



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XIII

#### APPLICATION OF ACT TO CROWN LAND

##### Modifications etc. (not altering text)

- C1** Pt. XIII (ss. 293-302) modified (17.7.1992) by S.I. 1992/1732, **art. 2(1)(2)**  
Pt. XIII (ss. 293-302) extended (17.7.1992) by S.I. 1992/1732, **art. 2(1)(a)**

##### *Preliminary*

#### [<sup>F1</sup>292A Application to the Crown

- (1) This Act binds the Crown.
- (2) But subsection (1) is subject to express provision made by this Part.]

##### Textual Amendments

- F1** S. 292A inserted (6.8.2004 for certain purposes and otherwise 7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), **ss. 79(1), 121** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2(a)**

#### **293 Preliminary definitions.**

- (1) In this Part—
  - “Crown land” means land in which there is a Crown interest or a Duchy interest;
  - [<sup>F2</sup>“Crown interest” means any of the following—
    - (a) an interest belonging to Her Majesty in right of the Crown or in right of Her private estates;

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- (b) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (c) such other interest as the Secretary of State specifies by order;]
    - “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall;
    - “private interest” means an interest which is neither a Crown interest nor a Duchy interest.
- (2) For the purposes of this Part “the appropriate authority”, in relation to any land—
- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners;
  - (b) in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;
  - [<sup>F3</sup>(ba) in relation to land belonging to Her Majesty in right of Her private estates means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Secretary of State;]
  - (c) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
  - (d) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
  - (e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.
  - [<sup>F4</sup>(f) in relation to Westminster Hall and the Chapel of St Mary Undercroft, means the Lord Great Chamberlain and the Speakers of the House of Lords and the House of Commons acting jointly;
  - (g) in relation to Her Majesty’s Robing Room in the Palace of Westminster, the adjoining staircase and ante-room and the Royal Gallery, means the Lord Great Chamberlain.]
- [<sup>F5</sup>(2A) For the purposes of an application for planning permission [<sup>F6</sup>or permission in principle] made by or on behalf of the Crown in respect of land which does not belong to the Crown or in respect of which it has no interest a reference to the appropriate authority must be construed as a reference to the person who makes the application.]
- (3) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.
- [<sup>F7</sup>(3A) References to Her Majesty’s private estates must be construed in accordance with section 1 of the Crown Private Estates Act 1862.
- (3B) In subsection (2A) the Crown includes—
- (a) the Duchy of Lancaster;
  - (b) the Duchy of Cornwall;
  - (c) a person who is an appropriate authority by virtue of subsection (2)(f) and (g).]
- (4) <sup>F8</sup> .....
- [<sup>F9</sup>(5) An order made [<sup>F10</sup>by the Secretary of State] for the purposes of paragraph (c) of the definition of Crown interest in subsection (1) must be made by statutory instrument.

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- (6) But no such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.]

#### Textual Amendments

- F2** Definition in s. 293(1) substituted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(2\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F3** S. 293(2)(ba) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(3\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F4** S. 293(2)(f)(g) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(4\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F5** S. 293(2A) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(5\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F6** Words in s. 293(2A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 33](#); S.I. 2016/733, reg. 3(d)
- F7** S. 293(3A)(3B) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(6\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F8** S. 293(4) repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 120, 121, [Sch. 3 para. 22](#), [Sch. 9](#) (with s. 111); S.I. 2006/1281, [art. 2](#)
- F9** S. 293(5)(6) inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 6\(7\)](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F10** Words in s. 293(5) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 7\(4\)](#)

#### Modifications etc. (not altering text)

- C2** S. 293(2)(b) modified (17.7.1992) by S.I. 1992/1732, [art. 2\(4\)\(a\)](#)
- C3** S. 293(3) applied (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), ss. [221\(5\)](#), 223(2) (with ss. 82(3), 186(1), 188, 222(1), [Sch. 14 para. 6](#)) and (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. [222\(8\)\(9\)](#), 225(2) (with ss. 16(6), 178, 179, 222(3), 224(1), [Sch. 22 para. 1](#))  
S. 293(3) applied (1.12.2000) by 1991 c. 56, s. [221\(8\)](#) (as substituted (1.12.2000) by 1995 c. 25, s. 116, [Sch. 21 Pt. I para. 1\(1\)](#) (with ss. 7(6), 115, 117)); S.I. 2000/3033, [art. 2](#)  
S. 293(3) applied (1.7.1997 for certain purposes and otherwise prosp.) by 1991 c. 57, s. [222\(10\)](#) (as substituted by 1995 c. 25, ss. 116, 125(3), [Sch. 21 Pt. I para. 2\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1997/1626, [art. 2](#))
- C4** S. 293(3) applied (1.10.2004 for E. and 11.11.2004 for W.) by [Reservoirs Act 1975 \(c. 23\)](#), s. 27A(8) (as inserted by 2003 c. 37, s. [80](#); S.I. 2004/2528, [art. 2\(p\)](#); S.I. 2004/2916, [art. 2\(e\)](#))

