STATUTORY INSTRUMENTS

1969 No. 286

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning General Regulations 1969

Made - - -	*6th March* 1969
Laid before Parliament	*13th March* 1969
Coming into Operation	*1st April* 1969

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The Minister of Housing and Local Government, in exercise of his powers under sections 3, 42, 49, 86(5), 118, 123, 124, 129, 134, 135, 136, 139, 140, 157, 214, 217 and 221 of the Town and Country Planning Act 1962(**a**), section 17 of the Civic Amenities Act 1967(**b**) and sections 20, 34, 80, 92 and 104 of the Town and Country Planning Act 1968(**c**) and of all other powers enabling him in that behalf, after consultation, in relation to Part II, with the associations of local authorities with whom he considered consultation to be appropriate, hereby makes the following regulations, and the Secretary of State, in exercise of his powers under sections 140 and 217 of the Town and Country Planning Act 1962 and of all other powers enabling him in that behalf, hereby makes, in relation to Wales and Monmouthshire, the following regulations 24 and 25—

PART I

TITLE, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning General Regulations 1969 and shall come into operation on 1st April 1969.

Interpretation

2.—(1) In these regulations, except so far as the context otherwise requires—

"the principal Act" means the Town and Country Planning Act 1962 ;

"the Act of 1963" means the London Government Act 1963(**d**) ;

"the Act of 1965" means the Control of Office and Industrial Development Act 1965(**e**) ;

(**a**) 1962 c. 38. (**b**) 1967 c.69. (**c**) 1968 c. 72.
(**d**) 1963 c.33. (**e**) 1965 c.33.

"the Act of 1967" means the Civic Amenities Act 1967;

"the Act of 1968" means the Town and Country Planning Act 1968;

"the Common Council" means the Common Council of the City of London;

"listed building" has the same meaning as in Part V of the Act of 1968;

"local authority" means the council of a county, county borough or county district, the Common Council, the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are a local authority within the meaning of the Local Loans Act 1875(**a**), and includes any drainage board and any joint board or joint committee if all the constituent authorities are local authorities within the meaning of that Act;

"local planning authority" means the council of a county, county borough or London borough, the Greater London Council and the Common Council;

"the Minister", as respects Wales and Monmouthshire, means the Secretary of State, and otherwise means the Minister of Housing and Local Government.

(2) The Interpretation Act 1889(**b**) shall apply for the interpretation of these regulations as it applies for 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 which—

(*a*) immediately before the date of the coming into operation of these regulations was an excepted council within the meaning of part II of the Town and Country Planning General Regulations 1964(**c**); or

(*b*) has the population at the relevant date of 60,000 or more,

provided that if the population of such a council falls below 50,000 that council shall cease to be an excepted council;

"Greater London" has the same meaning as in the Act of 1963;

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

"the relevant date", in relation to any council of a county district, not being an excepted council by virtue of head (*a*) in the definition of "excepted council" above, means the date when the population of that district is shown in accordance with paragraph (2) of this regulation to have reached 60,000 or more.

(2) For the purposes of this part, the population of a county district shall at any time 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.

(**a**) 1875 c. 83.
(**b**) 1889 c.63.
(**c**) S.I. 1964/1382 (1964 II, p.3101).
(**d**) 1949 c.97.

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 within their area, to delegate to that council any of their functions under the enactments specified in paragraph (2) of this regulation, 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) The said enactments are—

(*a*) Parts III and IV and section 180 of the principal Act;

(*b*) Part II of the Act of 1967;

(*c*) Parts II and V and sections 65 to 68, 78 and 80 of the Act of 1968.

(3) 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 principal Act, or under section 20 or 43 or 49 of, or paragraph 11 of Schedule 5 to, the Act of 1968, in respect of anything done by the council in the exercise of those functions;

(*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 of the fact that this requirement has not been complied with.

Requirement to delegate

6.—(1) An excepted council may by a notice in writing served on the local planning authority within 3 months of the relevant date, or at such other time 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 paragraph (1) of this regulation, the local planning authority shall delegate to that council their functions under the enactments specified in paragraph (3) of this regulation, in accordance with the terms set out in Schedule 1 to these regulations, and that delegation shall take effect at the expiration of 6 months from the service of that notice or on such earlier date as may be agreed between the council and the authority.

