of Development	Column (2) Conditions
<p>(vi) any other development carried out in, on, over or under operational land of the undertaking except:—</p> <ul style="list-style-type: none"> <li>(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</li> <li>(b) the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or capable, without addition, of being extended to a height exceeding 15 metres;</li> <li>(c) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, to a height exceeding 15 metres or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.</li> </ul> <p>E. Electricity undertakings. Development required for the purpose of the undertaking of any of the following descriptions, that is to say:—</p> <ul style="list-style-type: none"> <li>(i) the laying underground of pipes, cables or any other apparatus, and the construction of such shafts and tunnels as may be necessary in connection therewith;</li> <li>(ii) the installation in an electric line of feeder or service pillars, or transforming or switching stations or chambers not exceeding (except when constructed underground elsewhere than under a highway) 29 cubic metres in capacity;</li> <li>(iii) the installation of service lines to individual consumers from an electric line;</li> <li>(iv) the extension or alteration of buildings on operational land as long as the height of the original building is not exceeded and the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than one-tenth nor the aggregate floor space thereof by more than 500 square metres;</li> </ul>	<p>rity (except in Greater London or a National Park), (b) in Greater London, the local planning authority, or (c) in a National Park, the county planning authority before the erection of the building has begun.</p>

Column (1) Description of Development	Column (2) Conditions
<p>(v) the sinking of any boreholes for the purpose of ascertaining the nature of the sub-soil, and the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, as may be necessary in connection therewith;</p> <p>(vi) the erection on operational land of the undertaking, solely for the protection of plant or machinery, or structures or erections, of the nature of plant or machinery, of buildings not exceeding 15 metres in height;</p> <p>(vii) any other development carried out on, in or under the operational land of the undertaking except:—</p> <p>(a) the erection, or the reconstruction so as materially to affect the design or external appearance thereof, of buildings; or</p> <p>(b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.</p>	<p>On completion of the development or at the expiration of six months from the commencement of the development the subject of this permission, whichever is the sooner, such plant or machinery or structures or erections shall be removed and the land shall be restored to its condition before the development took place.</p> <p>Approval of the details of the design and external appearance of the buildings shall be obtained from (a) the district planning authority (except in Greater London or a National Park), (b) in Greater London, the local planning authority, or (c) in a National Park, the county planning authority, before the erection of the building has begun.</p>
<p>F. Tramway or road transport undertakings.</p> <p>Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p> <p>(i) the installation of posts, overhead wires, underground cables, feeder pillars, or transformer boxes not exceeding 17 cubic metres in capacity in, on, over or adjacent to a highway for the purpose of supplying current to public vehicles;</p> <p>(ii) the installation of tramway tracks; conduits and drains and pipes in connection therewith for the working of tramways;</p> <p>(iii) the installation of telephone cables and apparatus, huts, step posts and signs required</p>	

Column (1) Description of Development	Column (2) Conditions
<p>in connection with the operation of public vehicles;</p> <p>(iv) the erection or construction, and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of persons waiting to enter public vehicles;</p> <p>(v) any other development of operational land of the undertaking, other than:—</p> <p>(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</p> <p>(b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;</p> <p>(c) development, not wholly within the interior of an omnibus or tramway station, in pursuance of the powers contained in section 14 (1) (i) (d) of the Transport Act 1962 or section 10 (1) (x) of the Transport Act 1968.</p> <p>G. Lighthouse Undertakings.</p> <p>Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1894(a) and any other statutory provisions made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to the Merchant Shipping Act 1894, except the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of offices.</p> <p>H. The British Airports Authority.</p> <p>Development by the Authority of operational land of the undertaking, being development which is required in connection with the provision by the Authority of services and facilities necessary or desirable for the operation of an aerodrome, other than:—</p> <p>(i) the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of:—</p> <p>(a) any hotel;</p> <p>(b) any building (not being a building required in connection with the movement or maintenance of aircraft or with the embarking, disembarking, loading, dis-</p>	

(a) 1894 c. 60.