#### *Application of Act as respects Crown land*

#### [<sup>F11</sup>293A Urgent Crown development: application [<sup>F12</sup>to the Welsh Ministers]

- (1) This section applies to a development [<sup>F13</sup>of land in Wales] if the appropriate authority certifies—
- (a) that the development is of national importance, and

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- (b) that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may, instead of making an application for planning permission [<sup>F14</sup>or permission in principle]<sup>F15</sup> to the local planning authority] in accordance with Part 3, make an application for planning permission [<sup>F14</sup>or permission in principle] to the Secretary of State under this section.
- (3) If the appropriate authority proposes to make [<sup>F16</sup>the application to the Secretary of State]<sup>F16</sup> an application under this section] it must publish in one or more newspapers circulating in the locality of the proposed development a notice—
- (a) describing the proposed development, and
  - (b) stating that the authority proposes to make the application to the Secretary of State.
- (4) For the purposes of an application under this section the appropriate authority must provide to the Secretary of State—
- <sup>F17</sup>(a) .....
  - (b) a statement of the authority's grounds for making the application.
- (5) If the appropriate authority makes an application under this section subsections (6) to (9) below apply.
- (6) The Secretary of State may require the authority to provide him with such further information as he thinks necessary to enable him to determine the application.
- (7) As soon as practicable after he is provided with any document or other matter in pursuance of subsection (4) or (6) the Secretary of State must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.
- (8) The Secretary of State must in accordance with such requirements as are contained in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.
- (9) The Secretary of State must consult—
- (a) the local planning authority for the area to which the proposed development relates,
  - <sup>F18</sup>(aa) [<sup>F19</sup>any corporate joint committee for the] area to which the proposed development relates,] and
  - (b) such other persons as are specified or described in a development order, about the application.
- (10) Subsection (7) does not apply to the extent that the document or other matter is subject to a direction under section 321(3)(matters related to national security).
- (11) Subsections (4) to (7) of section 77 apply to an application under this section as they apply to an application in respect of which a direction under section 77 has effect.]

#### Textual Amendments

- F11** S. 293A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 82, 121](#) (with s. 111); S.I. 2004/2097, [art. 2](#); S.I. 2006/1281, [art. 2](#)
- F12** Words in s. 293A heading inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(3\), Sch. 10 para. 7\(a\)](#) (with s. 247)

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- F13** Words in s. 293A(1) inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 10 para. 7(b)** (with s. 247)
- F14** Words in s. 293A(2) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 34(2)**; S.I. 2016/733, reg. 3(d)
- F15** Words in s. 293A(2) omitted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 17(2)**; S.I. 2016/52, art. 3(e)
- F16** Words in s. 293A(3) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 4 para. 17(3)**; S.I. 2016/52, art. 3(e)
- F17** S. 293A(4)(a) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 165(3), 255(5)** (with s. 247)
- F18** S. 293A(9)(aa) inserted (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 9**; S.I. 2021/7, reg. 2(c)
- F19** Words in s. 293A(9)(aa) substituted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), **Sch. 9 para. 25**

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**Modifications etc. (not altering text)**

- C5** S. 293A applied by S.I. 2017/402, art. 5V(5)(b) (as inserted (E.) (1.6.2018) by [The Town and Country Planning \(Permission in Principle\) \(Amendment\) Order 2017 \(S.I. 2017/1309\)](#), arts. 1, 4)

**[<sup>F20</sup>293B Urgent Crown development: applications to the Secretary of State**

- (1) This section applies where—
  - (a) the appropriate authority intends to make a relevant application, and
  - (b) the authority considers—
    - (i) that the development to which the application relates is of national importance, and
    - (ii) that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may make the application to the Secretary of State under this section.
- (3) In this section, “relevant application” means—
  - (a) an application for planning permission for the development of land in England, or
  - (b) an application for approval of a matter that, as defined in section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.
- (4) An application under this section must include—
  - (a) such information, documents or other matters as may be required by a development order, and
  - (b) a statement of the appropriate authority’s grounds for making the application.
- (5) As soon as practicable after receiving the application, the Secretary of State must give notice to the appropriate authority either agreeing or refusing to determine the application.

