

1974 No. 418

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

**The Town and Country Planning General Development
(Amendment) Order 1974**

<i>Made</i> - - - -	<i>13th March 1974</i>
<i>Laid before Parliament</i>	<i>25th March 1974</i>
<i>Coming into Operation</i>	<i>1st April 1974</i>

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:—

1.—(1) This order may be cited as the Town and Country Planning General Development (Amendment) Order 1974 and the Town and Country Planning General Development Order 1973(c), the Town and Country Planning General Development (Amendment) Order 1973(d) and this order may be cited together as the Town and Country Planning General Development Orders 1973 to 1974.

(2) This order shall come into operation on 1st April 1974.

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

(2) In this order “Wales” means the area consisting of the counties established by section 20 of the Local Government Act 1972 (new local government areas in Wales), and “England” does not include any area included in any of those counties.

3. The Town and Country Planning General Development Order 1973 as amended by the Town and Country Planning General Development (Amendment) Order 1973 is hereby amended as follows:—

(a) For article 4 there shall be substituted the following article:—

“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

(a) 1971 c. 78.

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

(e) 1889 c. 63.

(b) 1972 c. 70.

(d) S.I. 1973/273 (1973 I, p. 1022).

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 appropriate 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 appropriate 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 1963(a) shall, insofar 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 had 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;

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

- (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;
- (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.”.

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

“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 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.”.

(c) For article 6 there shall be substituted the following article:—

“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 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.”.

(d) For article 7 there shall be substituted the following article:—

“General provisions relating to applications

7.—(1) Any application made under article 5 or 6, where the land in respect of which the application is made (a) is in Greater London shall be lodged with the council of the London borough in which the land is situate or with the Common Council, as the case may be, and the authority with whom the application is lodged shall, if necessary, transmit it to the local planning authority, (b) is elsewhere than in Greater London shall be made to the district planning authority.

(2) On receipt of any such application the local planning authority in Greater London, and elsewhere the district planning authority, shall send to the applicant an acknowledgement thereof in the terms (or substantially in the terms) set out in Part 1 of Schedule 2 hereto. 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.

(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 Secretary of State shall be two

months 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.

(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 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.

(5) 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."

(e) For article 11 there shall be substituted the following article:—

“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 13(3) 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.”.

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

“**11A**—(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 road classified under section 27 of the Local Government Act 1966 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.

11B.—(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.

(a) 1961 c.64.

(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 Metropolis Management Act 1855(a);
- (ii) any bye-law made under section 157 of the Highways Act 1959(b) 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.”.

(g) For article 13 there shall be substituted the following article:—

“Consultations before grant of permission

13.—(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;

(a) 1855 c. 120.

(b) 1959 c. 25.

- (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 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 cess-pools serving single dwellinghouses 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 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 that Council dispense with this requirement.

(2) 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.

(3) 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.

(4) 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."

(a) 1949 c.97.

(h) After article 13 there shall be inserted the following articles:—

“Applications relating to county matters

13A.—(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

13B.—(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.”.

(i) For article 16 there shall be substituted the following article:—

“Appeals

16.—(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(3) 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 any local planning authority.”.

(j) For article 17 there shall be substituted the following article:—

“Register of applications

17.—(1) In this article—

- (a) “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 register 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 a 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 register 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) it has been decided by the authority (or the appropriate period allowed under article 7(3) of this order has expired without their giving a decision) and the period of six months specified in article 16 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.”.

(k) For article 18 there shall be substituted the following article:—

“Established Use Certificates

18.—(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, 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 (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), (2) and (5) 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 two months 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 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 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 any 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 17 of this order relating to the register kept 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.”.

(l) In Schedule 1—

(1) in Class XII, in the proviso in column (1), for the words “local planning authority” where firstly occurring there shall be substituted the words “(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”, and for the words “the local planning authority” where secondly occurring there shall be substituted the words “that authority”;

(2) in Class XVIII, D, column (2), for the words “local planning authority” there shall be substituted the words “(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”;

(3) in Class XVIII, E, column (2), for the words “local planning authority” there shall be substituted the words “(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”;

(4) in Class XIX, column (1), after the words “local planning authority” where firstly occurring there shall be added the words “in Greater London, and elsewhere the county planning authority” and for the words “the local planning authority” where secondly occurring there shall be substituted the words “that authority”;

(5) in Class XX,—(a) in the proviso in column (1), for the word “local” where firstly and secondly occurring there shall be substituted the word “county”; (b) in relation to paragraph (iii), in column (2) there shall be added the following conditions:—

“1. If the local 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.

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"; and

(c) in relation to paragraph (iv), in condition 1 in column 2, for the word "local" there shall be substituted the word "county".

(m) In Schedule 2—

(1) for Part I there shall be substituted the following:—

"PART I

TOWN AND COUNTRY PLANNING ACT 1971

Notification to be sent to applicant on receipt of application

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 sections 36 and 37 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, Caxton House, Tothill Street, London SW1H 9LZ] [Welsh Office, Summit House, Windsor Place, Cardiff CF1 3BX].

*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."

(2) in Part II, in paragraph (2), for the words "county borough, London borough or county" there shall be substituted the words "London borough or".

(n) In Schedule 3—

(1) in Part I—

- (i) for the words “Town Clerk
Clerk of the Council”, there shall be substituted the word “Council”; and
- (ii) in side note (f), for the figures “21” there shall be substituted the figures “20”;

(2) in Part III—

- (i) in side note (f), for the figures “21” there shall be substituted the figures “20”; and
- (ii) for the words “Town Clerk
Clerk of the Council”, there shall be substituted the word “Council”.

