

ELIZABETH II



Town and Country Planning Act 1984

1984 CHAPTER 10

An Act to make further provision with respect to the application to Crown land of the enactments relating to town and country planning; and to enable persons in occupation of land by virtue of a licence in writing to appeal against certain enforcement notices issued under those enactments. [12th April 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) This section has effect for the purpose of enabling Crown land, or an interest in Crown land, to be disposed of with the benefit of—

(a) planning permission, listed building consent or conservation area consent; or

(b) a determination under section 53 of the Act of 1971 or section 51 of the Act of 1972 (determination whether planning permission is required).

Application for planning permission etc. in anticipation of disposal of Crown land.

(2) Notwithstanding the interest of the Crown in the land in question, an application for any such permission, consent or determination as is mentioned in subsection (1) above may be made by—

- (a) the appropriate authority; or
- (b) any person authorised by that authority in writing;

and, subject to subsections (3) to (5) below, all the statutory provisions relating to the making and determination of any such application shall accordingly apply as if the land were not Crown land.

(3) Any planning permission granted by virtue of this section shall apply only—

- (a) to development carried out after the land in question has ceased to be Crown land; and
- (b) so long as that land continues to be Crown land, to development carried out by virtue of a private interest in the land;

and any listed building consent or conservation area consent granted by virtue of this section shall apply only to works carried out as aforesaid.

(4) In relation to any application made by virtue of this section for any such determination as is mentioned in subsection (1)(b) above, subsection (1) of each of the sections there mentioned shall have effect as if for the reference to an application for planning permission being required there were substituted a reference to such an application being required in the event of the proposed operations or change of use being carried out or made otherwise than by or on behalf of the Crown.

(5) The Secretary of State may by regulations—

- (a) modify or exclude any of the statutory provisions referred to in subsection (2) above in their application by virtue of that subsection and any other statutory provisions in their application to permissions, consents or determinations granted or made by virtue of this section;
- (b) make provision for requiring a local planning authority or, in Scotland, a planning authority to be notified of any disposal of, or of an interest in, any Crown land in respect of which an application has been made by virtue of this section; and
- (c) make such other provision in relation to the making and determination of applications by virtue of this section as he thinks necessary or expedient.

(6) In this section “conservation area consent” means consent under section 277A of the Act of 1971 or section 262A of the Act of 1972 (demolition of buildings in conservation areas), “statutory provisions” means provisions contained in or having effect under any enactment and references to the disposal of an interest in Crown land include references to the grant of an interest in such land.

(7) This section shall not be construed as affecting any right to apply for any such permission, consent or determination as is

mentioned in subsection (1) above in respect of Crown land in a case in which such an application can be made by virtue of a private interest in the land.

(8) Any permission or consent granted before the date on which this section comes into force which would have been a valid planning permission, listed building consent or conservation area consent but for the fact that—

(a) the land in respect of which it was granted was Crown land; and

(b) no interest in the land was for the time being held otherwise than by or on behalf of the Crown,

shall be deemed to have been a valid planning permission, listed building consent or conservation area consent, as the case may be; but any permission or consent validated by this subsection shall have effect (and be deemed always to have had effect) as provided in subsection (3) above.

2.—(1) A local planning authority or, in Scotland, a planning authority may make a tree preservation order in respect of Crown land in which no interest is for the time being held otherwise than by or on behalf of the Crown if they consider it expedient to do so for the purpose of preserving trees or woodlands on the land in the event of its ceasing to be Crown land or becoming subject to a private interest. Tree preservation orders in anticipation of disposal of Crown land.

(2) No tree preservation order shall be made by virtue of this section except with the consent of the appropriate authority.

(3) A tree preservation order made by virtue of this section shall not take effect until the land in question ceases to be Crown land or becomes subject to a private interest, whichever first occurs.

(4) A tree preservation order made by virtue of this section shall not require confirmation under section 60 of the Act of 1971 or section 58 of the Act of 1972 until after the occurrence of the event by virtue of which it takes effect in accordance with subsection (3) above; and any such order shall by virtue of this subsection continue in force until—

(a) the expiration of the period of six months beginning with the occurrence of that event; or

(b) the date on which the order is confirmed,

whichever first occurs.

