

## 1976 No. 301

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**
**The Town and Country Planning General Development  
(Amendment) Order 1976**

*Made* - - - 26th February 1976

*Laid before Parliament* 10th March 1976

*Coming into Operation* 6th April 1976

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24, 27, 31, 37 and 287 of and Schedule 14 to the Town and Country Planning Act 1971(a) 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 1976, and the Town and Country Planning General Development Order 1973(b), the Town and Country Planning General Development (Amendment) Order 1973(c), the Town and Country Planning General Development (Amendment) Order 1974(d) and this order may be cited together as the Town and Country Planning General Development Orders 1973 to 1976.

(2) This order shall come into operation on 6th April 1976.

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

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

(a) In article 7, for paragraphs (2) and (3) there shall be substituted the following paragraphs:—

“(2) On receipt of—

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

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(a) 1971 c. 78.

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

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

(d) S.I. 1974/418 (1974 I, p. 1318).

(e) 1889 c. 63.

(f) The relevant amending order is S.I. 1974/418 (1974 I, p. 1318).

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

(2A) 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.

(2B) Where, after the sending of an acknowledgement as required by paragraph (2) of this article, the local planning authority, county planning authority or district planning authority (as the case may be) form the opinion that the application is invalid by reason of failure to comply with the requirements of article 5 or 6 or with any other statutory requirement they shall as soon as may be notify the applicant that his application is invalid.

(3) Where a valid application under article 5 or 6 has been received by a local planning authority, the period within which the authority shall give notice to the applicant of their decision or determination or of the reference of the application to the Secretary of State shall be eight weeks from the date when the form of application or application in writing, as the case may be, and any certificates required by the Act were lodged as required by paragraph (1) of this article, or (except where the applicant has already given notice of appeal to the Secretary of State) such extended period as may be agreed upon in writing between the applicant and (a) in Greater London, the local planning authority, (b) elsewhere, the district planning authority or, in the case of an application which falls to be determined by the county planning authority, either the district planning authority or the county planning authority.”.

(b) In article 13, for paragraph (1) there shall be substituted the following paragraphs:—

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

(a) where it appears to the local planning authority that the development is likely to affect land in the area of any other local planning authority:—

(i) with the district planning authority in whose area the land affected is situate (except where that land is in Greater London or a National Park);

(ii) where the land affected is in Greater London, with the Common Council or council of the London borough, as the case may be, in whose area that land is situate;

(iii) where the land affected is in a National Park, with the county planning authority in whose area that land is situate;

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

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(a) 1949 c. 97.

(h) where the development is not development for agricultural purposes and is not in accordance with the provisions of a development plan and—

(i) it would, in the opinion of the local planning authority, involve the loss of not less than 10 acres of land which is for the time being used (or was last used) for agricultural purposes; or

(ii) it would, in the opinion of the local planning authority, involve the loss of less than 10 acres of land which is for the time being used (or was last used) for agricultural purposes, but the circumstances are such that the development of that land is likely to lead to further loss of agricultural land,

with the Minister of Agriculture, Fisheries and Food.

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

(i) a local plan adopted or approved in accordance with the provisions of section 14 of the Act; or

(ii) a development plan approved under Part I of Schedule 5 to the Act, or any other enactment which is re-enacted in that Schedule, which is in force in the area in which the land is situated; or

(iii) an old development plan within the meaning of paragraph 2 of Schedule 7 to the Act.”.

(c) In article 18, for paragraph (2) there shall be substituted the following paragraph:—

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

(a) a certificate stating that at the beginning of the period of twenty-one days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates;

(b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;

(c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding sub-paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding sub-paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively and the date of the service of each such notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so;

- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a) of this paragraph, that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) of this paragraph and that he has been unable to do so.

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

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

(d) 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 ..... was received on (a) .....

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

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

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

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

\* Delete where inappropriate.

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

(2) In Part II, in paragraph (1), the words “ Caxton House, Tothill Street, London SW1H 9LZ ” and the words “ Summit House, Windsor Place, Cardiff CF1 3BX ” shall be deleted.

(e) For Schedules 4 and 5 there shall be substituted the new Schedules 4 and 5 set out in the Schedule to this Order.

(f) In Schedule 6, in Part I, the words "Caxton House, Tothill Street, London SW1H 9LZ" and the words "Summit House, Windsor Place, Cardiff CF1 3BX" shall be deleted.

SCHEDULE

" SCHEDULE 4

PART I

TOWN AND COUNTRY PLANNING ACT 1971

Certificate under section 27

I hereby certify that:—

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

Certificate A\*

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

or:—

I hereby certify that:—

I have  
1. \*The applicant has given the requisite notice to all the persons other than  
The appellant has  
myself  
\*the applicant who, 20 days before the date of the accompanying \*application, appeal,  
the appellant were owners† of any part of the land to which the \*application relates, viz.— appeal

Certificate B\*

†See Note (a) Certificate A

Name of owner	Address	Date of service of notice
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or:—

I hereby certify that:—

I am  
1. (i) \*The applicant is unable to issue a certificate in accordance with either The appellant is paragraph (a) or paragraph (b) of section 27(1) of the Act in respect of the accompanying \*application dated (a) ..... appeal  
I have  
(ii) \*The applicant has given the requisite notice to the following persons The appellant has myself other than \*the applicant who, 20 days before the date of the \*application, were appeal, were the appellant owners† of any part of the land to which the \*application relates, viz.— appeal

Certificate C\*

(a) Insert date of application or appeal.

