

1969 No. 276

TOWN AND COUNTRY PLANNING,
ENGLAND AND WALESThe Town and Country Planning General Development
(Amendment) Order 1969

<i>Made</i>	- - -	<i>4th March 1969</i>
<i>Laid before Parliament</i>		<i>13th March 1969</i>
<i>Coming into Operation</i>		<i>1st April 1969</i>

The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 14, 15, 16, 19, 23, 24, 43 and 217 of the Town and Country Planning Act 1962(a) and sections 76(7) and 78 and Schedule 2 of the Town and Country Planning Act 1968(b), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Town and Country Planning General Development (Amendment) Order 1969 and the Town and Country Planning General Development Orders 1963 to 1968(c) and this order may be cited together as the Town and Country Planning General Development Orders 1963 to 1969.

(2) This order shall come into operation on 1st April 1969.

(3) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

2. The Town and Country Planning General Development Order 1963(e) as amended(f) is hereby amended as follows:—

(a) In article 2(1)—

for the definitions of “caravan”, “classified road” and “highway” there shall be substituted the following definitions:—

“ ‘caravan’ has the meaning assigned to that term by the Caravan Sites Act 1968(g);”

‘classified road’ has the meaning assigned to that term by section 295 of the Highways Act 1959(h) as amended by section 27 of the Local Government Act 1966(i);

‘highway’ has the meaning assigned to that term by section 294 of the Highways Act 1959;” and

(a) 1962 c. 38.

(b) 1968 c.72.

(c) S.I. 1963/709, 1964/1239, 1965/498, 1967/1076, 1968/1623 (1963 I, p.862; 1964 II, p.2871; 1965 I, p. 1243; 1967 II, p.3172; 1968 III, p.4446).

(d) 1889 c.63.

(e) S.I. 1963/709 (1963 I, p.862).

(f) The relevant amending instrument is S.I. 1965/498 (1965 I, p.1243).

(g) 1968 c.52.

(h) 1959 c.25.

(i) 1966 c.42.

the following definitions shall be added:—

“the Act of 1968’ means the Town and Country Planning Act 1968;

‘listed building’ means a building which is for the time being included in a list compiled or approved by the Minister under section 32 of the Act;

‘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;

‘reserved matters’, in relation to an outline planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building to which the planning permission or the application relates, or the means of access to the building;

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

(b) At the end of article 2 there shall be added the following paragraph:

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

(c) For article 5 there shall be substituted the following articles:—

“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 the authority 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, they shall within the period of one month from 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 (in which event the application shall be treated as an application made in accordance with paragraph (1) of this article and received on the date when such information was furnished) or appeal to the Minister within six months of receiving such notice, or such longer period as the Minister 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 65 or section 66 of the Act of 1968 (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 19 of the Act.

“Other forms of application

“5A.—(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 43 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 them to deal with the application.

“General provisions relating to applications

“5B.—(1) Any application made under article 5 or 5A of this order shall be lodged:—

- (i) where the land in respect of which the application is made is in Greater London, with the Council of the London borough in which the land is situate or with the Common Council, as the case may be;
- (ii) where the land is not in Greater London, with the council of the county borough or county district in which the land is situate,

and the authority with whom the application is lodged shall, if necessary, transmit it to the local planning authority.

“(2) On receipt of any such application the local planning authority 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.

“(3) The period within which the local planning authority shall give notice to an applicant of their decision or determination or of the reference of an application to the Minister shall be the following period from the date of receipt by them of the application, namely:—

- (a) in the case of an application for permission for development affecting a trunk road, or affecting land on which the Minister of Transport proposes to construct a trunk road or a special road (see article 9), or for any approval in connection therewith, three months; and
 - (b) in any other case, two months,
- or such extended period as may be agreed upon in writing between the applicant and the local planning authority at any time (except where the applicant has already given notice of appeal to the Minister).

“(4) 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 Minister or the Minister of Transport has given a direction restricting the grant of permission for the development referred to in the application or a government department has expressed the view that the application should not be granted (either wholly or in part) or

should be granted subject to conditions, give details of the direction or of the view expressed, and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part II of Schedule 2 hereto;

(b) in the case of an application for a determination under section 43 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 Minister under section 23 of the Act (as applied by section 43 of the Act) within six months of receipt thereof or such longer period as the Minister may at any time allow.