(3) The said enactments are—

(*a*) Parts III and IV and section 180 of the principal Act;

(*b*) Part II of the Act of 1967;

(*c*) Part II and sections 65 to 68, 78 and 80 of the Act of 1968.

(4) 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.

(5) 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.

(6) 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 the 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 the enactments specified in paragraph (3) of this regulation, and any such requirement shall be treated by the local planning authority and the council (except in relation to paragraph (4)(*a*) of this regulation) as if it were a notice served under paragraph (1) of this regulation.

(7) 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 a 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.

Transitional provisions and savings

9.—(1) Any delegation having effect under an agreement made under the Town and Country Planning General Regulations 1964 shall continue in force as if it had effect under these regulations until superseded by a delegation under these regulations, and any reference in any such agreement to section 45 or Part IV of the principal Act shall be construed as including a reference to section 15 of the Act of 1968.

(2) Any delegation which a local planning authority were required to make under regulation 6 (Requirement to delegate) of the said regulations of 1964 shall continue in force as if it had effect under these regulations and shall be exercised in accordance with the terms set out in Schedule 1 to these regulations.

(3) Where an excepted council had served a notice in writing on the local planning authority under paragraph (1) of the said regulation 6 during the period of 6 months immediately preceding the date of the coming into operation of these regulations, that notice shall have effect as if it had been served under regulation 6(1) of these regulations.

PART III

DEVELOPMENT BY LOCAL PLANNING AUTHORITIES

Development Permissions

Application of Part III of the principal Act

10. In relation to

(*a*) development by a local authority (other than the Greater London Council, the council of a London borough or the Common Council) of land in respect of which they are the local planning authority ;

(*b*) development by the Greater London Council which, by virtue of section 24(4) of the Act of 1963, is deemed for the purposes of section 42(1) of the principal Act to be development by that council of land in respect of which they are the local planning authority ;

(*c*) development by the Greater London Council or the Inner London Education Authority of land in Greater London which is vested in the Council ;

(*d*) development by the council of a London borough or the Common Council of land in their area which is vested in the corporation of the borough or of the City, as the case may be, or development in respect of which the council are the local planning authority by virtue of section 24(3) of the Act of 1963,

the provisions of Part III of the principal 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 11 to 15 ; and in this part of these regulations "the appropriate Part III provisions" means the provisions of Part III of the principal Act other than the said sections and subsections.

Deemed permission and applications to the Minister

11.—(1) Subject to the provisions of regulation 13, where the authority—

(*a*) 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 or consists in or includes works for the alteration or extension of a listed building), and

(*b*) resolve, by a resolution which is expressed to be passed for the purposes of this regulation, to carry out that development,

that permission shall, subject to the provisions of regulations 13 to 15, 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—

(*a*) does not accord with the provisions of the development plan, or

(*b*) consists in or includes works for the alteration or extension of a listed building,

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 of the principal Act, 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

12. Where permission is deemed to be granted by virtue of paragraph (1) of regulation 11, section 19(4) of the principal Act (which provides for the keeping of a register with respect to applications for permission) shall apply as if the resolution passed by the authority were an application for planning permission made to the local planning authority and the deemed planning permission were granted on that application ; and where an application falls to be made under the provisions of paragraph (2) of regulation 11, the said section 19(4) shall apply to that application.

Office and industrial development

13.—(1) Where an application falls to be made under the provisions of regulation 11, the application shall be accompanied by an industrial development certificate issued under section 38 of the principal Act or an office development permit issued under Part I of the Act of 1965 in any case where such a certificate or permit would have been required if the application had been made to the local planning authority under section 19 of the principal Act.

(2) No permission shall be deemed to be granted by virtue of paragraph (1) of regulation 11 in a case where an industrial development certificate or an office development permit would be required if an application had to be made to the local planning authority, unless such a certificate, or such a permit, as the case may be, has been issued by the Board of Trade prior to the date of the authority's resolution to carry out the development.

(3) A planning permission granted or deemed to be granted under regulation 11 shall for the purposes of section 39(5) of the principal Act or of section 2(3) of the Act of 1965 be taken to be a planning permission granted by a planning decision, and any reference in either of those subsections to an application to the local planning authority shall include a reference to an application made in accordance with regulation 11(2).

