

# THE TOWN AND COUNTRY PLANNING ACT

## THE TOWN AND COUNTRY PLANNING (WESTMORELAND PARISH) PROVISIONAL DEVELOPMENT ORDER (CONFIRMATION) NOTIFICATION, 1978

In exercise of the powers conferred upon the Minister by subsection (2) of section 7 of the Town and Country Planning Act the following Notification is hereby given:—

1. This Notification may be cited as the Town and Country Planning (Westmoreland Parish) Provisional Development Order (Confirmation) Notification, 1978.

2. The Town and Country Planning (Westmoreland Parish) Provisional Development Order, 1977 is hereby confirmed with the following modifications set out in the Schedule hereto:

### SCHEDULE

- (a) Clause 2—"outline application" delete the word "reserve" and substitute therefor the word "reserved."
- (b) Page 388
  - (i) delete the headings "Name—Location" appearing immediately below "Statements contd"; and
  - (ii) delete the letter "s" from the word "developments" appearing immediately below the heading "Beaches";
  - (iii) delete the word "densy" appearing under the heading "Community Planning" substituting therefor the word "density".
- (c) Page 394—in line one, delete the word "good"; and in line 4 delete the word "regional" and substitute therefor the word "recreational". In line 6 delete the words "integrate properly" and substitute therefor "properly integrate".
- (d) Delete all appearing in the "first Schedule" after "Westmoreland Parish Development Area (Clause 1)" and substituting therefor:

"Starting at Scotts or Seals Cove, generally in a north-easterly north-westerly and north-easterly direction along the common parish boundary of Westmoreland and St. Elizabeth to the common corner of the parishes of Westmoreland, St. Elizabeth and St. James; thence generally northerly, north-easterly then northerly along the centre line of the Great River, the common boundary of the parishes of Westmoreland and St. James, to the common corner of the boundary of the parishes of Westmoreland, St. James and Hanover; thence westerly, north-westerly, westerly, south-westerly and westerly along the common boundary of Hanover and Westmoreland to its intersection with the Green Island/Springfield parochial road; thence southerly along the said parochial road to its end at Springfield and, in a straight line, to the end of and thence southerly along a parochial road which intersects with the Springfield/Cato parochial road; thence south-westerly and north-westerly along the main road to a point approximately one-half mile east of the intersection of the main road and the Springfield/Green Island road; thence southerly in a direct line crossing the Sheffield/Little London parochial road to a point on the Mount Airy/Orange Hill approximately one-half

SCHEDULE, *contd.*

mile west of intersection of the Sheffield/Little London road with the Mount Airy/Orange Hill parochial road, thence generally westerly, south-westerly and north-westerly along the mount Airy/Orange Hill parochial road to a point at its intersection with the 490,000 north parallel; thence along this parallel due westerly to its intersection with the sea coast south of the Negril Lighthouse; thence south-easterly, north-easterly, easterly and south-easterly to the starting point at Scotts or Seals Cove."

- (e) That the north-westerly side of the boundary of Map I be appropriately amended to reflect the description of the "First Schedule."

Dated at Kingston this 15th day of June, 1978.

ERIC O. BELL,  
Minister of Finance and Planning.

# THE TOWN AND COUNTRY PLANNING ACT

## THE TOWN AND COUNTRY PLANNING (WESTMORELAND PARISH) PROVISIONAL DEVELOPMENT ORDER, 1977

In exercise of the power conferred upon the Town and Country Planning Authority by Section 5(1) of the Town and Country Planning Act, the following Provisional Development Order is, after consultation with the Parish Council of Westmoreland hereby made:

1. This Order may be cited as the Town and Country Planning (Westmoreland Parish) Provisional Development Order, 1977 and shall apply to the area described in the First Schedule to this Order and delineated on the zoning proposal plan marked Map I attached hereto.

Citation and  
application.  
First Schedule.