(5) On the occurrence of any event by virtue of which a tree preservation order takes effect in accordance with subsection (3) above the appropriate authority shall as soon as practicable give to the authority that made the order a notice in writing of the

name and address of the person who has become entitled to the land in question or to a private interest in it; and the procedure prescribed under the provisions mentioned in subsection (4) above in connection with the confirmation of the order shall apply as if the order had been made on the date on which that notice is received by the authority.

(6) In section 58(4) of the Act of 1972 after the words “ section 59 of this Act ” there shall be inserted the words “ and section 2 of the Town and Country Planning Act 1984 (tree preservation orders in anticipation of disposal of Crown land) ”.

(7) Any order made before the date on which this section comes into force which would have been a valid tree preservation order but for the fact that—

(a) the land in respect of which it was made was Crown land; and

(b) no interest in the land was for the time being held otherwise than by or on behalf of the Crown,

shall be deemed to have been a valid tree preservation order; but any order validated by this subsection shall have effect (and be deemed always to have had effect) as provided in subsection (3) above.

Control of
development
on Crown
land.

3.—(1) This section applies to development of Crown land carried out otherwise than by or on behalf of the Crown at a time when no person is entitled to occupy it by virtue of a private interest.

(2) Where it appears to a local planning authority or, in Scotland, a planning authority that development to which this section applies has taken place in their area they may, if they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations, issue a notice under this section (a “ special enforcement notice ”) and serve copies of it in accordance with subsection (6) below.

(3) No special enforcement notice shall be issued except with the consent of the appropriate authority.

(4) A special enforcement notice shall specify—

(a) the matters alleged to constitute development to which this section applies; and

(b) the steps which the authority issuing the notice require to be taken for restoring the land to its condition before the development took place or for discontinuing any use of the land which has been instituted by the development.

(5) A special enforcement notice shall also specify the date on which it is to take effect and the period within which any such steps as are mentioned in subsection (4)(b) above are to be taken and may specify different periods for the taking of different steps.

(6) A copy of a special enforcement notice shall be served, not later than twenty-eight days after the date of its issue and not later than twenty-eight days before the date specified in the notice as the date on which it is to take effect—

- (a) on the person who carried out the development alleged in the notice;
- (b) on any person who is occupying the land on the date on which the notice is issued; and
- (c) on the appropriate authority;

but paragraph (a) above shall not apply if the authority issuing the notice are unable after reasonable enquiry to identify or trace the person mentioned in that paragraph.

(7) Any such person as is mentioned in subsection (6)(a) or (b) above (whether or not served with a copy of the special enforcement notice) may, at any time before the date specified in the notice as the date on which it is to take effect, appeal against the notice to the Secretary of State on the ground that the matters alleged in the notice have not taken place or do not constitute development to which this section applies.

(8) The provisions contained in or having effect under sections 88(3) to (10) and 88A(1) and (2) of the Act of 1971 (supplementary provisions relating to appeals against enforcement notices) shall apply to special enforcement notices issued by local planning authorities and to appeals against such notices under subsection (7) above as they apply to enforcement notices and to appeals under section 88; and the Secretary of State may by regulations apply to such special enforcement notices and appeals under that subsection such other provisions of that Act (with such modifications as he thinks fit) as he thinks necessary or expedient.

(9) The provisions contained in or having effect under subsections (2) to (5) of section 85 of the Act of 1972 (supplementary provisions relating to appeals against enforcement notices in Scotland) shall apply to special enforcement notices issued by planning authorities and to appeals against such notices under subsection (7) above as they apply to enforcement notices and to appeals under that section; and the Secretary of State may by regulations apply to such special enforcement notices and appeals under that subsection such other provisions of that Act (with such modifications as he thinks fit) as he thinks necessary or expedient.

Persons in occupation of land by virtue of a licence or contract.

4.—(1) A person who is entitled to occupy Crown land by virtue of a licence in writing or, in Scotland, a contract in writing shall be treated for the purposes of—

(a) section 266(1)(b) of the Act of 1971 so far as applicable to Parts III to V of that Act or, as the case may be, section 253(1)(b) of the Act of 1972 so far as applicable to Parts III to V of that Act (planning control etc. in relation to Crown land where there is a private interest); and

(b) sections 1, 2 and 3 above,

as having an interest in land, and references in section 1 above to the disposal or grant of an interest in Crown land, and in that section and sections 2 and 3 above to a private interest in such land, shall be construed accordingly.