†See Note (a) to Certificate A.

Name of owner	Address	Date of service of notice
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I have

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

(b) Insert description of steps taken.

(b) .....

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

(iv) Notice of the  $\frac{*application}{appeal}$  as set out below has been published in the

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

(c) .....

on (d) .....

Copy of notice as published

Certificate D\*

or:—

I hereby certify that:—

I am

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

(a) Insert date of application or appeal.

section 27(1)(a) of the Act in respect of the accompanying  $\frac{*application}{appeal}$  dated

(a) .....  
 and  $\frac{*have}{has}$  taken the steps listed below, being steps reasonably open to  $\frac{*me}{him}$ , to  
 ascertain the names and addresses of all the persons, other than  $\frac{*myself}{himself}$ , who,

†See Note (a) to Certificate A

20 days before the date of the  $\frac{*application}{appeal}$ , were owners† of any part of the land

to which the  $\frac{*application}{appeal}$  relates and  $\frac{*have}{has}$  been unable to do so:

(b) Insert description of steps taken.

(b) .....

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

(ii) Notice of the  $\frac{*application}{appeal}$  as set out below has been published in the

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

(c) .....

on (d) .....

Copy of notice as published

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

or:—

I have

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

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

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

Name of tenant (e)	Address	Date of service of notice	(e) If you are the sole agricultural tenant enter "None".
	Signed .....		
	*On behalf of .....		
	Date .....		

\* Delete where inappropriate.

**PART II**

**TOWN AND COUNTRY PLANNING ACT 1971**

*Notice under section 27 of application for planning permission*

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

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

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

[Notice for service on individuals]  
 (a) Insert address or location of proposed development.  
 (b) Insert name of Council.  
 (c) Insert name of applicant.  
 (d) Insert description of proposed development.  
 (e) Insert date not less than 20 days later than the date on which the notice is served.  
 (f) Insert address of Council.

**TOWN AND COUNTRY PLANNING ACT 1971**

*Notice under section 27 of application for planning permission*

Proposed development at (a) .....

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

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

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

[Notice for publication in local newspaper]  
 (a) Insert address or location of proposed development.  
 (b) Insert name of Council.  
 (c) Insert name of applicant.  
 (d) Insert description of proposed development.  
 (e) Insert date not less than 20 days later than the date on which the notice is published.  
 (f) Insert address of Council.



PART III

TOWN AND COUNTRY PLANNING ACT 1971

Notice under sections 27 and 36 of appeal

[Notice for service on individuals]

(a) Insert address or location of proposed development.

(b) Insert name of appellant.

(c) Insert name of Council.

(d) Insert description of proposed development

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

Proposed development at (a).....

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

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

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

to give notice of a decision

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

If you should wish to make representations to the Secretary of State about the appeal you should make them not later than (e) ..... to the Secretary [Department of the Environment] [Welsh Office] at .....

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

[Notice for publication in local newspaper].

(a) Insert address or location of proposed development.

(b) Insert name of appellant.

(c) Insert name of Council.

(d) Insert description of proposed development.

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

TOWN AND COUNTRY PLANNING ACT 1971

Notice under sections 27 and 36 of appeal

Proposed development at (a) .....

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

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

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

to give notice of a decision

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

Any owner of the land (namely, a freeholder or a person entitled to an unexpired term of at least seven years under a lease) who wishes to make representations to the Secretary of State about the appeal should make them in writing not later than (e) ..... to the Secretary [Department of the Environment] [Welsh Office] at .....

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

SCHEDULE 5

PART I

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1973

Certificate under article 18(2) in relation to an application for an established use certificate

I hereby certify that:—

Certificate A\*

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

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

or:—

I hereby certify that:—

Certificate B\*

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

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

(†) See Note (a) to Certificate A.

Name of owner Address Date of service of notice

or:—

I hereby certify that:—

Certificate C\*

I am  
1. (i) \*The applicant is unable to issue a certificate in accordance with either The appellant is sub-paragraph (a) or sub-paragraph (b) of article 18(2) of the Town and Country Planning General Development Order 1973 in respect of the accompanying \*application appeal dated (a) .....

(a) Insert date of application or appeal.

I have  
(ii) \*The applicant has given the notice required by the said article 18 to the The appellant has myself following persons other than \*the applicant who, 20 days before the date of the appellant

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

(†) See Note (a) to Certificate A.

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

I have

(iii) \*The applicant has taken the steps listed below, being steps reasonably  
The appellant has

open to \*me  
him, to ascertain the names and addresses of the other owners  
of the land, or part thereof, and \*have  
has been unable to do so:

(b) Insert description of steps taken.