2. In this Order—

“the Act” means the Town and Country Planning Act;

“the Authority” has the meaning assigned to it by section 2 of the Act;

“development” has the meaning assigned to it by section 5 of the Act and “develop” shall be construed accordingly;

“development plan” means any local, urban, rural, regional or national plan including any accompanying statements, diagrams, maps, charts, approved in relation to this Order;

“Local Authority” has the meaning assigned to it by section 2 of the Act;

“local planning authority” has the meaning assigned to it by section 2 of the Act;

“mineral consultation area” means any land that is held or occupied under a mining lease, licence or other instrument issued under the Mining Act and includes land reserved for mining operations and lands known to have significant mineral deposits or showings.

“the Minister” has the meaning assigned to it by section 2 of the Act;

“outline application” means one made in accordance with the provisions of this development order with the reservation for subsequent approval by the local planning authority of certain reserve matters not particularised in the application; and

“outline permission” means permission given on this application;

“planning decision” means a decision made on an application for permission to develop land under Part III of the Act;

“planning permission” has the meaning assigned to it by section 2 of the Act

“quarry” has the meaning assigned to it by the Quarries Act.

**Use Classes.  
Second Schedule.**

3. (1) Where a building or other land is used for a purpose of any class specified in the Second Schedule to this Order, the use of such buildings or other land for any purposes of the same class shall not be deemed for the purpose of the Act to involve development of land.

(2) A use which is ordinarily incidental to and included in any use specified in the Second Schedule to this Order is not excluded from that use as an incident thereto merely by reason of its specification in the said Schedule as a separate use.

**Permitted Development.  
Fourth Schedule.**

4. (1) Notwithstanding the provisions of this Order, development of any class specified in column 1 of the Fourth Schedule hereto may be undertaken in accordance with the conditions specified in column 2 of the said Schedule in relation to such development without the permission of the local planning authority.

(2) Nothing in this paragraph or in the Fourth Schedule shall operate so as to permit any development contrary to any condition imposed in any permission granted under Part III of the Act.

**Prohibition of Development.**

5. Subject to the provisions of this Order no development of land within the area to which this Order applies, shall take place except in accordance with the development plan and any planning permission granted in relation thereto;

Provided that the local planning authority may in such cases and subject to such conditions as may be specified by directions given by the Minister under this Order grant permission for development which does not appear to be provided for in this Order or the development plan and is not in conflict therewith.

**Applications.**

6. (1) Every application to the local planning authority for planning permission shall be made in a form issued by the local planning authority and obtainable from that authority or from the Authority, and shall include the particulars required by such form to be supplied, and be accompanied by—

- (a) a plan sufficient to identify the land to which the application relates; and
- (b) such other plans and drawings as are necessary to describe the development which is the subject of the application together with such additional number of copies not exceeding ten, of the form, plans and drawings,

as may be required by the directions of the local planning authority and printed on the form.

(2) An applicant who without reasonable excuse fails to give such further information requested of him within (30) thirty days from the date of the receipt of the said request or such longer period as the local planning authority may think adequate in the circumstances shall be deemed to have abandoned the said application.

(3) Where an applicant so desires, an application expressed to be an outline application may be made under sub-clause (1) of this clause for permission for the erection of any building, subject to the making of a subsequent application to the local planning authority with respect of any matters relating to the siting, design or external appearance of the building, or the means of access thereto; in which case particulars and plans in regard to those matters shall not be required and permission may be granted subject to the aforesaid (with or without other conditions) or refused;

