



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Annotations:

Modifications etc. (not altering text)

- C1** Pt. III (ss. 55-106) except ss. 76, 90(2)(5) applied (with modifications) (17.7.1992) by S.I. 1992/1492, regs. 2(1)(b), 3-11
- Pt. III (ss. 55-106): power to modify conferred (10.11.1993) by 1993 c. 28, s. 171(1)(a); S.I. 1993/2762, art. 3
- Pt. III (ss. 55-106) applied (5.11.1993) by 1993 c. 42, s. 24(1) (with ss. 2, 30(1), Sch. 2 para.9)
- Pt. III (ss. 55-106) extended (1.11.1995) by 1995 c. 25, s. 96(2) (with ss. 7(6), 115, 117); S.I. 1995/2765, art. 2
- Pt. III (ss. 55-106) modified (1.4.1996) by 1994 c. 19, s. 20(3), Sch. 5 Pt. III paras. 15(1), 20 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 4, Sch. 2
- Pt. III (ss. 55-106) modified (18.12.1996) by 1996 c. 61, s. 9(1)(2)
- Pt. III (ss. 55-106) modified (18.12.1996) by 1996 c. 61, s. 51
- Pt. III (ss. 55-106) modified (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), art. 20(1)
- Pt. III (ss. 55-106) modified (31.10.2005) by The London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721), art. 4
- Pt. III (ss. 55-106) modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), art. 21(1) (with arts. 3(5), 15(3))
- Pt. III (ss. 55-106) applied (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 89, 121, Sch. 4 para. 3(2) (with s. 111); S.I. 2006/1281, art. 2
- Pt. III (ss. 55-106) modified (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), art. 17(1) (with art. 43)
- Pt. III (ss. 55-106) modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 18(1)
- C2** Pt. III (ss. 55-106) modified (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), art. 25(2) (with art. 30)

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- Pt. III modified (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), art. 17(1) (with arts. 3(6), 12(3))
- C3** Pt. III modified (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), art. 27(1) (with art. 19, Sch. 3 para. 13(2))
- C4** Pt. III modified (22.7.2008) by Crossrail Act 2008 (c. 18), s. 10(1)
- C5** Pt. III modified (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 34(1) (with art. 36(3))

Meaning of development

55 Meaning of “development” and “new development”.

- (1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

[^{F1}(1A) For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.]

- (2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building,
 and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;
- (b) the carrying out on land within the boundaries of a road by a ^{F2} . . . highway authority of any works required for the maintenance or improvement of the road [^{F3}but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];
- (c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use

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- of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.
- [^{F4}(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.]
- [^{F5}(2A) The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.
- (2B) The development order may make different provision for different purposes.]
- (3) For the avoidance of doubt it is hereby declared that for the purposes of this section—
- (a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;
 - (b) the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if—
 - (i) the superficial area of the deposit is extended, or
 - (ii) the height of the deposit is extended and exceeds the level of the land adjoining the site.
- (4) For the purposes of this Act mining operations include—
- (a) the removal of material of any description—
 - (i) from a mineral-working deposit;
 - (ii) from a deposit of pulverised fuel ash or other furnace ash or clinker; or
 - (iii) from a deposit of iron, steel or other metallic slags; and
 - (b) the extraction of minerals from a disused railway embankment.
- [^{F6}(4A) Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection—
- “fish farming” means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);
- “inland waters” means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and
- “tank” includes any cage and any other structure for use in fish farming.]
- (5) Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.
- [^{F7}(6)

Annotations:

Subordinate Legislation Made

P1 S. 55(2)(f); s. 55(2)(f) (with s. 333(7)) power exercised (5.7.1991) by S.I. 1991/1567

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Amendments (Textual)

- F1** S. 55(1A) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 13(1) (with s. 84(5)); S.I. 1992/1279, art. 2 (with art. 3)
- F2** Word in s. 55(2)(b) repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 118, 120, 121, Sch. 6 para. 1, Sch. 9 (with s. 111); S.I. 2006/1281, art. 2
- F3** Words in s. 55(2)(b) inserted (14.3.1999) by S.I. 1999/293, reg. 35(1)7
- F4** S. 55(2)(g) inserted (25.11.1991 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 13(2) (with s. 84(5)); S.I. 1991/2728, art. 2; S.I. 1992/1279, art. 2 (with art. 3)
- F5** S. 55(2A)(2B) inserted (6.8.2004 for certain purposes, 10.5.2006 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 49(1), 121 (with ss. 49(4), 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2
- F6** S. 55(4A) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 14(1)(2) (with s. 84(5)); S.I. 1991/2905, art. 3 (subject to art. 4)
- F7** S. 55(6) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(6), Sch. 6 para. 9, Sch. 19, Pts. I, II (with s. 84(5)); S.I. 1991/2067, art. 3, Sch. 1

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- S.I. 2010/101 commences (2008 c. 29)
- S.I. 2010/321 commences (2004 c. 5)
- S.I. 2010/566 commences (2008 c. 29)
- Act modified by S.I. 2010/626
- Act modified by S.I. 2011/950
- Act text amended by S.I. 2011/1043