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- (6) The Secretary of State may only agree to determine the application if the Secretary of State considers that—
- (a) the development to which the application relates is of national importance, and
  - (b) it is necessary that the development is carried out as a matter of urgency.
- (7) The Secretary of State must send a copy of a notice given under subsection (5) to the local planning authority to whom the application could otherwise have been made.
- (8) The Secretary of State may by notice require the appropriate authority to provide such further information as is necessary for the purposes of—
- (a) deciding whether to agree or to refuse to determine the application;
  - (b) determining the application.
- (9) A development order may make provision—
- (a) as to the form and manner in which an application must be made;
  - (b) requiring notice to be given of an application;
  - (c) as to the form, content and service of a notice required under [paragraph \(b\)](#);
  - (d) requiring that an application be publicised in such manner as the order may specify.
- (10) A development order which makes provision under subsection (9) may include provision to ensure that the imposition of any requirement under that subsection does not result in the public disclosure of sensitive information.
- (11) For the purposes of subsection (10), information is “sensitive” if the Secretary of State directs that—
- (a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and
  - (b) its public disclosure would be contrary to the national interest.
- (12) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (13) The Secretary of State may give directions requiring a local planning authority to do things in relation to an application made under [section 293B](#) that could otherwise have been made to that authority.
- (14) Directions under subsection (13)—
- (a) may relate to a particular application or to applications more generally;
  - (b) may be given to a particular authority or to authorities more generally.

#### Textual Amendments

**F20** Ss. 293B-293J inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with s. 247)

### 293C Urgent Crown development: determination of applications by the Secretary of State

- (1) This section applies where —
- (a) the appropriate authority has made a relevant application to the Secretary of State under [section 293B](#), and

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- (b) the Secretary of State has given notice under [section 293B\(5\)](#) agreeing to determine the application.
- (2) Before determining the application, the Secretary of State must consult the following persons about the application—
  - (a) the local planning authority to which the application could otherwise have been made, and
  - (b) such other persons as the Secretary of State considers appropriate.
- (3) A development order may make provision as to the consultation required by subsection (2) including—
  - (a) provision requiring the Secretary of State to consult other specified persons (or persons of a specified description);
  - (b) provision as to the manner in which persons may be consulted;
  - (c) different provision for different cases or classes of development.
- (4) The Secretary of State may—
  - (a) grant the application, either unconditionally or subject to such conditions as the Secretary of State thinks fit, or
  - (b) refuse it.
- (5) The Secretary of State must notify the local planning authority to whom the application could otherwise have been made of the Secretary of State’s decision on the application.
- (6) The decision of the Secretary of State on the application is final.
- (7) Section 73A applies, with any necessary modifications, to an application for planning permission under [section 293B](#) as it applies to an application for planning permission which is to be determined by the local planning authority under Part 3.
- (8) The following provisions do not apply for the purposes of determining an application for planning permission under [section 293B](#)—
  - (a) [section 58B\(1\)](#) of this Act;
  - (b) [sections 66\(1\) and 72\(1\)](#) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Textual Amendments

**F20** [Ss. 293B-293J](#) inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with [s. 247](#))

### **293D Crown development: applications to the Secretary of State**

- (1) This section applies where—
  - (a) the appropriate authority intends to make a relevant application, and
  - (b) the authority considers that the development to which it relates is of national importance.
- (2) The appropriate authority may make the application to the Secretary of State under this section.
- (3) In this section and [section 293E](#), “relevant application” means—