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

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

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

Certificate D\* I hereby certify that:—

I am

1. (i) \*The applicant is unable to issue a certificate in accordance with  
The appellant is  
sub-paragraph (a) of article 18(2) of the Town and Country Planning General  
Development Order 1973 in respect of the accompanying \*application  
appeal dated

(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 all the persons other than \*myself  
himself

† See Note (a) to Certificate A.

who, 20 days before the date of the \*application  
appeal, were owners (†) of any part

(b) Insert description of steps taken.

of the land and \*have  
has been unable to do so:

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

(b) .....

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

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

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

Name of tenant (e)	Address	Date of service of notice	(e) If you are the sole agricultural tenant, enter "None".
	Signed .....		
	*On behalf of .....		
	Date .....		

\* Delete where inappropriate.

PART II

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1973

Notice under article 18 of application for established use certificate

[Notice for service on individuals]

TAKE NOTICE that application is being made to the  
 (a) ..... Council by  
 (b) .....  
 for an established use certificate relating to the use of land at (c) .....  
 .....  
 for the purposes of (d).....  
 If you should wish to make representations about the application, you should  
 make them in writing not later than (e).....  
 to the Council at (f).....  
 .....

Signed .....	(d) Insert use claimed to be established.
*On behalf of .....	(e) Insert date not less than 20 days later than the date on which the notice is served.
Date .....	(f) Insert address of Council.

(a) Insert name of Council.  
 (b) Insert name of applicant.  
 (c) Insert address or location of land.  
 (d) Insert use claimed to be established.  
 (e) Insert date not less than 20 days later than the date on which the notice is served.  
 (f) Insert address of Council.

\* Delete where inappropriate.

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1973

Notice under article 18 of application for established use certificate

[Notice for publication in local newspaper]

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

	(a) Insert name of Council.
	(b) Insert name of applicant.
	(c) Insert address or location of land.
	(d) Insert use claimed to be established.

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

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

to the Council at (f) .....

(f) Insert address of Council.

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

PART III

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1973

Notice under article 18 of appeal against refusal of an established use certificate

[Notice for service on individuals]

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

(a) Insert name of appellant.

(b) Insert name of Council.

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

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

on an application for an established use certificate relating to the use of

(c) Insert address or location of land.

(c) .....

(d) Insert use claimed to be established.

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

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

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

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

at .....

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate.

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1973

Notice under article 18 of appeal against refusal of an established use certificate

[Notice for publication in local newspaper]

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

(a) Insert name of appellant.

(b) Insert name of Council.

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

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

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

(c) Inse  
descriptio  
address or  
location o  
land.

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

(d) Inse  
claimed to  
established

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

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

(e) Inse  
date not l  
than 20 d  
later than  
date on w  
the notice  
published.

Signed .....

\*On behalf of .....

Date .....

\* Delete where inappropriate."

26th February 1976.

*Anthony Crosland,*  
Secretary of State for the  
Environment.

## EXPLANATORY NOTE

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

This Order amends the Town and Country Planning General Development Order 1973 (as amended by the Town and Country Planning General Development (Amendment) Order 1973 and the Town and Country Planning General Development (Amendment) Order 1974) as follows:—

- (a) Paragraphs (2) and (3) of article 7(3) (which require a local planning authority to acknowledge receipt of planning applications and prescribe the period within which the authority must notify the applicant of their decision) have been replaced by new paragraphs containing provisions to secure that notice of the decision is given within 8 weeks from the date when the application was actually received by the district planning authority (in Greater London, by the London borough council or the Common Council), regardless of the date when the authority acknowledged receipt, and that the 8-week period does not apply to applications which are found to be invalid for failure to comply with the statutory requirements (or any other reason);
- (b) an additional requirement has been included in article 13(1) (consultations before grant of planning permission), under which a local planning authority must consult the Minister of Agriculture, Fisheries and Food before granting permission for development which is for non-agricultural purposes, which constitutes a departure from a development plan (as defined) and which is to be carried out on agricultural land, if the development is likely to result in the loss of 10 acres or more of land used for agricultural purposes;
- (c) the prescribed form of notification to an applicant of receipt of his planning application (Part I of Schedule 2) has been amended to take account of the changes referred to in paragraph (a) above;
- (d) the prescribed forms set out in Schedule 4 (forms of certificate that notice of a planning application has been given to owners of the land to which it relates, and forms of the relevant notices) have been altered in consequence of the amendments made to section 27 of the Act of 1971 by the Community Land Act 1975 (1975 c. 77): formerly, an applicant who was the freeholder or tenant of the whole of the application site was not required to notify other persons with an interest in the land, but now, by virtue of the amended section 27 and of the prescribed forms, an applicant must give notice of his application to all the persons (other than himself) who have a freehold interest in the land or are entitled to a lease with an unexpired term of 7 years;
- (e) article 18 and Schedule 5 (which set out requirements in relation to applications for established use certificates) have been amended to secure that the prescribed forms relating to notification of persons with an interest in the land correspond to the new prescribed forms relating to applications for planning permission;
- (f) some minor drafting amendments and corrections have been made.

SI 1976/301  
ISBN 0-11-060301-X

