STATUTORY INSTRUMENTS

1964 No. 1382

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning General Regulations 1964

Made - - - -	31*st August* 1964
Laid before Parliament	8*th September* 1964
Coming into Operation	1*st October* 1964

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The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 3, 9, 29, 31, 42, 49, 86, 118, 123, 124, 129, 135, 136, 139, 140, 157, 214, 217 and 221 of the Town and Country Planning Act 1962(a) and of all other powers enabling him in that behalf, and, in relation to part II, after consultation with the associations of local authorities with whom he considered consultation to be appropriate, hereby makes the following regulations :—

PART I

TITLE, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning General Regulations 1964 and shall come into operation on 1st October 1964.

(a) 10 & 11 Eliz. 2. c. 38.

Interpretation

2.—(1) In these regulations—

" the Act " means the Town and Country Planning Act 1962 ; and 1965/449

" the Minister " means the Minister of Housing and Local Government.

(2) A section referred to by number in these regulations means the section so numbered in the Act.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

DELEGATION

Interpretation of part II

3.—(1) In this part of the regulations—

" excepted council " means a council of a county district having a population at the relevant date of 60,000 or more ; provided that if at any date thereafter such population falls below 50,000 such council shall cease to be an excepted council ;

" relevant date " means the date of the coming into operation of these regulations, or the date when the population of a county district not being the district of an excepted council is shown in accordance with paragraph (2) of this regulation to have reached 60,000 or more, as the case may be ;

" Greater London " has the same meaning as in the London Government Act 1963(b) ;

" National Park " has the same meaning as in the National Parks and Access to the Countryside Act 1949(c) ;

" development plan " means a development plan as approved or made by the Minister or as for the time being amended under Part II of the Act.

(2) For the purposes of this part, the population of a county district shall at any date be taken to be its population as estimated in and at the date of publication of the latest estimate published by the Registrar General for England and Wales.

Powers of delegation

4.—(1) Outside Greater London, a local planning authority (other than the council of a county borough) may, with the consent of the Minister, enter into an agreement with the council of a county district wholly or partly in their area, to delegate to that council any of their functions under Parts III and IV and section 180 of the Act, upon such terms and subject to such conditions, restrictions and reservations as are set out in the said agreement and approved by the Minister.

(2) Any such agreement may include provision—

(*a*) for the transfer to the council of any liability of the local planning authority to pay compensation under Part VII or section 134 or 170 of the Act in respect of anything done by the council in the exercise of those functions ;

(a) 52 & 53 Vict. c. 63. (b) 1963 c. 33. (c) 12, 13 & 14 Geo. 6. c. 97.

(*b*) for the transfer and compensation of any officers of the local planning authority;

and a copy of the agreement, as approved by the Minister, shall be open to inspection at all reasonable hours at the offices of the local planning authority and the council.

Terms to be included in delegation

5. It shall be a term of any such delegation—

(*a*) that the delegation may be terminated or any of its terms, conditions, restrictions or reservations varied by agreement between the parties with the consent of the Minister, and that it shall in any event terminate upon the withdrawal by the Minister of his consent thereto;

(*b*) that any document by which functions delegated under these regulations are exercised shall state that such functions are exercised on behalf of the local planning authority, but no such document shall be invalid by reason only that this requirement has not been complied with.

Requirement to delegate

6.—(1) Any excepted council may by a notice in writing served on the local planning authority within 3 months of the relevant date, or such longer period as the Minister may in any particular case allow, claim the right to exercise delegated functions under the next succeeding paragraph.

(2) Where a notice is served by an excepted council under the last preceding paragraph the local planning authority shall delegate to that council their functions under Parts III and IV and section 180 of the Act in accordance with the terms set out in Schedule 1 to these regulations, and such delegation shall take effect at the expiration of 6 months from the service of such notice or such earlier date as may be agreed between the council and the authority.