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

(d) In article 6—

in paragraph (2), for the words, “Schedule 3 hereto”, there shall be substituted the words, “Part I of Schedule 3 hereto”; and at the end of the article, there shall be inserted the following paragraphs:

“(3) Certificates issued for the purposes of section 76(1) of the Act of 1968 shall be in the forms set out in Part II of Schedule 3 hereto.

“(4) The form of notice required by section 76(2) of the Act of 1968 to be posted on the land shall be that set out in Part III of Schedule 3 hereto.”;

(e) In article 8, after the words, “directions restricting the grant of permission by a local planning authority”, there shall be inserted the words, “, either indefinitely or”;

(f) In article 9—

in paragraph (2), after the words, “directions restricting the grant of permission by a local planning authority”, there shall be inserted the words, “, either indefinitely or”; and for paragraph (3) there shall be substituted the following paragraph:

“(3) The provisions of this article shall apply to—

- (i) land on which the Minister of Transport proposes to provide a trunk road or special road, being a road the route of which is shown as such in the development plan, or in respect of which the Minister of Transport has given notice in writing to the local planning authority of his proposal, together with maps or plans sufficient to identify the proposed route of the road;
- (ii) any road which is comprised in the route of a special road to be provided by the Minister of Transport in accordance with a scheme under the provisions of Part II of the Highways

Act 1959 relating to special roads, and which has not for the time being been transferred to him;

- (iii) any road which has been or is to be provided by the Minister of Transport 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,

as if it were a trunk road.”;

(g) After article 11, there shall be inserted the following article:—

“Notification of certain applications

“11A—(1) Before granting permission, whether unconditionally or subject to conditions, for any development of land outside Greater London which includes or involves the carrying out of works for the alteration or extension of a listed building, a local planning authority shall notify the Minister of the application, giving particulars of the proposed development and of the alterations to the listed building which are involved. The authority shall not determine the application until after the expiration of 28 days from the date of giving notice of it to the Minister.

“(2) In respect of applications for permission for development of the kind described in the preceding paragraph, the Minister 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.”;

(h) In article 13—

for paragraph (1) there shall be substituted the following paragraph:

“(1) Any person who desires to appeal—

(a) against a decision of a local planning authority refusing permission to develop land, refusing approval of any reserved matters, or granting permission or approval subject to conditions; or

(b) against a determination of a local planning authority under section 43 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 Minister,

shall give notice of appeal to the Minister within six months of notice of the decision or determination or of the expiry of the appropriate period allowed under article 5B(3) of this order, as the case may be, or such longer period as the Minister may at any time allow. In the case of an appeal in respect of an application for a determination under section 43 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 Minister.”; and

for sub-paragraph (ii) of paragraph (2) there shall be substituted the following:

“(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 15 of the Act and of the relevant certificate under section 76 of the Act of 1968 and a copy of the certificate given in accordance with section 16 of the Act);”;

(i) For article 14 there shall be substituted the following article:—

“14.—(1) In this article—

- (a) “local planning authority” includes the Common Council or a London borough council but does not include the Greater London Council;
- (b) references to the Minister (with the exception of the reference in paragraph (6)) shall be construed as including references to a person appointed by the Minister under Part III of the Act of 1968 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 19(4) 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 information in respect of all applications for planning permission:—

- (a) particulars of the application, including the name and address of the applicant, the date of the application and brief particulars of the development forming the subject of the application;
- (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 and the date of such decision;
- (d) the date and effect of any decision of the Minister in respect of the application, whether on appeal or on a reference under section 22 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 Minister under section 16 (enforcement notices) or 18 (applications for established use certificates) of the Act of 1968, the appellant is deemed to have made an application for planning permission for any development to which the appeal relates and the Minister has granted permission for such development, the local planning authority shall, on receipt of notification of the Minister’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 Minister’s decision.

“(4) The register of applications for a determination under section 43 of the Act which every local planning authority is required to keep under the provisions of section 19(4) of the Act (as applied by section 43(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 and the date of such decision;
- (c) the date and effect of any decision of the Minister in respect of the application, whether on appeal or on a reference under section 22 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, which shall be in the form of a map unless the Minister approves some other form, 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 authority:

Provided that, where the authority is a county council, so much of any register as relates to land in a county district may be kept at a place within or convenient to that district.