Provided that:—

- (a) where such permission is granted it shall be expressed to be granted under this clause on an outline application and the approval of the local planning authority shall be required with respect to the matters reserved in the planning permission before any development is commenced;
  - (b) where the local planning authority is of the opinion that in the circumstances of the case the application for permission ought not to be considered separately from the siting, design or external appearance of the buildings, or the means of access thereto, they shall within the period of one month from the receipt of the outline application, notify the applicant that they are unable to entertain such application, specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development, and the applicant may either—
    - (i) furnish the information so required, in which event the application shall be treated as if it has been received on the date when such information was furnished and had included such information; or
    - (ii) appeal to the Minister under section 13 of the Act within one month of receiving such notice, or such longer period as the Minister may at any time allow, as if his outline application had been refused by the planning authority.
- (4) Every application for an approval required by virtue of proviso (a) to sub-clause 3 of this clause shall be in writing and shall include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the planning permission together with such additional number of copies of the application and plans and drawings as were required in relation to the application for planning permission.
- (5) Every application to the local planning authority for a determination under section 14 of the Act shall be in writing, and shall contain a description of the operations or change of use proposed and of the land to which such proposal relates.
- (6) On receipt of any application under this paragraph the local planning authority shall send to the applicant an acknowledgement thereof in the terms (or substantially in the terms) set out in Part I of the Third Schedule hereto.
- (7) The local planning authority may by a direction in writing addressed to the applicant require to be produced to an officer of the local planning authority such evidence in respect of an application for planning permission made to them as they may reasonably call for to verify any particulars of information given to them.
- (8) Except where otherwise provided, the period within which the planning authority shall give notice to an applicant of its decision shall be three months or such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority.
- (9) Every such notice shall be in writing, and—
- (a) where the local planning authority decide to grant planning permission subject to conditions or to refuse it, they shall state their reasons in writing and send with the decision a notification in the terms (or substantially in terms) set out in Part II of the Third Schedule hereto;

Third Schedule.

Third Schedule.



- (b) in the case of an application for a determination (whether forming part of an application for planning permission or not) where the local planning authority determine that the carrying out of operations or the making of a change in the use of land would constitute or involve development of the land, they shall state in such notice the grounds for their determination and include a statement to the effect that if the applicant is aggrieved by their decision he may appeal to the Minister under section 13 of the Act within one month of the receipt thereof.

(10) The local planning authority shall furnish to the Minister and to such other persons as may be specified by directions given by the Minister under this Order, such information as may be so specified with respect to applications made to the local planning authority under this clause including information as to the manner in which any such applications have been dealt with.

Directions  
restricting  
grant of  
planning  
permission.

7. (1) The Minister may give directions restricting the grant of planning permission by the local planning authority during such period as may be specified in the directions, in respect of any such development or in respect of development of any such class, as may be so specified.

(2) The local planning authority shall deal with applications for permission to develop to which such directions relate in such manner as to give effect to the terms of the directions.

Consultation  
as to appli-  
cation for  
planning  
permission  
or approval.

8. (1) Before granting planning permission for development or granting any approval in respect of matters reserved in a permission granted on an outline application under clause 6 (3) in any of the following cases, whether unconditionally or subject to conditions, a local planning authority shall consult with the following authorities or persons, namely:—

- (a) where it appears to the local planning authority that the development is likely to affect land in the area of any neighbouring local planning authority, with that authority;
- (b) where it appears to the local planning authority that the development involves —
  - (i) land adjacent to a main road or land reserved for further main road improvement;
  - (ii) any engineering or other works in connection with the formation, laying out, grading or drainage of any access road;
  - (iii) any works which may affect the service of water drainage of in or outside the land to which the application relates and in particular any works affecting or likely to affect natural water course;
  - (iv) such material increase in traffic that the town planning and traffic engineering considerations cannot be considered in isolation from the detailed engineering implications of any such development;
 with the Chief Technical Director for the purpose of the Main Road Act;
- (c) where the development involves the change of use of any land exceeding five acres in area used or previously used or capable of being used for agriculture other than land specified for some other purpose in a development plan, with the Ministry of Agriculture and the Land Development Utilization Commission or any other government agency exercising such functions;
- (d) where the development is of land which is situated within 100 yards from any national monument or any historic site and building having particular beauty or having archaeological and architectural significance with the Jamaica National Trust Commission by virtue of the National Trust Act.