(3) An excepted council shall forthwith notify the Minister of—

(*a*) the service of a notice under paragraph (1) of this regulation;

(*b*) the date (if any) agreed for the taking effect of the delegation under paragraph (2) of this regulation.

(4) Where a council ceases to be an excepted council any delegation under paragraph (2) of this regulation shall cease to have effect at the expiration of 12 months from the date of the publication of the relevant estimate.

(5) The Minister may, on application by a council of a county district other than an excepted council, if he is satisfied that there are special circumstances by reason of which such council ought to be treated as if it were entitled to make a claim under paragraph (1) of this regulation, require the local planning authority to delegate to that council their functions under Parts III and IV and section 180 of the Act, and any such requirement shall be treated by the local planning authority and the council (except in relation to paragraph (3)(*a*) of this regulation) as if it were a notice served under paragraph (1) of this regulation.

(6) Nothing in this regulation shall apply to functions in respect of land in a National Park.

Joint planning boards

7. Where a local planning authority is a joint planning board, regulations 4 and 5 of these regulations shall have effect as if the reference in

regulation 4 to the council of a county district wholly or partly in their area included a reference to the council of a county or of a county borough wholly or partly therein.

Functions to be performed on behalf of local planning authority

8. Any council to whom functions are delegated in accordance with these regulations shall perform those functions on behalf of the local planning authority.

Savings

9. Any delegation having effect under the Town and Country Planning (Delegation) Regulations 1959(a) shall continue in force as if it had been effected under these regulations until superseded by a delegation under these regulations.

PART III

TREE PRESERVATION ORDERS

Interpretation of part III

10. In this part of the regulations, unless the context otherwise requires—

"authority" includes a local planning authority making an order as hereinafter defined, and a local authority making such an order under powers delegated by a local planning authority; and

"order" means a tree preservation order made under section 29, and includes an order amending or revoking such an order.

Form and contents of order

11.—(1) Subject to the provisions of paragraph (2) of this regulation, an order shall be in such form as the authority may determine.

(2) The order shall define the position of the trees, groups of trees, or woodlands to which it relates, and for that purpose shall include a map, or refer to a map deposited for inspection at the offices of the authority. Any map so deposited shall be authenticated by the signature of the clerk of the authority.

Submission of order

12. An authority shall, on making an order—

(*a*) place on deposit for inspection at a place or places convenient to the locality in which the trees, or groups of trees, or woodlands are situated a certified copy or copies of the order and of the map;

(*b*) serve on the owners and occupiers of the land affected by the order, and on any other person then known to them to be entitled to work by surface working any minerals in that land or to fell any of the trees affected by the order, a copy of the order, together with a notice stating—

(i) that the order has been made and submitted to the Minister for confirmation;

(ii) the grounds on which the authority consider that the order should be confirmed;

(a) S.I. 1959/1915 (1959 II, p. 2627).

(iii) the address or addresses of the place or places where the certified copy or copies of the order and map have been deposited for inspection and the hours during which they may be inspected; and

(iv) that objections or representations with respect to the order may be made to the Minister in accordance with regulation 13, a copy of which regulation shall be included in or appended to the notice:

Provided that, in the case of trees other than trees in woodlands, service of a copy of the order may be dispensed with if the notice indicates briefly the effect of the order; and

(*c*) submit to the Minister—

(i) the sealed order and the map included therein, or a duplicate of the map referred to therein; and, in addition,

(ii) 4 unsealed copies of the order and the map, except that where an order only amends or revokes an existing order one such copy shall suffice, and if the map referred to in the said amending or revoking order is the map included or referred to in the existing order no copy of that map need be sent; and

(iii) a statement of the grounds stated in the notices served under paragraph (*b*) of this regulation as being those on which the authority consider that the order should be confirmed; and

(iv) a certificate stating the names and addresses of the persons served with a notice in accordance with paragraph (*b*) of this regulation and the dates of service. The certificate shall specify whether the persons named therein are served as owners or occupiers of land or otherwise, and shall identify the trees, groups of trees, and woodlands to which their interests relate.