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

- (a) it has been decided by the authority (or the appropriate period allowed under article 5B(3) of this order has expired without their giving a decision) and the period of six months specified in article 13 of this order has expired without any appeal having been made to the Minister; or
- (b) it has been referred to the Minister under section 22 of the Act or an appeal has been made to the Minister under section 23 of the Act, the Minister had issued his decision and the period of six weeks specified in section 179 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 179 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 Minister's decision and the issue of a fresh decision (without a further application under the said section 179).”;

(j) After article 14, there shall be inserted the following article:—

“Established Use Certificates

“14A—(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 17(1) of the Act of 1968) 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 17(1) of the Act of 1968 (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, in respect of every part of the land to which the application relates, the applicant is either the estate owner in respect of the fee simple or is entitled to a tenancy thereof;
- (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 the estate owner in respect of the fee simple thereof or is entitled to a tenancy thereof granted or extended for a term of years certain of which not less than 10 years remain unexpired; and
- (ii) any other person who is for the time being 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 (3) 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), (2) and (5) of article 5B 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.

“(7) The local planning authority shall give notice to the applicant of their decision (or of the reference of the application to the Minister, as the case may be) within a period of two months from the date of receipt of the application, or such extended period as may be agreed upon in writing between the applicant and the local planning authority at any time (except where the applicant has already given notice of appeal to the Minister).

“(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 shall 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 Minister under section 18(2) of the Act of 1968.

“(9) Any person 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 Minister 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 Minister may at any time allow. Such person shall also furnish to the Minister copies of the following documents:—

- (i) the application made to the local planning authority;
- (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 Minister as they apply in relation

to an application to the local planning authority for an established use certificate.

“(11) The provisions of article 14 of this order relating to the register kept by the local planning authority in pursuance of section 19(4) 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 43 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.”;

- (k) In article 16(1), for the words “Schedule 5” there shall be substituted the words “Schedule 7”;
- (l) for Schedule 2 there shall be substituted the Schedule set out in Schedule 1 to this order;
- (m) for Schedule 3 there shall be substituted the Schedule set out in Schedule 2 to this order;
- (n) in Schedule 4, for Part I there shall be substituted the provisions set out in Schedule 3 to this order;
- (o) after Schedule 4, there shall be inserted the Schedules set out in Schedules 4 and 5 to this order, and the existing Schedule 5 shall be renumbered Schedule 7.

SCHEDULE 1

"SCHEDULE 2

PART I

Notification to be sent to applicant on receipt of his application

Your application dated (insert date) has been received and, if on (insert date of expiry of the appropriate period under article 5B(3)) you have not been given notice by the local planning authority of their decision, you are entitled, unless the application has already been referred by the authority to the [Minister of Housing and Local Government] [Secretary of State for Wales], to appeal to the [Minister] [Secretary of State] in accordance with sections 23 and 24 of the Town and Country Planning Act 1962, by notice served within six months from that date. (Appeals must be made on a form which is obtainable from the [Ministry of Housing and Local Government, Whitehall, London, S.W.1.] [Welsh Office, Summit House, Windsor Place, Cardiff].) You may, however, by agreement in writing with the local planning authority extend the period within which the decision of the authority is to be given.

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 [Minister of Housing and Local Government] [Secretary of State for Wales], in accordance with section 23 of the Town and Country Planning Act 1962, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Minister of Housing and Local Government, Whitehall, London, S.W.1.] [Welsh Office, Summit House, Windsor Place, Cardiff].) The [Minister] [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 [Minister] [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. (The statutory requirements include section 6 of the Control of Office and Industrial Development Act 1965 and section 23 of the Industrial Development Act 1966.)

(2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the [Minister of Housing and Local Government] [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 county borough, London borough or county 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 VIII of the Town and Country Planning Act 1962 (as amended by the Town and Country Planning Act 1968).

(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 [Minister] [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 123 of the Town and Country Planning Act 1962."

SCHEDULE 2

“SCHEDULE 3

PART I

TOWN AND COUNTRY PLANNING ACT 1962

Notice under section 15

Proposed development at (a)..... (a) Insert address or location of proposed development.
 Notice is hereby given that application is being made to the (b)..... (b) Insert name of Council
Council by (c)..... (c) Insert name of applicant.
 for planning permission in respect of (d)..... (d) Insert description and address or location of proposed development.

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

(e) (e) Insert address within locality in which land proposed to be developed is situated.
 during the period of 21 days beginning with the date of publication of this notice.

Any person who wishes to make representations to the above-mentioned Council about the application should make them in writing within that period to the *Town Clerk Clerk of the Council at

(f)..... (f) Insert address of Council.