- (e) where the development is situated on land adjoining the seashore, the Beach Control Authority by virtue of the Beach Control Act and Regulations made there under;
- (f) where the development consists of or includes:—
  - (i) the carrying out of works or operations in the bed or on the banks of a river or stream;
  - (ii) the carrying out of a building or other operations or use of land for the purpose of refining or storing mineral oils and their derivatives;
  - (iii) the carrying out of building or other operations or use of land for the retention treatment or disposal of sewage, tradewaste or sludge; with every government agency exercising controlling functions and with the Ministry of Health and Environmental Control;
- (g) where the development is of land which is situated in any mineral consultation area, the Commissioner of Mines, the Jamaica Bauxite Institute and the Ministry of Mining or any other government agency exercising statutory or controlling functions;
- (h) any other government agency as may be requested by the Authority.

(2) The local planning authority shall give to any government agency, authority, person or body with whom they are required to consult as aforesaid, not less than thirty days notice that an application is to be taken into consideration and shall, in determining the application, take into account any representation made by such government agency, authority, person or body.

9. (1) On referring any application to the Authority under section 12 of the Act, pursuant to a direction in that behalf, the local planning authority shall serve on the applicant notice of the terms of the direction and of any reason given by the Authority for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Authority and shall contain a statement that the Authority will, if the applicant so desires, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the authority for the purpose.

Reference of applications to the Authority.

(2) All applications seeking planning permission involving:

- (a) mining operations and any other development in mineral consultation areas; or
- (b) involving the development of land as a quarry;

shall be referred by the local planning authority to the Authority which will request of the applicants such information as is necessary to deal with the applications and the provisions of clause 8 shall apply.

- 10. (1) Subject to the provisions of this Order, any person who desires may appeal— **Appeals.**
  - (a) against a decision of the local planning authority refusing planning permission or granting planning permission subject to conditions; or
  - (b) against a determination of the local planning authority under section 14 of the Act; or

- (c) on the failure of the local planning authority to give notice of their decision or determination; or
  - (d) against the refusal of a local planning authority to approve details which were reserved when an outline planning permission was given, or against their decision approving the details subject to conditions.
- (2) Such person shall also furnish to the Minister a copy of the following documents:—
- (i) the application made to the local planning authority;
  - (ii) all relevant plans, drawings and particulars submitted to them;
  - (iii) the notice of the decision or determination if any;
  - (iv) all other relevant correspondence with the local planning authority.

**Register  
of applica-  
tions.**

11. (1) The local planning authority shall keep a register containing the following information in respect of all land within the area to which this Order applies, namely—

- (a) particulars of any application for permission to develop made to them in respect of any such land, including the name and address of the applicant, the date of the application and brief particulars of the development forming the subject of the application;
- (b) particulars of any direction given under the Act or this Order in respect of the application;
- (c) the decision, if any, of the local planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Minister on appeal, in respect of the application;
- (e) the date of any subsequent approval given in relation to the application.

(2) Such register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the local planning authority.

(4) Every entry in the register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

**Direction  
consents  
and Notices.**

12. (1) Any power conferred by this Order to give direction or consent shall be construed as including power to cancel or vary the direction by a subsequent direction or, as the case may be, to revoke or modify such consent.

(2) Any notice or other document to be served or given under this Order may be served or given in the manner prescribed by section 30 of the Act.

**Compensa-  
tion.**

13. The base date for valuations in assessing compensation in relation to this Order shall be one year prior to the date of this Order.

**Revocation  
and Savings.**

14. The Town and Country Planning (Westmoreland) Development Order 1965 is hereby revoked, but without prejudice to any permission granted or determination made thereunder.



## STATEMENTS

(1) *Advertisements*

The display of advertisements will be controlled so far as it appears to be expedient in the interest of amenity and public safety, hoardings or similar structure used or adopted for the display of advertisements or other public notices constitutes development for which planning permission will be required.

(2) *Agreement*

The Authority may regulate and make agreements with a local authority or with owners and other persons and by a local authority with such persons and by such persons with one another for the purpose of achieving any or all of the objects of the development order. Such agreements may include among other things:

- (a) Agreements between the Authority and the local authority or with owners and other persons for the establishment of such amenities as markets, water supply system, and sewerage system.
- (b) Agreements regulating either permanent or temporary use of land.
- (c) Agreements between a local authority and such persons and by such persons with one another for the establishment and reservation of land for public purposes; for the execution of works the subject of planning permission.