Column (1) Description of Development	Column (2) Conditions
<p>charge or transport of passengers, live-stock or goods at an aerodrome); and  (ii) the construction or extension of runways.</p> <p>I. Post Office.  Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—</p> <p>(i) the installation of public call offices (telephone kiosks), posting boxes or self-service postal machines;</p> <p>(ii) the placing of any telegraphic line as defined in the Telegraph Act 1878(a) in the exercise of an easement or other right compulsorily acquired under section 55 of the Post Office Act 1969(b);</p> <p>(iii) the use of land in case of emergency for the stationing and operation of movable apparatus required for the replacement of telephone exchanges, telephone repeater stations and radio stations and generators which have become unserviceable, for a period not exceeding six months;</p> <p>(iv) any other development carried out in, on, over or under the operational land of the undertaking except:—</p> <p>(a) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;</p> <p>(b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.</p> <p><i>Class XIX.—Development by mineral undertakers</i></p> <p>1. Where mining operations have been carried out in any land at any time on or after 1st January 1946 and before 1st July 1948,</p> <p>(a) in conformity with the provisions of a planning scheme or of permission granted thereunder or in accordance with permission granted at any time before 22nd July 1943 by or under an interim development order and in force immediately before 1st July 1948, or</p> <p>(b) under article 4 of the Town and Country</p>	<p>At the expiration of the period of use all such apparatus shall be removed and the land shall be restored to its condition before the development took place.</p>

(a) 1878 c. 76.

(b) 1969 c. 48.



Column (1) Description of Development	Column (2) Conditions
<p>Planning (General Interim Development) Order 1946(a), and an application for permission to continue those mining operations in adjoining land was made during the period of six months from 1st July 1948 or was treated by virtue of paragraph 1 of Schedule 10 to the Town and Country Planning Act 1947(b) as having been made under that Act, the continuation of those operations until the application (or any appeal in respect thereof) has been dealt with.</p> <p>2. The erection, alteration or extension by mineral undertakers on land in or adjacent to and belonging to a quarry or mine comprised in their undertaking of any building, plant or machinery, or structure or erection of the nature of plant or machinery, which is required in connection with the winning or working of minerals, including coal won or worked by virtue of section 36 (1) of the Coal Industry Nationalisation Act 1946(c), but not any other coal, in pursuance of permission granted or deemed to be granted under Part III of the Act, or which is required in connection with the treatment or disposal of such minerals:</p> <p>Provided that where the development consists of or includes the erection, alteration or extension of a building, this permission shall be exercisable in respect of such building only if the prior approval of the local planning authority, in Greater London, and elsewhere the county planning authority is obtained for the detailed plans and specifications of the building; but that authority shall not refuse to grant approval, or impose conditions on the grant thereof, unless they are satisfied that it is expedient so to do on the ground that:—</p> <p>(a) the erection, alteration or extension of such building would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions can reasonably be imposed in order to avoid or reduce the injury; or</p> <p>(b) the proposed building or extension ought to be, and can reasonably be, sited elsewhere.</p> <p>3. The deposit of refuse or waste materials by, or by licence of, a mineral undertaker in excavations made by such undertaker and already lawfully used for that purpose so long as the height of such deposit does not exceed the level of the land adjoining any such excavation.</p> <p><i>Class XX.—Development by the National Coal Board</i></p> <p>Development of any of the following descriptions carried out by the National Coal Board, or their</p>	

(a) S.R. & O. 1946/1621 (1946 I, p. 1600). (b) 1947 c. 51. (c) 1946 c. 59.

Column (1) Description of Development	Column (2) Conditions
<p>lessees or licensees, that is to say:—</p> <ul style="list-style-type: none"> <li>(i) the winning and working underground, in a mine commenced before 1st July 1948, of coal or other minerals mentioned in paragraph 1 of Schedule 1 to the Coal Industry Nationalisation Act 1946, and any underground development incidental thereto;</li> <li>(ii) any development required in connection with coal industry activities as defined in section 63 of the Coal Industry Nationalisation Act 1946 and carried out in the immediate vicinity of a pithead:</li> </ul> <p>Provided that where the development consists of or includes the erection, alteration or extension of a building this permission shall be exercisable in respect of such building only if the prior approval of the county planning authority is obtained for the detailed plans and specifications of the building, but the county planning authority shall not refuse to grant approval, or impose conditions on the grant thereof unless they are satisfied that it is expedient so to do on the ground that:—</p> <ul style="list-style-type: none"> <li>(a) the erection, alteration or extension of such building would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions can reasonably be imposed in order to avoid or reduce the injury; or</li> <li>(b) the proposed building or extension ought to be, and can reasonably be, sited elsewhere;</li> <li>(iii) the deposit of waste materials or refuse resulting from colliery production activities as defined by paragraph 2 of Schedule 1 to the Coal Industry Nationalisation Act 1946 on land comprised in a site used for the deposit of waste materials or refuse on 1st July 1948, whether or not the superficial area or the height of the deposit is thereby extended;</li> </ul>	<p>1. If the County planning authority so require, the Board shall, within such period as the authority may specify (not being less than three months from the date when the requirement is made) submit to them for approval a scheme making provision for the manner in which the depositing of waste materials or refuse is to be carried out and for the carrying out of operations in relation thereto (including, where appropriate, the stripping and storage of surface soil and the after-treatment of the deposit) for the preservation of amenity, such scheme to relate only to the depositing and after-treatment of waste materials or refuse deposited after 1st April 1974.</p>