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- (a) an application for planning permission, or permission in principle, for the development of land in England, or
  - (b) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England,
- but does not include an application of the kind described in section 73(1) or an application of a description excluded by regulations.
- (4) After receiving the application, the Secretary of State must give a notice to the appropriate authority stating whether the Secretary of State considers the development to be of national importance.
  - (5) If the Secretary of State considers the development to be of national importance, the Secretary of State must proceed to determine the application.
  - (6) If the Secretary of State considers that the development is not of national importance, the Secretary of State may take the steps referred to in either subsection (7) or, where it applies, subsection (9).
  - (7) The Secretary of State may—
    - (a) refer the application to the local planning authority to whom it could otherwise have been made, and
    - (b) direct that the application—
      - (i) is to be treated as having been made to the authority (and not to the Secretary of State under this section), and
      - (ii) is to be determined by that authority accordingly.
  - (8) Subsection (9) applies where—
    - (a) the application could otherwise have been made to the Secretary of State under section 62A, and
    - (b) the appropriate authority has given notice to the Secretary of State that the authority consents to the application being treated as having been made to the Secretary of State under that section.
  - (9) The Secretary of State may—
    - (a) direct that the application is to be treated as having been made to the Secretary of State under section 62A (and not to the Secretary of State under this section), and
    - (b) determine the application accordingly.

#### Textual Amendments

**F20** Ss. 293B-293J inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with s. 247)

### 293E Crown development: connected applications to the Secretary of State

- (1) This section applies where—
  - (a) the appropriate authority makes an application to the Secretary of State under section 293D, and



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- (b) the Secretary of State gives a notice to the appropriate authority under [section 293D\(4\)](#) stating that the development to which it relates is considered by the Secretary of State to be of national importance.
- (2) The appropriate authority may make an application (“a connected application”) under the planning Acts to the Secretary of State where the requirements of subsection (3) are met.
- (3) The requirements are that—
  - (a) the application is—
    - (i) for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990,
    - (ii) for hazardous substances consent under the Planning (Hazardous Substances) Act 1990, or
    - (iii) of a prescribed description,
  - (b) it is considered by the person making the application to be connected to an application under [section 293D](#),
  - (c) it is neither a relevant application nor an application of the kind described in [section 73\(1\)](#), and
  - (d) it relates to land in England.
- (4) If a connected application is made under subsection (2), but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—
  - (a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it could otherwise have been made, and
  - (b) direct that the connected application—
    - (i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and
    - (ii) is to be determined by that authority accordingly.

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#### Textual Amendments

**F20** [Ss. 293B-293J](#) inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with [s. 247](#))

#### **293F Applications under [section 293D](#) or [293E](#): supplementary matters**

- (1) The decision of the Secretary of State on an application made under [section 293D](#) or [293E](#) is final.
- (2) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made under [section 293D](#) or [293E](#) that could otherwise have been made to that authority.
- (3) Directions under subsection (2)—
  - (a) may relate to a particular application or to applications more generally;
  - (b) may be given to a particular authority or to authorities more generally.

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#### Textual Amendments

**F20** Ss. 293B-293J inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with s. 247)

### 293G Notifying parish councils of applications under section 293D(2)

- (1) If an application is made to the Secretary of State under section 293D(2) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—
  - (a) the application, and
  - (b) any alteration of the application accepted by the Secretary of State.
- (2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under [subsection \(1\)](#) as they apply to duties of a local planning authority under paragraph 8(1) or (3B) of that Schedule.

#### Textual Amendments

**F20** Ss. 293B-293J inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with s. 247)

### 293H Provisions applying to applications made under section 293D or 293E

- (1) Sections 62(3) and (4), 65(5), 70 to 70C, 72(1) and (5) and 73A apply, with any necessary modifications, to an application for planning permission made to the Secretary of State under section 293D as they apply to an application for planning permission which is to be determined by the local planning authority.
- (2) Any requirements imposed by a development order by virtue of section 62, 65 or 71 or paragraph 8(6) of Schedule 1, or by regulations under paragraph 14(3) or 16 of Schedule 7A, may be applied by a development order, with or without modifications, to an application for planning permission made to the Secretary of State under section 293D.
- (3) Sections 65(5) and 70 to 70C apply, with any necessary modifications, to an application for permission in principle made to the Secretary of State under section 293D as they apply to an application for permission in principle which is to be determined by the local planning authority.
- (4) Any requirements imposed by a development order by virtue of section 62(1), (2) or (8), 65 or 71 or paragraph 8(6) of Schedule 1 may be applied by a development order, with or without modifications, to an application for permission in principle made to the Secretary of State under section 293D.
- (5) Where an application is made to the Secretary of State under section 293E instead of to the authority to whom it could otherwise have been made, a development order may (with or without modifications) apply to the application any enactment that relates to applications of that kind when made to that authority.