(2) The persons entitled to appeal under section 88 or 97 of the Act of 1971 against an enforcement notice or listed building enforcement notice (whether or not in respect of Crown land) shall include any person who—

(a) on the date on which the notice is issued occupies the land or building to which the notice relates by virtue of a licence in writing; and

(b) continues to occupy the land or building as aforesaid when the appeal is brought.

(3) The references in subsection (2) above to section 97 of the Act of 1971 and a listed building enforcement notice include references to that section as applied by section 277A of that Act (buildings in conservation areas) and to a notice under section 97 as so applied.

Requirement of planning permission for continuance of use instituted by the Crown.

5.—(1) A local planning authority or, in Scotland, a planning authority in whose area any Crown land is situated may agree with the appropriate authority that subsection (2) below shall apply to such use of land by the Crown as is specified in the agreement, being a use resulting from a material change made or proposed to be made by the Crown in the use of the land.

(2) Where an agreement is made under subsection (1) above in respect of any Crown land, then, if at any time the land ceases to be used by the Crown for the purpose specified in the agreement, the Act of 1971 or, as the case may be, the Act of 1972 shall have effect in relation to any subsequent private use of the land as if the specified use by the Crown had required planning permission and been authorised by planning permission granted subject to a condition requiring its discontinuance at that time.

(3) The condition referred to in subsection (2) above shall not be enforceable against any person who had a private interest in the land at the time when the agreement was made unless the

local planning authority or planning authority by whom the agreement was made have notified him of the making of the agreement and of the effect of that subsection.

(4) An agreement made under subsection (1) above by a local planning authority shall be a local land charge, and for the purposes of the Local Land Charges Act 1975 the local planning authority by whom an agreement is made under that subsection shall be treated as the originating authority as respects the charge constituted by the agreement. 1975 c. 76.

(5) An agreement made under subsection (1) above by a planning authority shall be recorded in the appropriate Register of Sasines or, as appropriate, registered in accordance with the Land Registration (Scotland) Act 1979, and the condition referred to in subsection (2) above shall not be enforceable against any person acquiring title to the land after the agreement is made unless the agreement has been so recorded or registered before he acquired title. 1979 c. 33.

(6) References in this section to the use of land by the Crown include references to its use on behalf of the Crown, and "private use" means use otherwise than by or on behalf the Crown.

6.—(1) In this Act—

"the Act of 1971" means the Town and Country Planning Act 1971; Interpretation and supplementary provisions.

"the Act of 1972" means the Town and Country Planning (Scotland) Act 1972; 1971 c. 78. 1972 c. 52.

"the appropriate authority", "Crown land" and "Crown interest" have the meaning given in section 266(7) of the Act of 1971 or, as respects Scotland, section 253(7) of the Act of 1972 and "Duchy interest" has the meaning given in the said section 266(7);

"private interest" means an interest which is neither a Crown interest nor a Duchy interest.

(2) The Act of 1971 and the provisions of this Act so far as applicable to England and Wales shall have effect as if those provisions were included in that Act.

(3) Section 269 of the Act of 1971 (application of provisions of that Act to Isles of Scilly) shall have effect as if the provisions of this Act, so far as applicable to England and Wales, were included among the provisions specified in Part I of Schedule 21 to that Act (provisions that may be applied to the Isles as if they were a separate county).

(4) The Act of 1972 and the provisions of this Act so far as applicable to Scotland shall have effect as if those provisions were included in that Act.

Short title,
commence-
ment and
extent.

7.—(1) This Act may be cited as the Town and Country Planning Act 1984.

(2) This Act shall not come into force until the end of the period of four months beginning with the day on which it is passed; but—

(a) section 3 above shall apply to any development carried out after the passing of this Act; and

(b) section 4(2) and (3) above shall apply to any notice (whenever issued) which is expressed to take effect after the end of that period.

(3) This Act does not extend to Northern Ireland.

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