Objections and representations

13.—(1) Every objection or representation with respect to an order shall be made in writing to the Minister, and shall state the grounds thereof, and specify the particular trees, groups of trees, or woodlands in respect of which it is made.

(2) An objection or representation shall be duly made if it complies with paragraph (1) of this regulation and is received by the Minister within 28 days from the date of the service of the notice of the making of the order.

Consideration by the Minister

14. The Minister shall, before deciding whether to confirm the order, take into consideration any objections and representations duly made in accordance with the foregoing regulation, and, if a local inquiry is held, the report of that inquiry.

Action on receipt of the Minister's decision

15. The authority shall, as soon as may be after receipt of a decision by the Minister on the order (including any decision to confirm the order provisionally under section 29(6)), inform the owners and occupiers of the land to which the order relates, and any other person on whom notice has been served in accordance with the provisions of regulation 12(*b*) hereof, of the Minister's decision and, in addition, where the order has been confirmed (otherwise than provisionally), or confirmed subject to modifications, serve on every such person a copy of the order as confirmed by the Minister.

Savings

16. In relation to any order made under the Town and Country Planning (Tree Preservation Order) Regulations 1950(a), compliance with any requirement of those regulations shall be deemed to be a compliance with the corresponding requirement of these regulations, and so far as the requirements of those regulations have not been complied with the order may be dealt with as if it had been made under these regulations.

PART IV

BUILDING PRESERVATION ORDERS

Interpretation of part IV

17.—(1) In this part of these regulations, unless the context otherwise requires—

"local authority" means a local planning authority or the council of a county district;

"order" means a building preservation order made under section 30, and includes an order amending or revoking such an order;

"notice by advertisement", in relation to an order, means a notice published in at least one local newspaper circulating in the locality in which the building is situated.

(2) Any reference in this part of these regulations to the council of a county district shall include a reference to the Common Council of the City of London and to the council of any metropolitan borough. 1965/499

Form of order

18. An order shall be in such form as the local authority making the order may determine.

Submission of order

19.—(1) A local authority desiring to submit an order to the Minister for confirmation shall transmit to the Minister the sealed order in duplicate, with any plan annexed thereto, a copy of the order and plan (if any), and a statement of the grounds on which the local authority consider that the order should be confirmed; and shall send a copy of the order, plan and statement to the council of the county district in which the building is situated, or, if the authority making the order are themselves that council, to the local planning authority for the area.

(2) The local authority shall forthwith give notice by advertisement of the submission of the order to the Minister, and shall include in the notice a statement that the order and plan (if any), or certified copies thereof, will be open for inspection at a specified place, or at specified places, and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the Minister within 28 days from the date of the publication of the advertisement.

(3) The local authority shall serve on the owner and any occupier of the building notice of the submission of the order to the Minister, together with a copy of the order and plan (if any) and of the statement referred to in paragraph (1) of this regulation. The notice shall contain a statement that the period of 28 days during which objections and representations may be sent to the Minister shall run from the date of the service of the notice.

(a) S.I. 1950/534 (1950 II, p. 1094).

(4) The local authority shall, as soon as may be after the publication of the advertisement, send a copy of the newspaper containing the advertisement to the Minister, together with a copy of the notice served on the owner and any occupier of the building, and a statement of the name and address of each person so served and the date or dates of service.

Consideration by the Minister

20. The Minister shall, before deciding whether to confirm the order, take into consideration any objections or representations in writing received by him within the time specified in the notices under paragraphs (2) and (3) of regulation 19 and, if a local inquiry is held, the report of that inquiry.