(4) Where—

(*a*) planning permission for any development is deemed to be granted under regulation 11 after the Board of Trade have issued an industrial development certificate or an office development permit in respect of that development ; and

(*b*) conditions are attached to that certificate or permit ; and

(*c*) under the provisions of this regulation that planning permission would not have been deemed to be granted if the certificate, or the permit, as the case may be, had not been issued

the planning permission shall be deemed to have been granted subject to the said conditions.

(5) Where planning permission is deemed to be granted under regulation 11 for the erection of a building or buildings on land within an area to which Part I of the Act of 1965 applies on the date of the authority's resolution to carry out the development, and the circumstances are such that paragraph (4) of this regulation does not apply, the said permission shall be treated, for the purposes of section 7 of the Act of 1965 and sections 84 to 87 of the Act of 1968, as if it had been granted on an application.

Consultation and furnishing of information

14.—(1) The authority shall consult with, or furnish information to, other authorities 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.

(2) The Greater London Council shall in every case consult with the Common Council or with the council of the London borough in which the land is situate, as the case may be.

(3) The council of a London borough or the Common Council shall consult with the Greater London Council in any case where, if an application had been made in respect of the development, it would have been dealt with by the Greater London Council (by virtue of regulations made by the Minister under section 24(4) of the Act of 1963) or the council would have been required (by regulations made by the Minister under section 24(6) of the Act of 1963) to refer it to the Greater London Council.

(4) Where under this regulation 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 the development except after 14 days from the giving of the notice and after taking into account any representations received from that authority or person.

Directions to local planning authority

15. 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 those directions in relation to any development projected by them, or shall make an application for permission to the Minister, accompanied by particulars identifying the directions, and paragraph (2) of regulation 11 shall apply to the application as if the Minister had required it to be made.

Supplementary provisions

Other consents

16. 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, the 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.

Delegate councils

17. 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, as if the delegation to that council had not been made.

Savings

18. Any application, reference, representation or notice made or given under Part V of the Town and Country Planning General Regulations 1964 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 IV

GENERAL

Claims for compensation and purchase notices

19.—(1) A claim for compensation made to a local planning authority under section 118, 119, 123, 124 or 134 of the principal Act or under section 20 or 92 of the Act of 1968, or a purchase notice served on the council of a county borough, London borough or county district or on the Common Council under section 129, 135, 136 or 137 of the principal Act, 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 prepaid 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

20. The manner in which a notice or document such as is referred to in subsection (2) of section 214 of the principal Act 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*

21. 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 of the Act, 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.

(**a**) 1936 c.49.

Concurrent procedure under section 86(5) of the principal Act for development plans and compulsory purchase orders

22. 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(**a**) to be taken for the purpose of any order or authorisation for the compulsory acquisition of such land or any part thereof under section 67 or 68 of the principal Act 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.

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

23.—(1) Where under section 68 of the principal Act or section 28 of the Act of 1968 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 of the principal Act, 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) of the principal Act, as applied by section 155 thereof, 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) of the principal Act 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 of the principal Act may be taken concurrently with the proceedings required to be taken in connection with such an order as is mentioned in paragraph (1) of this regulation and any other proceedings for the making or confirmation of such a 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.

(5) In so far as the provisions of this regulation apply to Wales and Monmouthshire, the functions of the Minister of Transport under those provisions shall be exercisable by the Secretary of State, instead of by that Minister.

(**a**) 1946 c.49.

Notices and counter-notices relating to planning blight

24. The forms set out in Schedule 2 hereto or forms substantially to the like effect are the prescribed forms of blight notice for the purposes of section 139 of the principal Act and section 34 of the Act of 1968, and of counter-notice for the purposes of section 140 of the principal Act.

Advertisement and notice of unopposed order revoking or modifying planning permission

25. The advertisement, for the purposes of section 80(2) of the Act of 1968, of an order made under section 27 of the principal Act shall be in the form set out in Form 1 of Schedule 3 to these regulations or a form substantially to the like effect; and the notice required to be served by section 80(3) of the Act of 1968 shall be in the form set out in Form 2 of that Schedule or a form substantially to the like effect.