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- (6) A development order which makes provision under this section to apply to an application under section 293D or 293E (with or without modifications) any requirement to disclose information may include provision to secure that the requirement would not result in the public disclosure of sensitive information.
- (7) For the purposes of subsection (6), information is “sensitive” if the Secretary of State directs that—
  - (a) it relates to matters of national security or measures taken or to be taken to ensure the security of any premises or property, and
  - (b) its public disclosure would be contrary to the national interest.

#### Textual Amendments

**F20** Ss. 293B-293J inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with s. 247)

### 293I Deciding applications made under section 293D or 293E

- (1) An application made to the Secretary of State under section 293D or 293E (“a direct application”) is to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State, subject to section 293J.
- (2) Where a person has been appointed under subsection (1) or this subsection to determine a direct application then, at any time before the person has determined the application, the Secretary of State may—
  - (a) revoke the person’s appointment;
  - (b) appoint another person to determine the application instead.
- (3) A person appointed under this section to determine a direct application has the same powers and duties that the Secretary of State has under section 293H.
- (4) Where a direct application is determined by a person appointed under this section, the person’s decision is to be treated as that of the Secretary of State.
- (5) Except as provided by Part 12, the validity of that decision is not to be questioned in any proceedings whatsoever.
- (6) It is not a ground of application to the High Court under section 288 that a direct application ought to have been determined by the Secretary of State and not by a person appointed under this section unless the applicant challenges the person’s power to determine the direct application before the person’s decision on the direct application is given.
- (7) Where any enactment (other than this section and section 319A)—
  - (a) refers (or is to be read as referring) to the Secretary of State in a context relating to or capable of relating to a direct application (otherwise than by referring to the application having been made to the Secretary of State), or
  - (b) refers (or is to be read as referring) to anything (other than the making of the application) done or authorised or required to be done by, to or before the Secretary of State in connection with any such application,

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then, so far as the context permits, the enactment is to be read, in relation to an application determined or to be determined by a person appointed under this section, as if the reference to the Secretary of State were or included a reference to that person.

#### Textual Amendments

**F20** Ss. 293B-293J inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with s. 247)

### 293J Applications under section 293D or 293E: determination by the Secretary of State

- (1) The Secretary of State may direct that an application made to the Secretary of State under section 293D or 293E (“a direct application”) is to be determined by the Secretary of State instead of by a person appointed under section 293I.
- (2) Where a direction is given under subsection (1), the Secretary of State must serve a copy of the direction on—
  - (a) the person, if any, appointed under section 293I to determine the application concerned,
  - (b) the applicant, and
  - (c) the local planning authority.
- (3) Where a direct application is to be determined by the Secretary of State in consequence of a direction under subsection (1)—
  - (a) in determining the application, the Secretary of State may take into account any report made to the Secretary of State by any person previously appointed to determine the application, and
  - (b) subject to that, the provisions of the planning Acts which are relevant to the application apply to it as if section 293I had never applied to it.
- (4) The Secretary of State may by a further direction revoke a direction under subsection (1) at any time before the determination of the direct application concerned.
- (5) Where a direction is given under subsection (4), the Secretary of State must serve a copy of the direction on—
  - (a) the person, if any, previously appointed under section 293I to determine the application concerned,
  - (b) the applicant, and
  - (c) the local planning authority.
- (6) Where a direction is given under subsection (4) in relation to a direct application—
  - (a) anything done by or on behalf of the Secretary of State in connection with the application which might have been done by a person appointed under section 293I to determine the application is, unless the person appointed under section 293I to determine the application directs otherwise, to be treated as having been done by that person, and
  - (b) subject to that, section 293I applies to the application as if no direction under subsection (1) had been given in relation to the application.]

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**Textual Amendments**

**F20** Ss. 293B-293J inserted (26.12.2023 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 109\(2\), 255\(3\)](#) (with s. 247)

**294 Control of development on Crown land: special enforcement notices.**

**F21** .....

**Textual Amendments**

**F21** S. 294 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 79, 120, 121, Sch. 3 para. 9\(1\)](#), [Sch. 9](#) (with s. 111, [Sch. 3 para. 9\(2\)](#)); S.I. 2006/1281, [art. 2](#)

**295 Supplementary provisions as to special enforcement notices.**

**F22** .....

**Textual Amendments**

**F22** S. 295 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 79, 120, 121, Sch. 3 para. 9](#), [Sch. 9](#) (with s. 111, [Sch. 3 para. 9\(2\)](#)); S.I. 2006/1281, [art. 2](#)