Action on receipt of the Minister's decision

21. The local authority shall, as soon as may be after they receive a decision made by the Minister on the order (including any decision to confirm the order provisionally under section 31(2))—

(*a*) inform the owner and any occupier of the building and the council of the county district in which the building is situated (or the local planning authority, as the case may be) of the Minister's decision, and, in addition, where the order has been confirmed (otherwise than provisionally), or confirmed subject to modifications, serve on every such person a copy of the order as confirmed by the Minister; and

(*b*) where the order is confirmed (otherwise than provisionally) with or without modifications, give notice by advertisement of that confirmation and state in that notice the place where, and the hours within which, a copy of the order as confirmed may be inspected.

Savings

22. In relation to any order made under the Town and Country Planning (Building Preservation Order) Regulations 1948(**a**), as amended by the Town and Country Planning (Building Preservation Order) (Amendment) Regulations 1960(**b**), compliance with any requirement of those regulations shall be deemed to be compliance with the corresponding requirement of these regulations, and so far as the requirements of those regulations have not been complied with the order may be dealt with as if it had been made under these regulations.

PART V

DEVELOPMENT BY LOCAL PLANNING AUTHORITIES

Development permissions

Application of Part III of the Act

1965/499

23. In relation to development by local authorities of land in respect of which they are the local planning authority, the provisions of Part III of the Act other than sections 15 and 16, subsections (2) and (3) of section 17, and sections 25 and 26, shall have effect subject to the exceptions and modifications prescribed in regulations 24 to 27; and in this part of these regulations "the appropriate Part III provisions" means the provisions of Part III of the Act other than the said sections and subsections.

(**a**) S.I. 1948/1766 (Rev. XXII, p. 746: 1948 I, p. 4094).
(**b**) S.I. 1960/1539 (1960 III, p. 3252).

Deemed permission and applications to the Minister

1965/1590

24.—(1) Where the authority require a permission for the development of land which is not granted by a development order (other than a permission for development which does not accord with the provisions of the development plan), such permission shall, subject to the provisions of regulations 25 to 27, be deemed to be granted by the Minister unless in the case of any particular development the Minister requires the authority to make an application to him for permission.

(2) If the Minister requires the authority to make an application for permission in accordance with the preceding paragraph, or if the authority seek a permission for development which does not accord with the provisions of the development plan, the application shall be made in the form of an application to the local planning authority, and shall be deemed to have been referred to the Minister under section 22, and the provisions of that section shall apply to the determination of the application by the Minister.

(3) A permission deemed to be granted by virtue of paragraph (1) of this regulation shall be treated as if, for the purposes of the appropriate Part III provisions, it had been granted on an application, and as if it had been granted on the date of the authority's resolution to carry out the development.

(4) For the purposes of this regulation, development which does not accord with the provisions of the development plan shall not include such development for which the local planning authority may grant permission by virtue of a development order or a direction given by the Minister thereunder.

Register of applications: Board of Trade certificates

1965/1590

25. Section 19(4) (which provides for the keeping of a register with respect to applications for permission) and sections 38 and 39 (under which a certificate of the Board of Trade is required in relation to certain industrial development) shall apply as if an application were required to be made to the Minister under this part of these regulations and those provisions applied to that application.

Consultation and furnishing of information

26.—(1) The authority shall consult with, or furnish information to, other authorities or persons in any case where, if an application had been made to them in respect of the development, they would have been required to do so before dealing with the application.

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(2) Where under the last preceding paragraph the authority are required to consult with any other authority or person, they shall give notice to that authority or person that a proposal to carry out the development is to be considered, and shall not resolve to carry out such development except after 14 days from the giving of such notice and after taking into account any representations received from that authority or person.

Directions to local planning authority

27. In any case in which directions have been given to the local planning authority restricting the grant of permission by them, the authority shall observe the terms of such directions in relation to any development projected by them, or shall make an application for permission to the Minister, accompanied by a statement giving short particulars of such directions, and paragraph (2) of regulation 24 shall apply to such application as if the Minister had required it to be made.

