3. DEVELOPMENT OF LAND

The Town and Country Planning (General Development) Amendment Order, 1949

1949 No. 195

Made - - - -	*8th February*, 1949
Laid before Parliament	*9th February*, 1949
Coming into Operation	*23rd February*, 1949

B3123

The Minister of Town and Country Planning in exercise of the powers conferred on him by Sections 13, 14, 16 and 17 of the Town and Country Planning Act, 1947(a), and of all other powers enabling him in that behalf, hereby orders as follows :—

1.—(1) This Order may be cited as the Town and Country Planning (General Development) Amendment Order, 1949, and shall come into force on the twenty-third day of February, 1949.

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

2. The Town and Country Planning (General Development) Order, 1948(c), is hereby amended by inserting, after Article 14, the following Article :—

"*Applications under Section 17 of the Act*

15.—(1) An application for a determination under Section 17 of the Act shall be in writing, and shall contain a description of the operations or change of use proposed and of the land to which such proposal relates.

(2) The period within which the local planning authority shall give notice to the applicant of their determination, or of the reference of the application to the Minister in pursuance of a direction in that behalf, shall be a period of two months, or such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority.

(3) Every such notice shall be in writing, and where the local planning authority determine that the carrying out of operations or the making of a change in the use of land would constitute or involve development of the land, they shall state in such notice the grounds for their determination and include a statement to the effect that if the applicant is aggrieved by their decision he may appeal to the Minister under Sections 16 and 17 of the Act within one month of receipt thereof.

(4) The following provisions of this Order, namely, paragraph (6) of Article 5 and paragraphs (3) and (4) of Article 9 shall apply to applications for a determination as they apply to applications for permission.

(5) Any person who desires to appeal

(*a*) against a determination of a local planning authority, or

(*b*) on the failure of a local planning authority to give notice of their determination, or of the reference of the application to the Minister,

shall give notice of appeal to the Minister within one month of receipt of notice of the determination, or of the expiry of the period allowed under

(a) 10 & 11 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63. (c) S.I. 1948 (No. 958) I, p. 4147.

paragraph (2) of this Article, as the case may be, or such longer period as the Minister may allow. Such person shall also furnish to the Minister a copy of the following documents :—

(i) the application made to the local planning authority ;
(ii) any relevant plans, drawings and particulars submitted to them ;
(iii) the notice of determination, if any ;
(iv) all other relevant correspondence with the local planning authority."

3. The Town and Country Planning (General Development) Order, 1948, is hereby further amended as follows :—

A. by substituting, in paragraph (2) of Article 3, for the words " on an application " the words " otherwise than by this Order ".

B. by inserting, in paragraph (3) of Article 5, after the words " as may ", the words " at any time ".

C. by substituting, in paragraph (2) of Article 9, for the words " County Agricultural Executive Committee constituted under the Agriculture Act, 1947, for the area in which the land is situate " the words " Minister of Agriculture ".

D. by substituting, in paragraph (1) of Article 11, for the words " specified in ", the words " allowed under ", and by deleting the words from " and shall notify " to the end of that paragraph.

E. by substituting, in paragraph (3) of Article 12, for the words " at a convenient place within ", the words " at a place within or convenient to " and by inserting after that paragraph, the following paragraph :—

" (4) Every entry in such register consisting of particulars of an application shall be made within 14 days of the receipt of such application ".

F. by deleting, in Article 14, the words " or Section 35 ".

G. by inserting, at the end of Class III of the First Schedule, the following paragraph :—

" (*c*) use for any purpose within Class I of the Schedule to the Town and Country Planning (Use Classes) Order, 1948(**a**), from use as a restaurant ".

H. by substituting for Class IV of the First Schedule the following :—

" *Class IV—Temporary buildings and uses*

1. The erection or construction on land in, on, over or under which operations, other than mining operations, are being or about to be carried out in pursuance of planning permission granted or deemed to be granted under Part III of the Act, or on adjoining land, of buildings, works, plant or machinery needed temporarily in connection with those operations, for the period of such operations and subject to the condition that such buildings, works, plant or machinery shall be removed at the expiration of that period and where they were sited on any such adjoining land, that land shall be forthwith re-instated.