Column (1) Description of Development	Column (2) Conditions
<p>(iv) development by the National Coal Board consisting of the temporary use of land for the purpose of prospecting for coal workable by opencast methods and the carrying out of any operations requisite for that purpose.</p> <p><i>Class XXI.—Uses of aerodrome buildings</i> The use of buildings on an aerodrome which is vested in or under the control of the British Airports Authority for purposes connected with the air transport services or other flying activities at such aerodrome.</p> <p><i>Class XXII.—Use as a caravan site</i> The use of land, other than a building, as a caravan site in any of the circumstances specified in paragraphs 2 to 9 (inclusive) of Schedule 1 to the Caravan Sites and Control of Development Act 1960(a) or in the circumstances (other than those relating to winter quarters) specified in paragraph 10 of the said Schedule.</p> <p><i>Class XXIII.—Development on licensed caravan sites</i> Development required by the conditions of a site licence for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960.</p>	<p>2. Where a scheme submitted in accordance with condition 1 has been approved the depositing of waste materials or refuse and their after-treatment shall be carried out in accordance with the scheme, or in accordance with the scheme as modified by conditions imposed on the grant of approval, as the case may be.</p> <p>1. No development shall be begun until after the expiration of 42 days from the date of service of notice in writing on the county planning authority, indicating the nature, extent and probable duration of the prospecting.</p> <p>2. At the expiration of the period of prospecting, any buildings, plant or machinery and any waste materials shall be removed and any boreholes shall be properly and sufficiently sealed and other excavations filled in and levelled, any topsoil removed being replaced as the uppermost layer.</p> <p>The use shall be discontinued when the said circumstances cease to exist, and all caravans on the site shall then be removed.</p>

SCHEDULE 2

PART I

TOWN AND COUNTRY PLANNING ACT 1971

Notification to be sent to applicant on receipt of his application

Your application dated \_\_\_\_\_ was received on (a) \_\_\_\_\_

\*[Examination of the form of application and accompanying plans and documents to ascertain whether your application complies with the statutory requirements has not been completed.]

If on further examination it is found that the application is invalid for failure to comply with such requirements (or for any other reason) a further communication will be sent to you as soon as possible.]

\*[Your application relates to a county matter and [will be] [has been] passed to the county planning authority for determination.] [A further notification will be sent to you if it is decided in the light of further consideration that your application relates to a county matter and that it is necessary to pass the application to the county planning authority for determination.] [As the land which is the subject of the application lies within (b) \_\_\_\_\_ National Park, the application [will be] [has been] passed to the (c) \_\_\_\_\_ for determination.]

If by (d) \_\_\_\_\_ \*[you have not received notification that your application is invalid and] the authority dealing with your application have not given you notice of their decision (and you have not agreed with them in writing that the period within which their decision shall be given may be extended) you may appeal to the Secretary of State in accordance with sections 36 and 37 of the Town and Country Planning Act 1971 by notice sent within six months from that date (unless the application has already been referred by this authority to the [Secretary of State for the Environment] [Secretary of State for Wales]). Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office].

\* Delete where inappropriate.

- (a) Insert date when relevant document(s) referred to in article 7(2) were received.
- (b) Insert name of National Park.
- (c) Insert name of county council or planning board.
- (d) Insert date eight weeks from date of receipt of application (as given at (a)).

PART II

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions. (To be endorsed on notices of decision).