Supplementary provisions

Other consents

28.—(1) Where an authority require any consent or approval of the local planning authority under the appropriate Part III provisions other than a permission for development, and that authority are themselves the local planning authority to which the application for such consent or approval should be made, such application shall be made to the Minister and his decision thereon shall be final and shall take the place of the decision of the local planning authority.

(2) Where a local planning authority propose to execute or cause or permit to be executed any works for the demolition, alteration or extension of a building listed under section 32 the notice required under section 33(1) shall be given to the Minister instead of to the local planning authority, and references in that section to the local planning authority shall be construed as if they were references to the Minister.

Delegate councils

29. This part of these regulations shall not apply to a council to which the functions of a local planning authority have been delegated, but any such council shall, notwithstanding such delegation, apply to the local planning authority for any permission, consent or approval in this part referred to and shall give to the local planning authority any notice required under section 33(1), as if the delegation to that council had not been made.

Savings

30. Any application, reference, representation or notice made or given under the Town and Country Planning (Development by Local Planning Authorities) Regulations 1951(a) which at the coming into operation of these regulations is outstanding shall have effect as if made or given and shall be determined under and in accordance with this part of these regulations.

PART VI

GENERAL

Notices under section 9

31.—(1) A notice under section 9(1) (which relates to the right of owners of land designated by a development plan as subject to compulsory acquisition to require their interests to be acquired) shall be in writing, specifying the interest to be acquired, and shall be served on the local planning authority by delivering it at the offices of the authority addressed to the clerk thereof, or by sending it by pre-paid post addressed as aforesaid.

(2) Any such notice as is mentioned in paragraph (1) of this regulation may be served at any time after the expiration of 8 years in the case of agricultural land within the meaning of the Rating and Valuation (Apportionment) Act 1928(b), or of 12 years in any other case, from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated, came into operation.

Claims for compensation and purchase notices

32.—(1) A claim for compensation made to a local planning authority under section 118, 119, 123 or 124, or a purchase notice served on the council of a county borough or a county district under section 129, 135,

1965/499

(a) S.I. 1951/2069 (1951 II, p. 812). (b) 18 & 19 Geo. 5. c. 44.

136 or 137, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council addressed to the clerk thereof, or by sending it so addressed by pre-paid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) of this regulation shall be served shall be—

(*a*) in the case of a claim for compensation, 6 months; and

(*b*) in the case of a purchase notice, 12 months,

from the date of the decision in respect of which the claim or notice is made or given:

Provided that the period may be extended by the Minister in any particular case.

Marking of certain notices and documents

33. The manner in which a notice or document such as is referred to in subsection (2) of section 214 shall be marked in order that it shall be deemed to be duly served under head (*b*) of that subsection shall be by inscribing clearly and legibly upon the notice or document, and upon the envelope containing it, the words "Important—This Communication affects your property".

Application of the Public Health Act 1936 *to enforcement notices*

34. The provisions of sections 276, 289, 292 and 294 of the Public Health Act 1936(a) shall apply in relation to steps required to be taken by an enforcement notice, or by a notice under section 36 or 52, as if—

(*a*) references to a local authority were references to a local planning authority;

(*b*) references (in whatever form) to the execution of works under the said Act of 1936 were references to the taking of steps required to be taken under the notice;

(*c*) references in the said section 289 to the occupier were references to a person having an interest in the premises other than the owner; and

(*d*) the reference in the said section 294 to "expenses under this Act" were a reference to expenses incurred in the taking of such steps as aforesaid.

Concurrent procedure under section 86(5) *for development plans and compulsory purchase orders*

35. Where notice has been given in the London Gazette of the submission to the Minister of a development plan, or of proposals for the amendment of such a plan, or of any proposal by the Minister to make or amend such a plan, and the plan or proposals as submitted or the proposal of the Minister designates any land as subject to compulsory acquisition, any proceedings required by the Acquisition of Land (Authorisation Procedure) Act 1946(b) to be taken for the purposes of an order or authorisation for the compulsory acquisition of such land or any part thereof under section 67 or 68 may be taken concurrently with any proceedings required by or under the Act to be taken in connection with the approval, making or amendment of such development plan.