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate

PART II

TOWN AND COUNTRY PLANNING ACTS 1962 to 1968

Certificate under section 76 of Act of 1968

I hereby certify that:—

Certificate A*

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

(a).....relates the notice (a) Insert date of application.
 required by section 76 of the Town and Country Planning Act 1968, 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:—

I hereby certify that:—

Certificate B*

*I have been unable to post on the land to which the accompanying application dated (a).....

(a) Insert date of application.

relates the notice required by section 76 of the Town and Country Planning Act 1968, because *I have no such rights of access or other rights in respect of the land as would enable *me to do so.

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

(b) Insert steps taken.

(b)

to acquire those rights and *have been unable to acquire them.

Or:—

Certificate C*

I hereby certify that:—

*I posted on the land to which the accompanying application

(a) Insert date of application.

dated (a).....relates the notice required by section 76 of the Town and Country Planning Act 1968, 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 the applicant's,

*removed 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, replacement of the notice, namely:—

(b) Insert steps taken.

(b)

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate

PART III

TOWN AND COUNTRY PLANNING ACTS 1962 to 1968

Notice under section 76 of the Act of 1968

(a) Insert address or location of proposed development.

Proposed development at (a).....
 TAKE NOTICE that application is being made to the

(b) Insert name of council.

(b)

(c) Insert name of applicant.

Council by (c).....

.....

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

(d) (d) Insert description of proposed development.

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

at all reasonable hours until (f)..... (f) Insert date not less than 21 days later than the date on which the notice was first posted.

Signed.....

*On behalf of.....

Date.....

Delete where inappropriate

SCHEDULE 3

"SCHEDULE 4

PART I

TOWN AND COUNTRY PLANNING ACT 1962
Certificate under section 16

I hereby certify that:—

Certificate A*

1. I am
The applicant is *the estate owner in respect of the fee simple
The appellant is entitled to a tenancy

of every part of the land to which the accompanying *application
appeal

dated (a).....relates; (a) Insert date of application or appeal.

Or:—

I hereby certify that:—

Certificate B*

1. I have
The applicant has given the requisite notice to all the persons
The appellant has

who, 20 days before the date of the accompanying *application
appeal, were

owners of any 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 paragraph (a) or paragraph (b) of section 16(1) of the Town and Country Planning Act 1962 in respect of the accompanying *application dated (a).....
 The appellant is
 *application
appeal

(a) Insert date of application or appeal.

I have

(ii) *The applicant has given the requisite notice to the following persons who, 20 days before the date of the *application, were owners of the land, or part thereof, to which the *application relates, viz.—
 The appellant has
appeal
appeal

Name of owner Address Date of service of notice

I have

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

so:

(b) Insert description of steps taken.

(b)

(iv) Notice of the *application as set out below has been
appeal

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

published in the (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:

I hereby certify that :—

I am

1. (i) *The applicant is unable to issue a certificate in accordance with section 16(1)(a) of the Town and Country Planning Act 1962 in respect of the accompanying *application dated
 The appellant is
application
appeal

(a) Insert date of application or appeal.

(a)

and *have/has taken the steps listed below, being steps reasonably open to *me/him, to ascertain the names and addresses of any of the owners of any of the land 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;

[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 given the requisite notice to every person other than *myself/himself who, 20 days before the date of the *application/appeal, was a tenant of any agricultural holding any part of which was comprised in the land to which the *application/appeal relates, viz:—

Name of tenant Address Date of service of notice

Signed.....

*On behalf of.....

Date.....

Delete where inappropriate

SCHEDULE 4

"SCHEDULE 5

PART I

TOWN AND COUNTRY PLANNING ACT 1968
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS
1963 to 1969

Certificate under Article 14A(2) in relation to an application for an established use certificate

Certificate A*

I hereby certify that:—

1. I am
*The applicant is *the estate owner in respect of the fee simple
The appellant is entitled to a tenancy
of every part of the land to which the accompanying *application dated
appeal

(a) Insert date of application or appeal.

(a)
relates.

Or:—

Certificate B*

I hereby certify that:—

- I have
1. *The applicant has given the notice required by article 14A of the
The appellant has
Town and Country Planning General Development Order 1963 to all
the persons who, 20 days before the date of the accompanying
*application
appeal, were occupiers or owners of any of the land to which the
*application
appeal relates, viz:—

Name of occupier
or owner

Address

Date of service of
notice

Or:—

Certificate C*

I hereby certify that:—

1. (i) I am
*The applicant is not the estate owner in respect of the fee
The appellant is
simple of every part of the land to which the accompanying *application
appeal
dated

(a) Insert date of application or appeal.