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the [Secretary of State for the Environment] [Secretary of State for Wales] in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the [Secretary of State for the Environment] [Secretary of State for Wales], and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the [London borough or] district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

SCHEDULE 3

PART I

TOWN AND COUNTRY PLANNING ACT 1971

Notice under section 26(2)

Proposed development at (a) .....

Notice is hereby given that application is being made to the (b) .....

..... Council by (c) .....

..... for planning permission in respect of (d) .....

A copy of the application and of the plans and other documents submitted with it may be inspected at

(e) ..... at

all reasonable hours until (f) .....

Any person who wishes to make representations to the above-mentioned Council about the application should make them in writing by that date to the Council at

(g) .....

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

- (a) Insert address or location of proposed development.
- (b) Insert name of Council.
- (c) Insert name of applicant.
- (d) Insert description of proposed development.
- (e) Insert address within locality in which land proposed to be developed is situated.
- (f) Insert date not less than 20 days later than the date on which the notice is published.
- (g) Insert address of Council.

PART II

TOWN AND COUNTRY PLANNING ACT 1971

Certificate under section 26(2)

Certificate A\*

I hereby certify that:—

\*I \_\_\_\_\_ posted on the land to which the accompanying application dated \_\_\_\_\_  
The applicant

(a) \_\_\_\_\_ relates the notice required by section 26(3) of the Act, and such notice was left in position for not less than seven days in the period of not more than one month immediately preceding the making of this application.

Or:—

Certificate B\*

I hereby certify that:—

\* I have \_\_\_\_\_ been unable to post on the land to which the accompanying application dated \_\_\_\_\_  
The applicant has

relates the notice required

by section 26(3) of the Act, because \* I have \_\_\_\_\_ no such rights of access or the applicant has

other rights in respect of the land as would enable \* me \_\_\_\_\_ to do so.  
the applicant

\* I have \_\_\_\_\_ taken the following steps, namely:—  
The applicant has

(b) \_\_\_\_\_

\_\_\_\_\_ to acquire those rights and \*have \_\_\_\_\_ been unable to acquire them.  
has

Or:—

Certificate C\*

I hereby certify that:—

\* I \_\_\_\_\_ posted on the land to which the accompanying application dated \_\_\_\_\_  
The applicant

(a) \_\_\_\_\_ relates the notice required by section 26(3) of the Act, but such notice was left in position for less than seven days in the period of not more than one month immediately preceding the making of this application

because it was, without any fault or intent of \* mine \* removed \_\_\_\_\_  
the applicant's obscured or defaced

before seven days had elapsed in the said period of not more than one month.

I \_\_\_\_\_ took the following steps for the protection and, where necessary,  
\*The applicant

replacement of the notice, namely:—

(b) .....

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

(a) Insert date of application.

(b) Insert steps taken.

PART III

TOWN AND COUNTRY PLANNING ACT 1971

Notice under section 26(3) of the Act

Proposed development at (a) .....

TAKE NOTICE that application is being made to the

(b) .....

Council by (c) .....

for planning permission to carry out the following development on the above land, namely:—

(d) .....

A copy of the application for planning permission and of all plans and other documents relating thereto may be inspected by members of the public at (e).....

at all reasonable hours until (f) .....

Any person who wishes to make representations to the above mentioned Council about the application should make them in writing by that date to the Council at (g) .....

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

(a) Insert address or location of proposed development.

(b) Insert name of Council.

(c) Insert name of applicant.

(d) Insert description of proposed development.

(e) Insert address of place where the application is available for inspection.

(f) Insert date not less than 20 days later than the date on which the notice is posted.

(g) Insert address of Council.

SCHEDULE 4

PART I

TOWN AND COUNTRY PLANNING ACT 1971

*Certificate under section 27*

Certificate A\*

I hereby certify that:—

(a) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.

1. No person other than the \*applicant  
appellant was an owner (a) of any part of the land to which the \*application  
appeal relates at the beginning of the period of 20 days before the date of the accompanying \*application;  
appeal;

or:—

Certificate B\*

I hereby certify that:—

I have  
1. \*The applicant has given the requisite notice to all the persons other than  
The appellant has  
myself  
\*the applicant who, 20 days before the date of the accompanying \*application,  
the appellant appeal

†See Note (a) to Certificate A. were owners† of any part of the land to which the \*application  
appeal, relates, viz.—

Name of owner	Address	Date of service of notice
---------------	---------	---------------------------

or:—

Certificate C\*

I hereby certify that:—

I am  
1. (i) \*The applicant is unable to issue a certificate in accordance with either  
The appellant is  
paragraph (a) or paragraph (b) of section 27(1) of the Act in respect of the accompanying \*application  
appeal dated (a) .....