(a) 26 Geo. 5 & 1 Edw. 8. c. 49. (b) 9 & 10 Geo. 6. c. 49.

Concurrent procedure for acquisition of land and extinguishment of rights of way

36.—(1) Where under section 68 a compulsory purchase order for the acquisition of any land has been made by a local authority and submitted to the Minister in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946, or where any land has been acquired by a local authority under section 71, the succeeding provisions of this regulation shall apply in relation to the extinguishment of public rights of way over such land and the acquisition of land for the provision of alternative rights of way.

(2) The Minister may on or after any such submission or acquisition publish in accordance with the provisions of section 154(1), as applied by section 155, notice of an order proposed to be made under section 155, relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Minister of Transport may prepare in draft or a local highway authority may make a compulsory purchase order under section 156(1) for the acquisition of land for providing an alternative right of way.

(4) Any other proceedings required to be taken in connection with the making of an order under section 155 may be taken concurrently with the proceedings required to be taken in connection with such order as is mentioned in paragraph (1) of this regulation and any other proceedings for the making or confirmation of such compulsory purchase order as is referred to in paragraph (3) of this regulation may be taken concurrently with either or both of the said proceedings:

Provided that:—

(*a*) no such order under section 155 shall be made until the land over which the right of way subsists has been acquired by the local authority; and

(*b*) no such compulsory purchase order as is referred to in paragraph (3) of this regulation shall be made by the Minister of Transport or confirmed, until the original right of way has been extinguished by an order under section 155.

Notices and counter-notices under sections 139 *and* 140

37. The forms set out in Schedule 2 hereto or forms substantially to the like effect are the prescribed forms of notice for the purposes of section 139, and of counter-notice for the purposes of section 140.

Revocations and savings

38. The regulations referred to in Schedule 3 to these regulations are hereby revoked, but without prejudice to their operation for the purposes of any of the savings and transitional provisions of Schedule 14 to the Act, and subject to the savings in regulations 9, 16, 22 and 30 hereof.

(Regulation 6) SCHEDULE 1

Terms of delegation of functions to an excepted council

1. The local planning authority (hereinafter called "the authority") hereby delegate to the county district council, in respect of land in the county district, and subject to the undermentioned conditions, restrictions and reservations, all the functions of the authority under Parts III and IV and section 180 of the

Town and Country Planning Act 1962 (hereinafter called " the Act ") and under any orders or regulations made thereunder, except :—

(1) functions under section 37 and those relating to building preservation orders ;

(2) functions involving action in connection with mineral working, mineral processing on land in or adjoining a quarry or other mineral working, or the deposit of mineral waste (including determinations under section 43 in relation to any such matters) :

Provided that :—

(*a*) the concurrence in writing of the authority shall be obtained before the grant of permission for development which does not accord with the provisions of the development plan, or with proposals for the amendment of the development plan approved by resolution of the authority and communicated to the county district council ;

(*b*) the county district council may refer any application under section 19, 20 or 43 of the Act to the authority instead of dealing with it themselves, and thereupon that application shall be dealt with as if no functions in respect thereof had been delegated to the county district council ;

(*c*) the authority shall consult with the county district council before reaching a decision on the matters referred to in sub-paragraphs (1) and (2) above.

2. The authority may exercise their powers under section 27, 28, 29, 45, 61 or 62 of the Act, notwithstanding this delegation, in any case where in their opinion the country district council after being consulted have refused or neglected to exercise delegated functions under any of those sections.