(3) *Agricultural Land*

Land of agricultural potential is to be preserved for productive agricultural use and the intrusion of development involving these lands will be severely restricted.

(4) *Amenities*

All developments should provide for such amenities as the local planning authorities deem necessary in the given circumstances. In this respect, due regard would be had for:—

- (a) the reservation of land for public or private open spaces;
- (b) reservation of land for burial ground and crematoria;
- (c) reservation of land for games and bird sanctuaries and for the protection of marine life;
- (d) the preservation of buildings;
- (e) the preservation of historic sites and buildings of artistic, architectural and archaeological interest as listed hereunder:

## Historic Sites and Buildings

NAME	LOCATION
Old Fort	Savanna-la-Mar
Court House	Savanna-la-Mar
Parish Church and Monument	Savanna-la-Mar
Labour Monument (1938)	Grange Hill
Auchindown (ruin)	Between Savanna-la-Mar and Black River

STATEMENTS, *contd.*Historic Sites and Buildings, *contd.*

NAME	LOCATION
Bluefields	Bluefields
Chebucto	Near Savanna-la-Mar
Sugar Mill	Barham and Blue Castle
Aqueduct	Roaring River
Tomb of Obed Bell Chambers	Between Bethel Town and Darliston
Scotts Cove	Parish border, Westmoreland and St. Elizabeth

Sites and buildings having particular beauty of historic, archaeological and architectural significance are:—

Acton House	Burial site at Banbury Crossing (Grave of Colonel John Guthrie)
Anglesea House	Bullstrode Great House, Grange Hill
Beeston Spring House	Remains of Jewish Burial Ground (Beckford St).
Georges Plain House	St. Michael's Anglican Church, Kew Park
Galloway Estate	Bluefields Lime Factory (with coppers and boilers)
Kew Park Great House and Cottage	Retreat ruined property buildings and machinery
Lochiel House	Bathing Cave on the road from Piper's Corner
New Hope House and Gateway	Caves at Roaring River
Old Windmill, New Hope	Drinking Fountain—Norman Square
Cornwall Great House	Little Bay Ruins (owned by Mr. A. Norton)
St. Paul's Anglican Church, Retreat	Mannings School
Soldier Stone, Struie	Deans Valley Water Works Great House
Carrawaina Aqueduct and Water Wheel	Cairncurran House
Light House, Negril	Hendon House
Braham Water Wheels	Banbury Great House
Long Pond House	Amity House
Knockalva House—	
Llandilo House	

- (f) the preservation of caves;
- (g) the preservation and protection of forest, woods, trees, shrubs, plants and flowers;
- (h) preventing, remedying or removing injury to amenities arising from ruinous or neglected conditions of any building or fence or by the objectional or neglected condition of any land attached to a building or fence or a butting on a road or situated in a residential area;
- (i) prohibiting, regulating and controlling the deposit or disposal of waste materials and refuse, the disposal of sewerage and pollution of rivers, lakes, ponds, gullies and the seashore.

*Beaches*

No developments will be permitted on land adjacent to the line of high water mark which would preclude public access to and along the foreshore. The local planning authority in considering any development involving beaches will give due consideration to the views of the Beach Control Authority or any other agency performing that function.

*Building and other structures*

The provision and siting of community facilities, the layout of building areas, including density spacing, grouping and orientation will be considered in dealing with applications to develop. The size, height, colour and finishing materials for buildings or other structures the objects which may be affixed to structures, the lay out and site coverage of buildings and the use to which land or buildings are to be put will be subject to control by the local planning authority in order to improve standards of design and amenity.

STATEMENTS, *contd.**Community Planning*

The principal urban community is the parish capital Savanna-la-Mar. The development of the other urban communities, indicated on map I hereunto attached, will need basic infrastructure social services and amenities. The proper siting of commercial centres in these communities would be of major importance. Development in these communities will be restricted to land zoned for specific uses; the layout of housing areas including density spaces, grouping and orientation of houses in relation to roads, open spaces and other buildings. Adequate provision should be made for shops, schools, churches meeting halls, play centres, recreation centres, day care centres.