**296 Exercise of powers in relation to Crown land.**

**F23** .....

**Textual Amendments**

**F23** S. 296 repealed (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 84\(1\), 120, 121, Sch. 9](#) (with s. 111); S.I. 2006/1281, [art. 2](#)

**[<sup>F24</sup>296A Enforcement in relation to the Crown**

- (1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act.
- (2) A local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.
- (3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.
- (4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.
- (5) A step taken for the purposes of enforcement includes—
  - (a) entering land;
  - (b) bringing proceedings;

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- (c) the making of an application.
- (6) A step taken for the purposes of enforcement does not include—
  - (a) service of a notice;
  - (b) the making of an order (other than by a court).

**Textual Amendments**  
**F24** Ss. 296A, 296B inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 84(2), 121 (with s. 111); S.I. 2006/1281, art. 2

**296B References to an interest in land**

- (1) Subsection (2) applies to the extent that an interest in land is a Crown interest or a Duchy interest.
- (2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.
- (3) An interest in land includes an interest only as occupier of the land.]

**Textual Amendments**  
**F24** Ss. 296A, 296B inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 84(2), 121 (with s. 111); S.I. 2006/1281, art. 2

**297 Agreements relating to Crown land.**

<sup>F25</sup> .....

**Textual Amendments**  
**F25** S. 297 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 23, Sch. 9 (with s. 111); S.I. 2006/1281, art. 2

**298 Supplementary provisions as to Crown and Duchy interests.**

- (1) <sup>F26</sup> .....
- (2) <sup>F26</sup> .....
- (3) Where, in accordance with an agreement under section 297, the approval of a local planning authority is required in respect of any development of land in which there is [<sup>F27</sup>a Crown interest or] a Duchy interest, [<sup>F28</sup>sections 109 to 112] shall have effect in relation to the withholding of that approval, or the giving of it subject to conditions, as if it were a refusal of planning permission or, as the case may be, a grant of planning permission subject to conditions.

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#### Textual Amendments

- F26** S. 298(1)(2) repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 24(2), **Sch. 9** (with s. 111); S.I. 2006/1281, **art. 2**
- F27** Words in s. 298(3) inserted (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, **Sch. 3 para. 24(3)** (with s. 111); S.I. 2006/1281, **art. 2**
- F28** Words in s. 298(3) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 31, **Sch. 6 para. 25** (2) (with saving in Sch. 6 para. 25(3) and with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

### [<sup>F29</sup>298A Applications for planning permission [<sup>F30</sup> etc] by Crown

- (1) This section applies to an application for planning permission<sup>F31</sup>, for permission in principle] or for a certificate under section 192 made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment.]

#### Textual Amendments

- F29** S. 298A inserted (6.8.2004 for certain purposes and 7.6.2006 otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 121, **Sch. 3 para. 10(1)** (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1281, **art. 2**
- F30** Word in s. 298A heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 35(2)**; S.I. 2016/733, reg. 3(d)
- F31** Words in s. 298A(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 35(3)**; S.I. 2016/733, reg. 3(d)

### *Provisions relating to anticipated disposal of Crown land*

## 299 Application for planning permission etc. in anticipation of disposal of Crown land.

<sup>F32</sup> .....

#### Textual Amendments

- F32** S. 299 repealed (6.8.2004 for certain purposes and prosp. otherwise) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 10(2), **Sch. 9** (with s. 111); S.I. 2004/2097, **art. 2**

## 299A Crown planning obligations.

<sup>F33</sup> .....

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#### Textual Amendments

**F33** S. 299A repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, Sch. 3 para. 25, **Sch. 9**, (with s. 111); S.I. 2006/1281, **art. 2**

#### Modifications etc. (not altering text)

**C6** S. 299A modified (1.4.1996) by 1994 c. 19, s. 66(7), **Sch. 17 para. 15(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/3198, art. 6(3), **Sch. 5**

### 300 Tree preservation orders in anticipation of disposal of Crown land.

F34 .....

#### Textual Amendments

**F34** S. 300 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 26, **Sch. 9** (with s. 111, Sch. 3 para. 26(2)); S.I. 2006/1281, **art. 2**

### 301 Requirement of planning permission for continuance of use instituted by the Crown.

F35 .....