(a) Insert date of application or appeal.

I have  
(ii) \*The applicant has given the requisite notice to the following persons  
The appellant has  
myself  
other than \*the applicant who, 20 days before the date of the \*application, were  
the appellant appeal were

†See Note (a) to Certificate A. owners† of any part of the land to which the \*application  
appeal relates, viz.—

Name of owner	Address	Date of service of notice
---------------	---------	---------------------------

I have  
(iii) \*The applicant has taken the steps listed below, being steps reasonably  
The appellant has  
open to \*me,  
him, to ascertain the names and addresses of the other owners of the



land or part thereof and \*have/has been unable to do so:

(b) ..... (b) Insert description of steps taken.

(iv) Notice of the \*application/appeal as set out below has been published in the ..... (c) Insert name of local newspaper circulating in the locality in which the land is situated.

(c) ..... (d) Insert date of publication (which must not be earlier than 20 days before the application or appeal).  
on (d).....  
Copy of notice as published

or:—

Certificate D\*

I hereby certify that:—

I am  
1. (i) \*The applicant is unable to issue a certificate in accordance with  
The appellant is  
section 27(1)(a) of the Act in respect of the accompanying \*application/appeal dated

(a) ..... (a) Insert date of application or appeal.  
and \*have/has taken the steps listed below, being steps reasonably open to \*me/him, to

ascertain the names and addresses of all the persons, other than \*myself/himself, who,  
20 days before the date of the \*application/appeal, were owners† of any part of the land

†See Note (a) to Certificate A.

to which the \*application/appeal relates and \*have/has been unable to do so:

(b) ..... (b) Insert description of steps taken.

(ii) Notice of the \*application/appeal as set out below has been published in the

(c) ..... (c) Insert name of local newspaper circulating in the locality in which the land is situated.  
on (d)..... (d) Insert date of publication (which must not be earlier than 20 days before the application or appeal).

Copy of notice as published

\*2. None of the land to which the \*application/appeal relates constitutes or forms part of an agricultural holding;

or:—

[Whichever is appropriate of these alternatives should form part of any certificate A, B, C or D above.]

I have  
\*2. \*The applicant has given the requisite notice to every person other than  
The appellant has

\*myself who, 20 days before the date of the \*application, was a tenant  
himself appeal  
of any agricultural holding any part of which was comprised in the land to which  
the \*application relates, viz.—  
appeal

(e) If you are the sole agricultural tenant enter "None".

Name of tenant (e)                      Address                      Date of service of notice  
Signed .....  
\*On behalf of .....  
Date .....

\* Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING ACT 1971

*Notice under section 27 of application for planning permission*

[Notice for service on individuals]

(a) Insert address or location of proposed development.

(b) Insert name of Council.

(c) Insert name of applicant.

(d) Insert description of proposed development.

(e) Insert date not less than 20 days later than the date on which the notice is served.

(f) Insert address of Council.

Proposed development at (a).....  
TAKE NOTICE that application is being made to the (b).....  
..... Council by (c)..... for planning  
permission to (d).....

If you should wish to make representations about the application, you should make them in writing not later than (e)..... to the Council at (f).....

Signed .....  
\*On behalf of .....  
Date .....

\* Delete where inappropriate.

TOWN AND COUNTRY PLANNING ACT 1971

*Notice under section 27 of application for planning permission*

[Notice for publication in local newspaper]

(a) Insert address or location of proposed development.

(b) Insert name of Council.

(c) Insert name of applicant.

(d) Insert description of proposed development.

(e) Insert date not less than 20 days later than the date on which the notice is published.

(f) Insert address of Council.

Proposed development at (a).....  
NOTICE is hereby given that application is being made to the (b).....  
..... Council by (c)..... for planning  
permission to (d).....