(o) In Schedule 4—

(1) in Part II, in each form of notice—

- (i) in side note (e), for the figures “21” there shall be substituted the figures “20”; and
- (ii) for the words “Town Clerk
Clerk of the Council”, there shall be substituted the word “Council”;

(2) in Part III, in each form of notice, in side note (e), for the figures “21” there shall be substituted the figures “20”.

(p) In Schedule 5—

(1) in Part II, in each form of notice—

- (i) in side note (e), for the figures “21” there shall be substituted the figures “20”; and
- (ii) for the words “Town Clerk
Clerk of the Council” there shall be substituted the word “Council”;

(2) in Part III, in each form of notice, in side note (e), for the figures “21” there shall be substituted the figures “20”.

(q) For Schedule 6 there shall be substituted the Schedule set out in Schedule 1 to this order.

Revocations

4. The statutory instruments specified in Schedule 2 to this order are hereby revoked.

SCHEDULE 1

“Schedule 6

PART I

Town and Country Planning Act 1971

Notification to be sent to applicant on receipt of 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, Caxton House, Tothill Street, London SW1H 9LZ] [Welsh Office, Summit House, Windsor Place, Cardiff CF1 3BX].

*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.

PART II

TOWN AND COUNTRY PLANNING ACT 1971

Established Use Certificate

(a) Insert location or address of land. Land at (a)

(b) Insert colour. more particularly shown ^{edged} *coloured (b)
hatched
on the plan attached hereto.

(c) Insert name of council. The (c) Council hereby certify that the use of the above

(d) Insert description of use. land *^{as}/_{for} (d)

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

(f) Insert "paragraph (a)", "paragraph (b)", or "paragraph (c)" as appropriate. established within the meaning of (f).....
of section 94(1) of the Town and Country Planning Act 1971.

Signed.....

*On behalf of.....

Date.....

NOTE: This certificate is issued for the purposes of section 94 of the Town and Country Planning Act 1971 only. It certifies that the use of the land for the purpose named is not liable to enforcement action under section 87 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 1971, for a use of land.

*Delete where inappropriate."

SCHEDULE 2

STATUTORY INSTRUMENTS REVOKED

Title of Instrument	Reference
The Town and Country Planning (County of Durham) Development Order 1956.	S.I. 1956/529.
The Town and Country Planning (County Borough of Eastbourne) Development Order 1956.	S.I. 1956/1424.
The Town and Country Planning (County of Lincoln, Parts of Holland) Development Order 1956.	S.I. 1956/1966.
The Town and Country Planning (County of Westmorland) Development Order 1957.	S.I. 1957/472.
The Town and Country Planning (City and County of the City of Exeter) Development Order 1957.	S.I. 1957/846.
The Town and Country Planning (County of West Sussex) Development Order 1958.	S.I. 1958/368.
The Town and Country Planning (County Borough of Northampton) Development Order 1958.	S.I. 1958/1860.
The Town and Country Planning (County Borough of Hastings) Development Order 1958.	S.I. 1958/2151.
The Town and Country Planning (County of Salop) Development Order 1959.	S.I. 1959/170.
The Town and Country Planning (County of Flint) Development Order 1959.	S.I. 1959/771.
The Town and Country Planning (County Borough of West Ham) Development Order 1959.	S.I. 1959/2131.
The Town and Country Planning (County of Denbighshire) Development Order 1960.	S.I. 1960/1997.
The Town and Country Planning (Greater London) Development Order 1965.	S.I. 1965/579.

13th March 1974.

Anthony Crosland,
Secretary of State for the Environment.

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 1973 (as amended by the Town and Country Planning General Development (Amendment) Order 1973). In general, the amendments are necessitated by or are consequential on the Local Government Act 1972 which establishes new local planning authorities in England and Wales, except in Greater London, on 1st April 1974.

The principal amendments are as follows:—

- (a) the existing Article 4 (directions restricting permitted development) is amended to provide for directions to be made, except in conservation areas, by the local planning authority which would have the function of approving, if so decided, any resulting application for planning permission. In conservation areas directions may be made either by the county planning authority or the district planning authority;
- (b) applications for planning permission (Article 5), for approval of reserved matters and for determinations whether planning permission is required (Article 6) are to be made to the district planning authority and Article 7 is amended to require the district planning authority to transmit to the county planning authority any application (together with supporting documents and all relevant information) which falls to be determined by the county planning authority and to notify the applicant;
- (c) a local highway authority may give directions to a local planning authority restricting the grant of planning permission for development providing or affecting any access to a classified or proposed road or likely materially to increase the volume of traffic on such a road, to prejudice its construction or to alter the character of the traffic using it. The local planning authority is required to give effect to such a direction. This Article does not apply to Greater London (Article 11A);
- (d) a new Article 11B provides that bye-laws relating to the construction of new streets shall not apply to any development involving a new street for which permission is granted under Part III of the Town and Country Planning Act 1971, except insofar as such bye-laws require the provision of separate sewers for foul and surface water drainage. Before granting such a permission the local planning authority is required to consult the local highway authority;
- (e) a new Article 13A provides that a county planning authority, before determining an application relating to a county matter, shall consult the district planning authority and shall take into account any recommendation of that authority as to how the application should be determined;
- (f) a new Article 13B provides that before a local planning authority determine an application of which a parish or community council is entitled to be informed they shall notify that council of the application and shall take into account any representations received from that council;

- (g) Article 17 (registers of applications) is amended to provide that copies of applications and plans shall be included in Part II of registers and so be available for inspection by the public and that registers, which are kept by district planning authorities, may be divided and each portion kept in a place convenient to the part of the district covered by that portion:
- (h) consequential amendments are made to prescribed forms and the opportunity has been taken of making some minor corrections.

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