3. The conditions of delegation shall be :

(1) that any document by which any delegated functions are exercised shall state that those functions are exercised on behalf of the authority (but no such document shall be invalid by reason only that this or the next following condition has not been complied with) ;

(2) that any such document shall be in such form as is approved by the clerk of the authority for a document of that kind, and that a copy of every such document (including decisions on applications for permission or consent, together with a copy of any application for permission or consent to which the document relates) shall, except where otherwise agreed, be sent to him for information ;

(3) that the county district council shall bear all compensation (other than that defrayed by specific grants from central government funds) payable as a result of the exercise of the delegated functions, except in so far as the authority shall have agreed to bear it wholly or in part, on being consulted by the county district council before the order, direction or decision giving rise to the claim for compensation was made.

SCHEDULE 2

(Regulation 37)

TOWN AND COUNTRY PLANNING ACT 1962

Form I S. 139

Section 139

NOTICE REQUIRING AN AUTHORITY TO PURCHASE AN INTEREST IN LAND

TO (*a*) .....

at (*b*) .....

*I/WE (*c*) .....

pursuant to the provisions of section 139(1) of the Town and Country Planning Act 1962 HEREBY GIVE YOU NOTICE:—

(*a*) Insert name of authority served.
(*b*) Insert principal address of authority.
(*c*) Insert full name(s) and address(es) of person(s) or company etc. serving this notice.

1. * I am / We are entitled to an interest set out in the first schedule hereto in the * hereditament / agricultural unit described in the second schedule hereto.

2. * The / Part of the * hereditament / agricultural unit has been included in land falling within paragraph (.....) (*d*) of section 138(1) of the Act.

(*d*) Insert which paragraph.

3. Since then, * I / we have made reasonable endeavours to sell *my / our interest but * I / we have been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the * hereditament / agricultural unit were so included. (*e*)

(*e*) Particulars of the steps taken to sell the land should be given below or separately.

4. * My / Our interest qualifies for protection under Part VIII of the Act because

*EITHER (*f*)

the annual value of the hereditament does not exceed the prescribed limit of annual value and *my / our interest is that of owner-occupier(s) of the hereditament within the meaning of section 149(1).

*OR (*f*)

*My / Our interest is that of resident owner-occupier(s) of the hereditament within the meaning of section 149(3).

*OR (*f*)

*My / Our interest is that of owner-occupier(s) of the agricultural unit within the meaning of section 149(2).

(*f*) Whichever is appropriate of these alternatives should form part of this notice.

5. * I / We therefore require you to purchase *my / our interest in the * hereditament / agricultural unit in so far as it is included in the land referred to in paragraph 2 of this notice.

FIRST SCHEDULE

Particulars of interest in land, together with the names and addresses of any mortgagees thereof and a note of any other encumbrances thereon.

SECOND SCHEDULE

Particulars of the * hereditament / agricultural unit (*g*)

(*g*) A plan should be attached, if necessary to identify the land.

DATED this.....day of.....19.....

Signed .....

*On behalf of.....

* Delete where inappropriate.

Here or in an accompanying letter should be given particulars (including dates) of the endeavours made to sell the * hereditament / agricultural unit and of the price asked and of any offers received for it.

TOWN AND COUNTRY PLANNING ACT 1962 Form 2 S.140

Section 140

COUNTER-NOTICE UNDER SECTION 140(1) OBJECTING TO NOTICE SERVED UNDER SECTION 139(1)

TO (*a*) .....

THE (*b*) .....

HEREBY GIVE YOU NOTICE under section 140(1) of the Town and Country Planning Act 1962 that they OBJECT to the notice served by you on the.....day of.....19..... under section 139(1) of the Act in respect of the * hereditament / agricultural unit described as (*c*).....

.....

The grounds (*d*) on which objection is taken are—

DATED this.....day of.....19.....

.....
on behalf of the (*b*).

* Delete where inappropriate.

(*a*) Insert name and address of addressee.
(*b*) Insert name of authority.
(*c*) Insert particulars.
(*d*) These should include a reference to the relevant paragraph(s) of s.140(2).

