STATUTORY INSTRUMENTS

1977 No. 1939

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) (Amendment No. 2) Regulations 1977

Made - - - -	*21st November* 1977
Laid before Parliament	*5th December* 1977
Coming into Operation	*1st January* 1978

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 287 of and paragraph 1 of Schedule 9 to the Town and Country Planning Act 1971(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) (Amendment No. 2) Regulations 1977 and the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972(**b**), the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) (Amendment) Regulations 1977(**c**) and these regulations may be cited together as the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972 to 1977.

(2) These regulations shall come into operation on 1st January 1978.

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

2. The Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972, as amended, are hereby amended as follows:—

(*a*) In regulation 2(1), the following definition shall be added: —

" "industrial building" means a building (other than a building in

(**a**) 1971 c. 78.
(**b**) S.I. 1972/1652 (1972 III, p. 4852).
(**c**) S.I. 1977/477 (1977 I, p. 1656).
(**d**) 1889 c. 63.

or adjacent to and belonging to a quarry or mine, or a building used for an excepted purpose) used, or intended for use, primarily for the carrying on of processes for or incidental to any of the following purposes, namely: —

(*a*) the making of any article or of part of any article; or

(*b*) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, or breaking up or demolition, of any article;

being a process carried on in the course of a trade or business other than agriculture; and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;";

(*b*) In Schedule 1—

(i) For paragraph 3 there shall be substituted the following paragraphs: —

"3. The erection or the enlargement or other alteration of any building for use for any purpose other than residential purposes or an excepted purpose, or as an industrial building, provided that the aggregate floor space created by the development does not exceed 500 sq. metres (5,381.95 sq. ft.) and the area of land to which the application relates does not exceed 8,000 sq. metres (9,567.92 sq. yds.).

3A. The erection or the enlargement or other alteration of any building for use as an industrial building, provided that the aggregate floor space created by the development does not exceed 1,500 sq. metres (16,145.85 sq. ft.) and the area of land to which the application relates does not exceed 8,000 sq. metres (9,567.92 sq. yds.).";

(ii) For paragraph 7 there shall be substituted the following paragraphs: —

"7. A change in the use of a building or buildings to use for or in connection with any purpose other than residential purposes or an excepted purpose, or as an industrial building, provided that the aggregate floor space used for such purpose does not exceed 500 sq. metres (5,381.95 sq. ft.) and the area of land to which the application relates does not exceed 8,000 sq. metres (9,567.92 sq. yds.).

7A. A change in the use of a building or buildings to use as an industrial building, provided that the aggregate floor space used for that purpose does not exceed 1,500 sq. metres (16,145.85 sq. ft.) and the area of land to which the application relates does not exceed 8,000 sq. metres (9,567.92 sq. yds.).".

Peter Shore,
Secretary of State for the Environment.

21st November 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972, which prescribe certain classes of appeals under sections 36 and 37 of the Town and Country Planning Act 1971 and certain classes of enforcement appeals under section 88 of that Act as classes of appeal which are to be determined by persons appointed by the Secretary of State for the purpose instead of by the Secretary of State himself. By virtue of the amendments, a greater number of appeals relating to industrial development will be determined by appointed persons.

Regulation 3 of the Regulations of 1972 (as amended by the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) (Amendment) Regulations 1977) prescribes the classes of appeal for determination by appointed persons by reference to whether the development to which the appeal relates is within one (or more) of the descriptions set out in Schedule 1 to the regulations. Paragraphs 3 and 7 of that Schedule refer respectively to the erection, enlargement or alteration of buildings and to changes in the use of buildings (other than buildings to be used for certain specified purposes, in either case) where the aggregate floor space to be created by the development or used for the new purpose, as the case may be, does not exceed 500 sq. metres and the area of land to which the appeal relates does not exceed 8,000 sq. metres. These regulations substitute new paragraphs for paragraphs 3 and 7 of Schedule 1, under which the limit on aggregate floor space is raised to 1,500 sq. metres where the development relates to an industrial building (as defined in these regulations).

SI 1977/1939
ISBN 0-11-071939-5