(a)
relates and *have
has been unable to give the notice of the *application
appeal

required by article 14A of the Town and Country Planning General
Development Order 1963 to all persons who, 20 days before the date of the

*application appeal, were occupiers or owners of any of the land to which the *application appeal relates.

I have
(ii) *The applicant has given the notice required by the said The appellant has article 14A to the following persons who, 20 days before the date of the accompanying *application appeal, were occupiers or owners of any of the land to which the *application appeal relates, viz:—

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

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

Or:—

I hereby certify that:—

I am

1. (i) *The applicant is not the estate owner in respect of the fee The appellant is simple of every part of the land to which the accompanying *application appeal

dated (a)..... (a) Insert date of application or appeal.

relates and *have has taken the steps listed below, being steps reasonably open to *me him, to ascertain the names and addresses of all persons,

other than *myself/himself who are occupiers or owners of the land and *have/has been unable to do so.

(b) Insert description of steps taken.

(b)

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

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

in the (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

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

I have

*2. *The applicant has given the requisite notice to every person other than *myself/himself who, 20 days before the date of the *application/appeal, was a

tenant of any agricultural holding any part of which was comprised in the land to which the *application/appeal relates, viz:—

Name of Tenant	Address	Date of service of notice
----------------	---------	---------------------------

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate

PART II

TOWN AND COUNTRY PLANNING ACT 1968

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS
 1963 to 1969

Notice under Article 14A of application for established use certificate

[Notice for service on individuals]

TAKE NOTICE that application is being made to the

(a) Insert name of council.

(a)Council by

(b) Insert name of applicant.

(b).....for an established use certificate relating to the use of land at

(c) Insert address or location of land.

(c)

for the purposes of (d)..... (d) Insert use claimed to be established.

If you should wish to make representations about the application, you should make them in writing within 20 days of the date of service

of this notice to the * Town Clerk at (e)..... (e) Insert address of Clerk of the Council Council.

.....

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate

TOWN AND COUNTRY PLANNING ACT 1968

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1963 to 1969

Notice under Article 14A 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 (a) Insert name of Council.

by (b)..... for an (b) Insert name of established use certificate relating to the use of land at applicant.

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

for the purposes of (d)..... (d) Insert use claimed to be established.

Any occupier of the land or part thereof, or any owner (namely a freeholder or a person entitled to an unexpired term of at least 10 years under a tenancy), who wishes to make representations to the above-mentioned Council about the application should make them in writing within 20 days of the date of publication of this notice to the

* Town Clerk at (e)..... (e) Insert address of Clerk of the Council Council.

.....

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate

PART III

TOWN AND COUNTRY PLANNING ACT 1968

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS
1963 to 1969

Notice under Article 14A of appeal against refusal of an established use certificate
[Notice for service on individuals]

TAKE NOTICE that an appeal is being made to the
*Minister of Housing and Local Government, Whitehall, London, S.W.1.
Secretary of State for Wales, Summit House, Windsor Place, Cardiff

(a) Insert name of appellant. by (a).....
(b) Insert name of Council. * (i) against the decision of the (b).....Council
*(ii) on the failure of the (b).....Council
to give a decision
on an application for an established use certificate relating to the use
(c) Insert address or location of land. of (c).....
(d) Insert use claimed to be established. for the purpose of (d).....

If you should wish to make representations to the *Minister
Secretary of State
about the appeal you should make them in writing within 20 days of the
date of service of this notice to the *Secretary, Ministry of Housing and
Permanent Under-Secretary of State,
Local Government
Welsh Office at the above address.

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate

TOWN AND COUNTRY PLANNING ACT 1968

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS
1963 to 1969

Notice under Article 14A 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
*Minister of Housing and Local Government, Whitehall, London, S.W.1.
Secretary of State for Wales, Summit House Windsor Place, Cardiff

(a) Insert name of appellant. by (a).....
(b) Insert name of Council. * (i) against the decision of the (b).....Council
*(ii) on the failure of the (b).....Council
to give a decision on an application for an established use certificate
(c) Insert description and address or location of land. relating to the use of (c).....
(d) Insert use claimed to be established. for the purpose of (d).....

Any occupier of the land or part thereof, or any owner (namely a freeholder or a person entitled to an unexpired term of at least 10 years under a tenancy), who wishes to make representations to the

Minister
* Secretary of State about the appeal should make them in writing within 20 days of the date of publication of this notice to the
* Secretary, Ministry of Housing and Local Government
Permanent Under-Secretary of State, Welsh Office at the above address.