Note: If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal, under the provisions of section 141 of the Act. In that case you should notify the Registrar of the Lands Tribunal, 3, Hanover Square, London, W.1, within 2 months of the date of service of this notice.

SCHEDULE 3 (Regulation 38)

STATUTORY INSTRUMENTS REVOKED

Title of Instrument	Reference
The Town and Country Planning (Building Preservation Order) Regulations 1948.	S.I. 1948/1766 (Rev. XXII, p. 746: 1948 I, p. 4094).
The Town and Country Planning (General) Regulations 1948.	S.I. 1948/1380 (Rev. XXII, p. 733: 1948 I, p. 4088).
The Town and Country Planning (Tree Preservation Order) Regulations 1950.	S.I. 1950/534 (1950 II, p. 1094).
The Town and Country Planning (Development by Local Planning Authorities) Regulations 1951.	S.I. 1951/2069 (1951 II, p. 812).
The Town and Country Planning (Prescribed Forms of Notices) Regulations 1959.	S.I. 1959/1287 (1959 II, p. 2645).
The Town and Country Planning (Delegation) Regulations 1959.	S.I. 1959/1915 (1959 II, p. 2627).
The Town and Country Planning (General) (Amendment) Regulations 1960.	S.I. 1960/1475 (1960 III, p. 3284).
The Town and Country Planning (Building Preservation Order) (Amendment) Regulations 1960.	S.I. 1960/1539 (1960 III, p. 3252).

Given under the official seal of the Minister of Housing and Local Government on 31st August 1964.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These regulations replace in a consolidated form, with minor amendments, the Town and Country Planning (Building Preservation Order) Regulations 1948 with their Amendment Regulations of 1960, the Town and Country Planning (General) Regulations 1948 with their Amendment Regulations of 1960, the Town and Country Planning (Tree Preservation Order) Regulations 1950, the Town and Country Planning (Development by Local Planning Authorities) Regulations 1951, the Town and Country Planning (Prescribed Forms of Notices) Regulations 1959, and the Town and Country Planning (Delegation) Regulations 1959, all of which were made under provisions of the Town and Country Planning Acts 1944, 1947 and 1959 (now repealed on consolidation by the Town and Country Planning Act 1962).

Part II of the regulations continues the provisions of the Delegation Regulations relating to the delegation of functions by local planning authorities to county district councils. Provision is now made for delegation agreements to be open to inspection by the public; and this part of the regulations applies (as the previous regulations did not) to that part of the former metropolitan area which lies outside Greater London.

Parts III and IV continue the provisions of the Tree Preservation Order Regulations and Building Preservation Order Regulations respectively, subject to minor procedural amendments relating to the submission of orders for confirmation.

Part V continues the provisions of the Development by Local Planning Authorities Regulations, with minor changes owing to the new form of the statutory provision (section 42 of the Act of 1962).

Part VI continues those provisions of the General Regulations and Prescribed Forms of Notices Regulations which are still effective: the other provisions are now spent, or have been revoked by other instruments.

Regulations 31, 32, 33, 34, 35 and 36 replace, respectively, regulations 3, 4, 5, 8, 11 and 12 of the General Regulations. Under regulation 32 the time for serving a purchase notice is extended from 6 months to 12 months. Regulation 35 continues the procedure for the approval or amendment of a development plan concurrently with the authorisation of the compulsory purchase of land designated by the plan, and empowers the Minister, in an appropriate case, to authorise the purchase of the land immediately after he has approved or amended the plan.

Regulation 37 (with Schedule 2) brings up to date the notice and counter-notice prescribed for the purposes of sections 139 and 140 of the Act of 1962, which deal with the purchase of property "blighted" by planning proposals.

Regulation 38 revokes the previous regulations mentioned in the first paragraph of this note, with savings to preserve the validity of action taken under those regulations, and to enable action on matters partially dealt with under those regulations to be continued under these regulations.