#### Textual Amendments

**F35** S. 301 repealed (7.6.2006) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 79, 120, 121, Sch. 3 para. 27, **Sch. 9** (with s. 111, Sch. 3 para. 27(2)); S.I. 2006/1281, **art. 2**

*Enforcement in respect of war-time breaches of planning control by Crown*

### 302 Enforcement in respect of war-time breaches of planning control by the Crown.

- (1) This section applies where during the war period—
- (a) works not complying with planning control were carried out on land, or
  - (b) a use of land not complying with planning control was begun by or on behalf of the Crown.
- (2) Subject to subsection (4), if at any time after the end of the war period there subsists in the land a permanent or long-term interest which is neither held by or on behalf of the Crown nor subject to any interest or right to possession so held, the planning control shall, so long as such an interest subsists in the land, be enforceable in respect of those works or that use notwithstanding—
- (a) that the works were carried out or the land used by or on behalf of the Crown, or
  - (b) the subsistence in the land of any interest held by or on behalf of the Crown in reversion (whether immediate or not) expectant on the termination of that permanent or long-term interest.



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- (3) A person entitled to make an application under this subsection with respect to any land may apply at any time before the relevant date to an authority responsible for enforcing any planning control for a determination—
- (a) whether works on the land carried out, or a use of the land begun, during the war period fail to comply with any planning control which the authority are responsible for enforcing, and
  - (b) if so, whether the works or use should be deemed to comply with that control.
- (4) Where any works on land carried out, or use of land begun, during the war period remain or continues after the relevant date and no such determination has been given, the works or use shall by virtue of this subsection be treated for all purposes as complying with that control unless steps for enforcing the control have been begun before that date.
- (5) Schedule 15 shall have effect for the purpose of making supplementary provision concerning the enforcement of breaches of planning control to which this section applies and the making and determination of applications under subsection (3).
- (6) In this section and that Schedule—
- “authority responsible for enforcing planning control” means, in relation to any works on land or use of land, the authority empowered by virtue of section 75 of the 1947 Act or of paragraph 34 of Schedule 24 to the 1971 Act (including that paragraph as it continues in effect by virtue of Schedule 3 to the <sup>M1</sup>Planning (Consequential Provisions) Act 1990) to serve an enforcement notice in respect of it or the authority who would be so empowered if the works had been carried out, or the use begun, otherwise than in compliance with planning control;
  - “the relevant date”, in relation to any land, means the date with which the period of five years from the end of the war period ends, but for the purposes of this definition any time during which, notwithstanding subsection (2), planning control is unenforceable by reason of the subsistence in or over the land of any interest or right to possession held by or on behalf of the Crown shall be disregarded;
  - “owner” has the same meaning as in the <sup>M2</sup>Housing Act 1985 and “owned” shall be construed accordingly;
  - “permanent or long-term interest”, in relation to any land, means the fee simple in the land, a tenancy of the land granted for a term of more than ten years and not subject to a subsisting right of the landlord to determine the tenancy at or before the expiration of ten years from the beginning of the term, or a tenancy granted for a term of ten years or less with a right of renewal which would enable the tenant to prolong the term of the tenancy beyond ten years;
  - “tenancy” includes a tenancy under an underlease and a tenancy under an agreement for a lease or underlease, but does not include an option to take a tenancy and does not include a mortgage;
  - “war period” means the period extending from 3rd September 1939 to 26th March 1946;
  - “works” includes any building, structure, excavation or other work on land.
- (7) References in this section and that Schedule to non-compliance with planning control mean—

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- (a) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to a resolution to prepare a scheme under the <sup>M3</sup>Town and Country Planning Act 1932, that the works were carried out or the use begun otherwise than in accordance with the terms of an interim development order or of permission granted under such an order;
- (b) in relation to works on land carried out, or a use of land begun, at a time when the land was subject to such a scheme, that the works were carried out or the use begun otherwise than in conformity with the provisions of the scheme;

and references in this Act to compliance with planning control shall be construed accordingly.

- (8) References in this section and that Schedule to the enforcement of planning control shall be construed as references to the exercise of the powers conferred by section 75 of the 1947 Act or by paragraph 34 of Schedule 24 to the 1971 Act (including that paragraph as it continues in effect by virtue of Schedule 3 to the <sup>M4</sup>Planning (Consequential Provisions) Act 1990).

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**Marginal Citations**

- M1** 1990 c. 9.
- M2** 1985 c. 68.
- M3** 1932 c. 48.
- M4** 1990 c. 9.

**Changes to legislation:**

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

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)