Revocation and savings

26. The regulations specified in Schedule 4 to these regulations are hereby revoked, but without prejudice to the validity of anything done thereunder before the date of the coming into operation of these regulations, and subject to the transitional provisions and savings in regulations 9 and 18 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 under-mentioned conditions, restrictions and reservations, all the functions of the authority under

(*a*) Parts III and IV and section 180 of the Town and Country Planning Act 1962 (hereinafter called "the principal Act");

(*b*) Part II of the Civic Amenities Act 1967 (hereinafter called "the Act of 1967"); and

(*c*) Part II and sections 65 to 68, 78 and 80 of the Town and Country Planning Act 1968 (hereinafter called "the Act of 1968"),

and under any orders or regulations made under those enactments, except

(1) functions under section 37 of the principal Act;

(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 of the principal Act in relation to 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 principal Act or section 17 of the Act of 1968 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, 61 or 62 of the principal Act or sections 15, 19, 65 to 68, 78 and 80 of the Act of 1968, notwithstanding this delegation, in any case where in their opinion the county 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 24

FORM 1

TOWN AND COUNTRY PLANNING ACT 1962
TOWN AND COUNTRY PLANNING ACT 1968
BLIGHT NOTICE

To (*a*)

at (*b*)

[I] [We]* (*c*)

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

1. [I am] [We are]* entitled to the 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 of 1962] [paragraph (*d*) of section 33(1) of the Town and Country Planning Act 1968]*.

3. Since then, [I] [we]* have made reasonable endeavours to sell [my] [our] interest but 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. Particulars of those endeavours are set out [below] [in the the letter accompanying this notice]*.(*e*)

4. [My] [our]* interest qualifies for protection under Part VIII of the Act of 1962 because (*f*)

EITHER

[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) of the Act of 1962.]*

*Delete where inappropriate

OR

[[my] [our]* interest is that of resident owner-occupier(s) of the hereditament within the meaning of section 149(3) of the Act of 1962.]*

OR

[[my] [our]* interest is that of owner-occupier(s) of the agricultural unit within the meaning of section 149(2) of the Act of 1962.]*

5. [I] [We]* therefore require you to purchase [my] [our]* interest in the [hereditament] [agricultural unit]*.

6. In this notice a reference to any provision of the Act of 1962 is to be construed as a reference to that provision as amended by, or having effect in accordance with, Part IV of and Schedule 4 to the Town and Country Planning Act 1968.

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]* (*h*)

Dated 19

[On behalf of]*

FORM 2

TOWN AND COUNTRY PLANNING ACT 1962
TOWN AND COUNTRY PLANNING ACT 1968
MORTGAGEE'S BLIGHT NOTICE

To (*a*)

at (*b*)

[I] [We]* (*c*)

pursuant to the provisions of section 34(2) of the Town and Country Planning Act 1968 (hereinafter called "the Act of 1968") HEREBY GIVE YOU NOTICE:—

1. [I am] [We are]* entitled as mortgagee(s) (by virtue of a power which has become exercisable) to sell the interest (hereinafter called "the said interest") set out in the First Schedule hereto in the [hereditament] [agricultural unit]* described in the Second Schedule hereto, giving immediate vacant possession of the land.

2. [The] [Part of the]* [hereditament] [agricultural unit]* has been included in land falling within [paragraph (*d*) of section 138(1) of the Town and Country Planning Act 1962] [paragraph (*d*) of section 33(1) of the Act of 1968]*.

3. Since then, [I] [we]* have made reasonable endeavours to sell the said interest but 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. Particulars of these endeavours are set out [below] [in the letter accompanying this notice]*. (*e*)

4. [I am] [We are]* entitled to take advantage of the provisions of Part VIII of the Town and Country Planning Act 1962 (hereinafter called "the Act of 1962") because (*f*)

*Delete where inappropriate

EITHER

[the annual value of the hereditament does not exceed the prescribed limit of annual value and the person entitled (otherwise than as mortgagee) to the said interest *either* is an owner-occupier of the hereditament within the meaning of section 149(1) of the Act of 1962 *or* was such an owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the hereditament (*g*)]*

OR

[the person entitled (otherwise than as mortgagee) to the said interest *either* is a resident owner-occupier of the hereditament within the meaning of section 149(3) of the Act of 1962 *or* was such a resident owner-occupier on an earlier date not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the hereditament (*g*)]*

OR

[the person entitled (otherwise than as mortgagee) to the said interest *either* is an owner-occupier of the agricultural unit within the meaning of section 149(2) of the Act of 1962 *or* was such an owner-occupier on an earlier date, not more than six months before the service of this notice, on which earlier date, namely 19 , the particulars in paragraph 2 above were correct in relation to the agricultural unit (*g*)]*

5. [I] [We]* therefore require you to purchase the said interest in the [hereditament] [agricultural unit]*.