*Commercial Premises*

Commercial premises shall provide within their own curtilage adequate car parking spaces for their own staff and a reasonable proportion for patrons, and provision of loading and unloading shall be provided at the side or rear of the premises so that no parked or temporarily halted vehicles shall be on the road reserved to impede or endanger traffic. The place where buses and trucks pick up or put down passengers and their goods shall be located only where there is adequate space out of the line of traffic for the vehicle and the intending passengers and their goods, where there is good visibility in both directions for an adequate distance to prevent danger to persons and vehicles. For the greater convenience of customers, wherever possible, shops should be grouped rather than located haphazardly.

*Conservation*

Areas of outstanding landscape beauty, areas of outdoor recreational potential and areas of special scientific interest due to the presence of unique fauna and flora, areas with vulnerable watershed and areas of forestry will be conserved and developments within these areas will be severely restricted.

In this regard the following areas indicated on Map I are to be conserved:

- (1) The Paradise Property east of Savanna-la-Mar.
- (2) The Wetland of Auchindown.

In the interest of effective planning the local planning authority to take into consideration:

- (a) adjusting and altering the boundaries and areas of any towns;
- (b) the establishment of satellite towns and new towns;
- (c) the exchanges of land or cancellation of existing subdivision plans as may be necessary or convenient in the circumstances.

*Public Services*

Power and telephone lines should be installed underground in new areas of development wherever possible. In areas of great visual significance this may be required as a condition of approval for development.

*Roads*

Main road reservations must be preserved in every case. Generally, set back from the road improvement line will be a minimum of 20 feet for all categories of land use except where the terrain does not allow.

STATEMENTS, *contd.*

Secondary main roads and parochial roads require reservations of 50 feet and 40 feet respectively, (i.e. 25 feet and 20 feet respectively from the centre line of existing roads) where no improvement lines are indicated, as a general guideline. However, the appropriate road authority may determine the proper improvement line. No fence, wall or other structure will be permitted within these limits.

Building lines are to be set back appropriately and, except where terrain does not permit, no habitable structure may be built within 45 feet of the centre line of a secondary main road nor within 40 feet of the centre line of a parochial road. Utility lines and installations within secondary road reserves require planning permission.

*Zones*

Development should be in accordance with zoning proposals indicated on Map I hereunto annexed. Below is intended relation to uses of these zones:

Zone	Betting Shop	Shops	Offices	Industry	Warehouses	Churches, etc.	Health Centres, etc.	Halls, etc.	Cinemas, etc.	Petrol Filling Stations	Hotels, etc.	Residences	Clubs, Bars	Motor Car Showroom, etc.
Main Communities ..	1	1	2	2	2	1	1	1	2	2	1	1	2	1
Open Space and Natural Conservation Areas ..	3	3	3	3	3	3	3	3	3	2	2	2	2	2

## Unzoned Areas

Applications to be given individual considerations

Normally permitted ..	..	..	..	1
Permitted in certain cases ..	..	..	..	2
Not normally permitted ..	..	..	..	3

## FIRST SCHEDULE

## WESTMORELAND PARISH DEVELOPMENT AREA (CLAUSE I)

Starting at the Chesterfield Bridge located on the north-eastern Westmoreland/St. James Parish Boundary along the unclassified main road from Seaford Town to Chesterfield; then in a north-westerly direction along the Great River which is the Hanover/St. James Parish Boundary to the common point where the Westmoreland/Hanover/St. James Parish Boundaries meet; thence in a north-westerly direction along the Westmoreland/Hanover Parish Boundary to a point north of Silver Spring; thence westerly to a point along the northern Westmoreland/Hanover Parish Boundary approximately 200 feet east of the main road from Springfield to Green Island; thence in a southerly direction to a point at