Any owner of the land (namely a freeholder or a person entitled to an unexpired term of at least seven years under a lease) who wishes to make representations to the above-mentioned Council about the application should make them in writing not later than (e)..... to the Council at (f).....

Signed .....  
\*On behalf of .....  
Date .....

\* Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING ACT 1971

Notice under sections 27 and 36 of appeal

[Notice for service on individuals]

Proposed development at (a).....

(a) Insert address or location of proposed development.

TAKE NOTICE that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales] by (b).....

(b) Insert name of appellant.

\* (i) against the decision of the (c)..... Council

(c) Insert name of Council.

\* (ii) on the failure of the (c)..... Council to give notice of a decision

on an application to (d).....

(d) Insert description of proposed development.

If you should wish to make representations to the Secretary of State about the appeal you should make them not later than (e).....

(e) Insert date not less than 20 days later than the date on which the notice is served.

to the Secretary [Department of the Environment] [Welsh Office] at.....

Signed .....

\* On behalf of .....

Date .....

\* Delete where inappropriate.

TOWN AND COUNTRY PLANNING ACT 1971

Notice under sections 27 and 36 of appeal

[Notice for publication in local newspaper]

Proposed development at (a).....

(a) Insert address or location of proposed development.

NOTICE is hereby given that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales] by (b).....

(b) Insert name of appellant.

\* (i) against the decision of the (c)..... Council

(c) Insert name of Council.

\* (ii) on the failure of the (c)..... Council to give notice of a decision

on an application to (d).....

(d) Insert description of proposed development.

Any owner of the land (namely, a freeholder or a person entitled to an unexpired term of at least seven years under a lease) who wishes to make representations to the Secretary of State about the appeal should make them

in writing not later than (e) ..... to the Secretary

(e) Insert date not less than 20 days later than the date on which the notice is published.

[Department of the Environment] [Welsh Office] at.....

Signed .....

\* On behalf of .....

Date .....

\* Delete where inappropriate.

SCHEDULE 5

PART I

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977

*Certificate under article 22(2) in relation to an application for an established use certificate*

Certificate A\* I hereby certify that:—

(a) "owner" means—  
(i) a person having a freehold interest or a leasehold interest the unexpired term of which was not less than 7 years; or  
(ii) an occupier of any part of the land.

1. No person other than the \*applicant appellant was an owner (a) of any part of the land to which the \*application appeal relates at the beginning of the period of 20 days before the date of the accompanying \*application appeal;

or:—

Certificate B\* I hereby certify that:—

I have

1. \*The applicant has given the requisite notice to all the persons other than The appellant has

myself

\*the applicant who, 20 days before the date of the accompanying \*application appeal, the appellant

were owners† of any part of the land to which the \*application appeal relates, viz.—

(†) See Note (a) to Certificate A.

Name of owner	Address	Date of service of notice
---------------	---------	---------------------------

or:—

Certificate C\* I hereby certify that:—

I am

1. (i) \*The applicant is unable to issue a certificate in accordance with either The appellant is

sub-paragraph (a) or sub-paragraph (b) of article 22(2) of the Town and Country Planning General Development Order 1977 in respect of the accompanying

(a) Insert date of application or appeal.

\*application appeal dated (a) .....

I have

(ii) \*The applicant has given the notice required by the said article 18 to the The appellant has

myself

following persons other than \*the applicant the appellant who, 20 days before the date of

(†) See Note (a) to Certificate A.

the \*application appeal, were owners(†) of any part of the land to which the \*application appeal relates, viz.—

Name of owner (†)	Address	Date of service of notice
-------------------	---------	---------------------------

I have  
 (iii) \*The applicant has taken the steps listed below, being steps reasonably  
The appellant has  
 open to \*me, to ascertain the names and addresses of the other owners  
him  
 of the land, or part thereof, and \*have been unable to do so:  
has

(b) .....  
 .....  
 .....

(b) Insert description of steps taken.

(iv) Notice of the \*application as set out below has been published in the  
appeal  
 (c) .....

(c) Insert name of local newspaper circulating in the locality in which the land is situated.

on (d) .....  
 Copy of notice as published  
 or:—

(d) Insert date of publication (which must not be earlier than 20 days before the application or appeal).