6. In this notice a reference to any provision of the Act of 1962 is to be construed as a reference to that provision as amended by, or having effect in accordance with, Part IV of and Schedule 4 to the Act of 1968.

First Schedule

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

Second Schedule

*Particulars of the [hereditament] [agricultural unit]** (*h*)

Dated 19

Signed

[On behalf of]*

Notes to Forms 1 *and* 2

(*a*) Insert name of authority to be served.

(*b*) Insert principal address of authority.

(*c*) Insert full name(s) and address(es) of person(s) serving this notice.

(*d*) Insert which paragraph.

(*e*) Particulars of the steps taken to sell the land should be given here or in an accompanying letter, and should include dates, price asked and any offers received.

(*f*) The claimant should choose which paragraph is to form part of the notice and delete the other two.

(*g*) Within the paragraph chosen, *underline* those words after "*either*" which are appropriate to the case.

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

*Delete where inappropriate

FORM 3

TOWN AND COUNTRY PLANNING ACT 1962

TOWN AND COUNTRY PLANNING ACT 1968

COUNTER-NOTICE OBJECTING TO BLIGHT NOTICE

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 Blight Notice served by you on 19 under [section 139(1) of that Act] [section 34(2) of the Town and Country Planning Act 1968]* in respect of the [hereditament] [agricultural unit]* described as

(*c*)

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

Dated 19

On behalf of the

(*b*)

Notes to Form 3

(*a*) Insert name and address of addressee.

(*b*) Insert name of authority.

(*c*) Insert particulars.

(*d*) These must specify the grounds on which the authority object to the notice (being one or more of the grounds specified in section 140(2) of the Town and Country Planning Act 1962 or, where relevant, in section 34(8) or 35(1) of the Town and Country Planning Act 1968).

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 Town and Country Planning Act 1962. In that case you should notify the Registrar, The Lands Tribunal, 3 Hanover Square, London, W.1., within 2 months of the date of service of this notice.

Regulation 25

SCHEDULE 3

FORM 1

TOWN AND COUNTRY PLANNING ACT 1968

ADVERTISEMENT UNDER SECTION 80(2) OF THE MAKING OF A REVOCATION ORDER OR MODIFICATION ORDER

Planning permission for (*a*)

at (*b*)

Notice is hereby given that the (*c*) council have made an order under section 27 of the Town and Country Planning Act 1962 to [revoke the above planning permission] [to the following extent (*d*)] [modify the above planning permission as follows (*e*)]*

The council have been notified in writing by the owner and the occupier of the land [and by all other persons who in the council's opinion will be affected by the order]* that they do not object to the order; and it appears to the council that no claim for compensation is likely to arise under section 118 of the Town and Country Planning Act 1962.

Any person who will be affected by the order and who wishes for an opportunity of appearing before, and being heard by, a person appointed by the [Minister of Housing and Local Government] [Secretary of State for Wales]* must give notice in writing to that effect to the [Secretary, Ministry of Housing and Local Government, Whitehall, London, S.W.1] [Secretary, Welsh Office, Summit House, Windsor Place, Cardiff]* not later than 19 (*f*).

*Delete where inappropriate

If no such notice has been given by that date, the order will take effect, by virtue of the provisions of section 80 of the Town and Country Planning Act 1968, on
19 (*g*) without being confirmed by the [Minister] [Secretary of State]*, and no compensation will be payable in respect of the order under section 118 of the Town and Country Planning Act 1962.