2. The use of land (other than a building or the curtilage of a building or the site or curtilage of a building which has been demolished in consequence of war damage) for any purpose on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use ".

(a) S.I. 1948 (No. 954) I, p. 4227.

I. by substituting, in Class V of the First Schedule, for the words "unoccupied by buildings", the words "other than buildings".

J. by substituting for sub-paragraph (i) of paragraph 1 of Class VI of the First Schedule the following sub-paragraph:—

"(i) buildings for such purposes permanently affixed to the ground, additional to and not more than 150 feet from a group of principal farm buildings occupied with such land, provided that any such additional building shall not have a superficial area of more than 300 square feet or a height (measured to the ridge thereof, if any) of more than 13 feet, and shall not be for human habitation."

K. by inserting, in the heading to sub-class B of Class XVIII of the First Schedule, and in paragraph 1 of that sub-class after the word "Dock" the word "Pier".

L. by inserting, in paragraph (i) of sub-class F of Class XVIII of the First Schedule, after the words "overhead wires" the words "underground cables, feeder pillars".

M. by substituting, in paragraph 2 of Class XIX of the First Schedule for the words "other than coal" the words "including coal won or worked by virtue of sub-section (1) of Section 36 of the Coal Industry Nationalization Act, 1946(a), but not any other coal".

N. by inserting, in paragraph (1) of Part II of the Second Schedule, after the words "Town and Country Planning Act, 1947," the following sentence:—

"The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress."

Given under the Official Seal of the Minister of Town and Country Planning this eighth day of February, 1949.

Lewis Silkin,
Minister of Town and Country Planning.

EXPLANATORY NOTE

(This Note is not part of this Order, but is intended to indicate its general purport.)

Section 17 of the Town and Country Planning Act, 1947, enables a local planning authority to determine on an application made under the Section, whether the carrying out of operations or the making of a change in the use of land would constitute or involve development of the land within the meaning of the Act, and, if so, whether an application for planning permission in respect thereof is required having regard to the provisions of the development order. Article 2 of this Order deals with the procedure to be followed in making applications under Section 17 and in appealing from the local planning authority to the Minister of Town and Country Planning. Article 3 makes minor amendments to the Town and Country Planning (General Development) Order, 1948. The classes of development permitted under that Order are widened so as to include (i) in Class III

(a) 9 & 10 Geo. 6. c. 59.

(Changes of use), a change from use as a restaurant to use as a shop (paragraph G), (ii) in Class IV (Temporary buildings and uses), temporary buildings, etc., required in connection with building, engineering or other operations which are already the subject of a planning permission (paragraph H), and (iii) in sub-Class B of Class XVIII, an extension to pier undertakings of the permissions given to dock, harbour, water transport, canal or inland navigation undertakings (paragraph K).

The Town and Country Planning (General Development) Amendment (No. 2) Order, 1949

1949 No. 2306

Made - - - -	13*th December*, 1949
Laid before Parliament	14*th December*, 1949
Coming into Operation	31*st December*, 1949

B3948

The Minister of Town and Country Planning in exercise of the powers conferred on him by Sections 13, 14 and 16 of the Town and Country Planning Act, 1947(**a**), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This Order may be cited as the Town and Country Planning (General Development) Amendment (No. 2) Order, 1949, and shall come into force on the thirty-first day of December, 1949.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Town and Country Planning (General Development) Order, 1948(**c**), as subsequently amended* is hereby further amended by substituting, in paragraph (3) of Article 5, for the word "eighteen" the word "thirty".

Given under the Official Seal of the Minister of Town and Country Planning this thirteenth day of December, 1949.

(L.S.) *Lewis Silkin,*
Minister of Town and Country Planning.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends from eighteen months to thirty months the period allowed to local planning authorities for consideration of applications for planning permission in respect of mining operations which, by virtue of paragraph 1 of Class XIX of the First Schedule to the Town and Country Planning (General Development) Order, 1948, are permitted until those applications are dealt with.

(**a**) 10 & 11 Geo. 6. c. 51. (**b**) 52 & 53 Vict. c. 63. (**c**) S.I. 1948 (No. 958) I, p. 4147.
* See S.I. 1949 No. 195, p. 4028 above.