I hereby certify that:—

Certificate D\*

I am  
 1. (i) \*The applicant is unable to issue a certificate in accordance with  
The appellant is  
 sub-paragraph (a) of article 22(2) of the Town and Country Planning General  
 Development Order 1977 in respect of the accompanying \*application dated  
appeal

(a) .....

(a) Insert date of application or appeal.

and \*have taken the steps listed below, being steps reasonably open to \*me,  
has him,  
 to ascertain the names and addresses of all the persons other than \*myself  
\*himself  
 who, 20 days before the date of the \*application, were owners (†) of any part  
appeal  
 of the land and \*have been unable to do so:  
has

† See Note (a) to Certificate A.

(b) .....  
 .....  
 .....

(b) Insert description of steps taken.

(ii) Notice of the \*application as set out below has been published in the  
appeal  
 (c) .....

(c) Insert name of local newspaper circulating in the locality in which the land is situated.

on (d) .....  
 Copy of notice as published

(d) Insert date of publication (which must not be earlier than 20 days before the application or appeal).

\*2. None of the land to which the \*application relates constitutes or forms  
appeal  
 part of an agricultural holding;

[Whichever is appropriate of these alternatives should form part of any certificate A, B, C or D above.]

or:—

I have  
 \*2. \*The applicant has  
The appellant has given the requisite notice to every person other than  
\*myself who, 20 days before the date of the \*application, was a tenant of any  
himself appeal agricultural holding any part of which was comprised in the land to which the  
\*application relates, viz.—  
appeal

(e) If you are the sole agricultural tenant, enter "None".

Name of tenant (e)	Address	Date of service of notice
	Signed .....	
	*On behalf of .....	
	Date .....	

\* Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING ACT 1971  
 TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977  
 Notice under article 22 of application for established use certificate

[Notice for service on individuals]

TAKE NOTICE that application is being made to the  
 (a) ..... Council by  
 (b) .....  
 for an established use certificate relating to the use of land at (c).....  
 .....  
 for the purposes of (d) .....

If you should wish to make representations about the application, you should make them in writing not later than (e).....  
 to the Council at (f).....  
 .....

Signed .....

\*On behalf of .....

Date .....

\*Delete where inappropriate.

(a) Insert name of Council.

(b) Insert name of applicant.

(c) Insert address or location of land.

(d) Insert use claimed to be established.

(e) Insert date not less than 20 days later than the date on which the notice is served.

(f) Insert address of Council.

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977  
 Notice under article 22 of application for established use certificate

[Notice for publication in local newspaper]

NOTICE is hereby given that application is being made to the (a).....  
 ..... Council by  
 (b) .....  
 for an established use certificate relating to the use of land at (c).....  
 .....  
 for the purpose of (d).....

(a) Insert name of Council.

(b) Insert name of applicant.

(c) Insert address or location of land.

(d) Insert use claimed to be established.

Any person who, in respect of the land or part thereof, is an owner (i.e. is a freeholder or a person entitled to an unexpired term of at least 7 years under a lease) or an occupier and who wishes to make representations to the above-mentioned Council about the application should make them in writing not

later than (e).....  
to the Council at (f).....

(e) Insert date not less than 20 days later than the date on which the notice is published.

(f) Insert address of Council.

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977

Notice under article 22 of appeal against refusal of an established use certificate

[Notice for service on individuals]

TAKE NOTICE that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales] by (a) .....

(a) Insert name of appellant.

\*(i) against the decision of the (b)..... Council

(b) Insert name of Council.

\*(ii) on the failure of the (b)..... Council  
to give notice of a decision

on an application for an established use certificate relating to the use of  
(c) .....

(c) Insert address or location of land.

for the purpose of (d).....

(d) Insert use claimed to be established.

If you should wish to make representations to the Secretary of State about the appeal you should make them in writing not later than (e).....

(e) Insert date not less than 20 days later than the date on which the notice is served.

..... to the Secretary [Department of the Environment] [Welsh Office] at.....

Signed .....

\*On behalf of .....

Date .....

\*Delete where inappropriate.

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977

Notice under article 22 of appeal against refusal of an established use certificate

[Notice for publication in local newspaper]

NOTICE is hereby given that an appeal is being made to the [Secretary of State for the Environment] [Secretary of State for Wales] by (a) .....

(a) Insert name of appellant.

\*(i) against the decision of the (b)..... Council

(b) Insert name of Council.