FORM 2

TOWN AND COUNTRY PLANNING ACT 1968

NOTICE UNDER SECTION 80(3) OF THE MAKING OF A REVOCATION ORDER OR MODIFICATION ORDER

Planning permission for (*a*)
at (*b*)

TAKE NOTICE that the (*c*) council have made an order under section 27 of the Town and Country Planning Act 1962 to [revoke the above planning permission] [to the following extent (*d*)] [modify the above planning permission as follows (*e*)]*.

The council have been notified in writing by the owner and the occupier of the land [and by all other persons who in the council's opinion will be affected by the order]* that they do not object to the order; and it appears to the council that no claim for compensation is likely to arise under section 118 of the Town and Country Planning Act 1962.

If you will be affected by the order and wish for an opportunity of appearing before, and being heard by, a person appointed by the [Minister of Housing and Local Government] [Secretary of State for Wales]* you should give notice in writing to that effect to the [Secretary, Ministry of Housing and Local Government, Whitehall, London, S.W.1] [Secretary, Welsh Office, Summit House, Windsor Place, Cardiff]* not later than 19 (*f*).

If no such notice has been given by that date, the order will take effect, by virtue of the provisions of section 80 of the Town and Country Planning Act 1968, on
19 (*g*) without being confirmed by the [Minister] [Secretary of State]*, and no compensation will be payable in respect of the order under section 118 of the Town and Country Planning Act 1962.

Notes to Forms 1 *and* 2

(*a*) Insert description of the development for which permission has been granted.

(*b*) Insert site or locality of development.

(*c*) Insert name of council.

(*d*) Insert particulars of extent of revocation.

(*e*) Insert particulars of modification.

(*f*) Insert a date not less than 28 days later than the date on which the relevant advertisement first appears.

(*g*) Insert a date not less than 14 days later than the date to which note (*f*) relates.

*Delete where inappropriate

Regulation 26

SCHEDULE 4

STATUTORY INSTRUMENTS REVOKED

Title of Instrument	Reference
The Town and Country Planning General Regulations 1964	S.I. 1964/1382 (1964 II, p.3103).
The Town and Country Planning General (Amendment) Regulations 1965	S.I. 1965/499 (1965 I, p.1246).
The Town and Country Planning General (Amendment No. 2) Regulations 1965	S.I. 1965/1590 (1965 II, p.4603).
The Town and Country Planning General (Amendment) Regulations 1967	S.I. 1967/1241 (1967 II, p.3614).

Given under the official seal of the Minister of Housing and Local Government on 5th March 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

George Thomas,
Secretary of State.

Welsh Office.
6th March 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations consolidate the Town and Country Planning General Regulations 1964 (as amended), with amendments which take into account the provisions of the Town and Country Planning Act 1968.

The principal changes are:—

(*a*) Provision is made for the delegation to county district councils of the functions of local planning authorities under provisions of the Act of 1968 relating to enforcement of planning control, buildings of special interest, the duration of planning permission, local registers of planning applications and unopposed orders revoking or modifying planning permission;

(*b*) The regulations prescribe the time within which, and the manner in which, claims for compensation are to be made under section 20 (compensation for loss due to stop notice) and section 92 (conversion of highway for vehicles into a footpath or bridleway) of the Act of 1968;

(*c*) Provision is made empowering concurrent proceedings to be taken for the extinguishment of public rights of way under section 155 of the Town and Country Planning Act 1962 and the acquisition of land under section 28 of the Act of 1968;

(*d*) Amendments taking account of changes made by the Act of 1968 are made to the forms of blight notice and counter-notice prescribed for the purposes of sections 139 and 140 of the Act of 1962, and a new form, called a mortgagee's blight notice, is prescribed under section 34 of the Act of 1968 (which empowers certain mortgagees to require the purchase of their interest in property "blighted" by planning proposals);

(*e*) The regulations prescribe forms of advertisement and individual notice to be used for the purposes of section 80 of the Act of 1968 where a local planning authority make an order revoking or modifying planning permission and do not submit it to the Minister for confirmation;

(*f*) Parts III and IV of the regulations of 1964 are not continued in these regulations. Part III (Tree Preservation Orders) has been superseded by the Town and Country Planning (Tree Preservation Orders) Regulations 1969 (S.I. 1969 No. 17); and Part IV (Building Preservation Orders) has lapsed, as the provision under which that part was made (section 31 of the Act of 1962) has been repealed by the Act of 1968.