Signed.....

*On behalf of.....

Date.....

Delete where inappropriate

SCHEDULE 5

“SCHEDULE 6

PART I

TOWN AND COUNTRY PLANNING ACT 1968

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS
1963 to 1969

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

Your application dated (a).....has
been received and, if on (b).....

(a) Insert date of application.
(b) Insert date of expiry of the appropriate period under article 14A(7) of the development order.

.....you have not been given notice by the local planning authority of their decision, you are entitled, unless the application has already been referred by the authority to the [Minister of Housing and Local Government] [Secretary of State for Wales], to appeal to the [Minister] [Secretary of State] in accordance with section 18(2) of the Town and Country Planning Act 1968 by notice served within six months from that date. You may, however, by agreement in writing with the local planning authority, extend the period within which the decision of the authority is to be given.

Signed.....

*On behalf of.....

Date.....

*Delete where inappropriate

PART II

TOWN AND COUNTRY PLANNING ACT 1968

Established Use Certificate

Land at (a).....

(a) Insert location or address of land.

.....
more particularly shown edged *coloured (b).....
hatched

(b) Insert colour.

on the plan attached hereto.

IT IS HEREBY CERTIFIED that the use of the above land ^{as} _{for}

(c) Insert description of use. (c)

(d) Insert date of application for established use certificate. was on (d).....

(e) Insert "paragraph (a)", "paragraph (b)", or "paragraph (c)" as appropriate. established within the meaning of (e).....
of section 17(1) of the Town and Country Planning Act 1968.

Signed.....

*On behalf of.....

Date.....

NOTE: This certificate is issued for the purposes of section 17 of the Town and Country Planning Act 1968 only. It certifies that the use of the land for the purpose named is not liable to enforcement action under section 15 of that Act, but it is not a grant of planning permission and does not necessarily entitle the owner or occupier of the land to any consequential statutory rights which may be conferred where planning permission has been granted, under Part III of the Town and Country Planning Act 1962, for a use of land.

Delete where inappropriate.

Given under the official seal of the Minister of Housing and Local Government on 4th March 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes a number of amendments to the Town and Country Planning General Development Order 1963 (as amended by subsequent orders). In general, the amendments are necessitated by the Town and Country Planning Act 1968, though in some instances amendments to procedural requirements and to prescribed forms are also made.

The principal amendments are as follows:

- (a) the existing article 5 is replaced by articles 5, 5A and 5B, dealing respectively with the form in which application for planning permission is to be made, including special provisions relating to application for outline planning permission for the erection of buildings and application for the renewal of planning permission which will expire as a consequence of the operation of sections 65 and 66 of the Act of 1968 (article 5); the forms of application for approval of reserved matters and for a determination under section 43 of the Town and Country Planning Act 1962 (article 5A); and the lodging of applications and the manner in which they are to be dealt with by the local planning authority (article 5B);
- (b) articles 8(1) and 9 are amended to allow the Minister and the Minister of Transport to give directions restricting the grant of permission which are not limited as to period and to empower the Minister of Transport to give directions under article 9 as to land affected by road proposals;
- (c) a new article (article 11A) provides for notification to the Minister and to such persons as may be specified by him of applications affecting listed buildings outside Greater London (those within Greater London being dealt with elsewhere than in this order);
- (d) article 13 is amended to extend the time for planning appeals made under section 23 of the Act of 1962 and appeals against determinations made under section 43 of that Act and also to require copies of certificates under sections 15 and 16 of that Act and under section 76 of the Act of 1968 to be furnished to the Minister;
- (e) article 14 is replaced by an article requiring the register of planning applications to be kept in two parts, namely:
 - (1) a new part containing copies of applications which are in course of being dealt with; and
 - (2) a part for permanent entries, as previously required; and making certain amendments to existing requirements;
- (f) a new article (14A) makes provision as to the making of application for an established use certificate and the manner in which such applications are to be dealt with by the local planning authority; and as to appeals to the Minister;
- (g) Schedule 2 is replaced by a new Schedule which repeats the provisions of the existing schedule but takes account of the exercise by the Secretary of State of the Minister's previous functions in Wales and of recent statutory provisions relating to office development permits and industrial development certificates;

- (h) Schedules 3 and 4 are amended and two new Schedules (5 and 6) are added to prescribe the forms (new or amended) necessitated by the provisions of the Act of 1968 relating to the posting of site notices, to certificates under section 16 of the Act of 1962 and to established use certificates.