\*(ii) on the failure of the (b)..... Council

to give notice of a decision on an application for an established use certificate relating to the use of (c) .....

(c) Insert description and address or location of land.

for the purpose of (d) .....

(d) Insert use claimed to be established.

Any person who, in respect of the land or part thereof, is an owner (i.e. is a freeholder or a person entitled to an unexpired term of at least 7 years under a lease) or is an occupier and who wishes to make representations to the Secretary of State about the appeal should make them in writing not later than (e) .....

(e) Insert date not less than 20 days later than the date on which the notice is published.

to the Secretary [Department of the Environment] [Welsh Office] at .....

Signed .....

\*On behalf of .....

Date .....

\*Delete where inappropriate.

SCHEDULE 6

PART I

TOWN AND COUNTRY PLANNING ACT 1971

Notification to be sent to applicant on receipt of his application for an established use certificate

Your application dated.....has been received.

\*[Your application relates to a county matter and is being passed to the county planning authority for determination] [A further notification will be sent to you if it is decided in the light of further consideration that your application relates to a county matter and that it is necessary to pass the application to the county planning authority for determination] [As the land which is the subject of the application lies within the

(a) ..... National Park, the application has been passed to the (b)..... for determination].

If on (c) ..... the authority dealing with your application have not given you notice of their decision, and you have not agreed with them in writing that the period within which their decision shall be given may be extended, you are entitled to appeal to the Secretary of State in accordance with section 95(2) of the Town and Country Planning Act 1971 by notice served within six months from that date (unless the application has already been referred by the authority to the [Secretary of State for the Environment] [Secretary of State for Wales]). Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office].

\* Delete where inappropriate.

(a) Insert name of national park.

(b) Insert name of county council or planning board.

(c) Insert date of expiry of the period of two months after receipt of the application.





SCHEDULE 7

STATUTORY INSTRUMENTS REVOKED

Title of Instrument	Reference
The Town and Country Planning General Development Order 1973	S.I. 1973/31 (1973 I, p. 207)
The Town and Country Planning General Development (Amendment) Order 1973	S.I. 1973/273 (1973 I, p. 1022)
The Town and Country Planning General Development (Amendment) Order 1974	S.I. 1974/418 (1974 I, p.1318)
The Town and Country Planning General Development (Amendment) Order 1976	S.I. 1976/301 (1976 I, p. 784)

*Peter Shore,*  
Secretary of State for the Environment.

22nd February 1977.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order consolidates, with minor amendments, the Town and Country Planning General Development Order 1973 and three subsequent amending orders, made under the Town and Country Planning Act 1971. The order is the general order, applicable to all land in England and Wales, providing for the grant of permission for the development of land under Part III of the Act of 1971 pursuant to the provisions of section 24 of that Act. Schedule 1 to the order sets out in detail the classes of development for which the permission is granted by the order itself under the provisions of article 3 (subject to the provisions of article 4). Provision is made by articles 5 to 9 for the manner in which application for planning permission (and certain other applications under Part III of the Act of 1971) are made and dealt with, and for the procedure in relation to the making of appeals to the Secretary of State in respect of such applications (article 20). Articles 10 to 18 provide for consultation and directions affecting the grant of planning permission; article 19 requires notice to be given to the applicant where an application has been referred to the Secretary of State for him to determine; and article 21 deals with planning registers. Article 22 makes provision for the manner in which applications for established use certificates are made and dealt with and for the procedure in relation to the making of appeals to the Secretary of State in respect of such applications. Schedules 2 to 6 set out the prescribed forms for the purposes of certain provisions of the Act of 1971.

The principal amendments made by this order to the previous order as amended are as follows:—

- (a) In article 2 the definition of “classified road” has been amended to take account of the amendments made to section 27 of the Local Government Act 1966 (under which highways are classified) by the Local Government Act 1974;
- (b) Article 15 (which re-enacts the provisions of article 13 of the previous order relating to consultations before grant of permission) contains an additional requirement that when an application is made to develop land on which there is a theatre the local planning authority must consult the Theatres Trust set up by the Theatres Trust Act 1976;
- (c) Classes XVI and XVII of Schedule 1 refer to the new Regional Water Authorities which were established by the Water Act 1973 in place of the former water, river and sewerage authorities.

A number of minor drafting amendments have also been made.

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