the north-western corner of Springfield Estate; thence north-westerly along the main road from Cato to Springfield for approximately 1,000 feet; thence southerly to a point along the Parochial Road from Retirement to Orange Hill; thence south-westerly and north-westerly along the said Parochial Road to a point approximately 50 feet north-west of Ironshore District; thence westerly to the sea coast at a point approximately 700 feet south-east of west point; then south-westerly along the sea coast to Scotts or Seals Cove at the junction of the Westmoreland/St. Elizabeth Parish Boundaries; from this point along the Westmoreland/St. Elizabeth Parish Boundary to a point where the Westmoreland/St. Elizabeth/St. James Parish Boundaries meet at a common point; from this point along the Quashi River in a north-westerly then north-easterly direction to the Chesterfield Bridge.

## SECOND SCHEDULE

### USE CLASSES

This Schedule—

“shop” means a building used for the carrying on of any retail trade or retail business wherein, the primary purpose is the selling of goods by retail, and without prejudice to the generality of the foregoing includes a building used for the purpose of a hairdresser, undertaker, travel agency, or as the receiving office for goods to be washed, cleaned or repaired, or for any other purposes appropriate to a shopping area, but does not include a building used as, funfair garage, petrol filling station, office or bank.

1. Use as a shop.
2. Use as an office or bank.
3. Use as a warehouse for any purpose, except storage of offensive or dangerous goods.
4. Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.
5. Use as a health centre, a clinic, a creche, a day nursery or a dispensary or use as a consulting room or surgery unattached to the residence of the consultant or practitioner.
6. Use as an art gallery (otherwise than for business purposes), a museum, a public hall, a concert hall, an exhibition hall, a social centre or a community centre.
7. Use as a public hall, a concert hall, an exhibition hall, a social centre or a community centre.
8. Use as a theatre, cinema or a music hall.
9. Use as a dance hall, a swimming bath, a gymnasium or for indoor games.
10. Use as a hotel, motel or apartment house.
11. Use as a betting shop.
12. Use as a motor car sales lot or showroom.

## THIRD SCHEDULE

### PART I

(Clause 6 (6) )

*Notification to be sent to the applicant on receipt of his application*

Your application dated ..... has been received and, if on  
(insert date)

.....  
(insert date of expiry of the period under Clause 6 of the Order)

you have not been given notice by the planning authority of their decision you are entitled to appeal to the Minister in accordance with section 13 of the Town and Country Planning Act, by notice served within one month from that date. You may, however, by agreement in writing with the planning authority extend the period within which the decision of the planning authority is to be given.

THIRD SCHEDULE, *contd.*

## PART II

(Clause 6 (9))

*Notification to be sent to Applicant on Refusal of Planning Permission  
or on the Grant of Permission subject to Conditions  
(To be endorsed on notices of Decision).*

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, he may, by notice served within one month of the receipt of this notice, appeal to the Minister in accordance with section 13 of the Town and Country Planning Act. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such an appeal if it appears to him that the planning permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section 11 of the Act and of the Development Order and to any directions given in the Order.

2. In certain circumstances provided in section 17 of the Town and Country Planning Act, a claim may be made against the Town and Country Planning Authority for compensation where permission is refused or granted subject to conditions by the Minister on appeal.

## FOURTH SCHEDULE

## PART I

(Clause 4 (1))

The following development is permitted under Clause 4 (1) of this Order subject to the conditions set out opposite the description of such development in column 2. The references in the column to standard conditions are to the conditions numbered and set out in Part II of this Schedule.

Column 1 Description of Development	Column 2 Conditions
<p>CLASS 1—DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLING HOUSE</p> <p>1. The enlargement, improvement or other alteration of a dwelling house so long as the cubic content of the original dwelling house (as ascertained by external measurement) is not exceeded by more than one-tenth, subject to a maximum of 4,000 cubic feet, provided that the erection of a garage or stable within the curtilage of the dwelling house shall be treated as the enlargement of the dwelling house for the purposes of this permission.</p> <p>2. The erection, construction or placing and the maintenance, improvement or other alteration within the curtilage of a dwelling house, of any building or enclosure (other than a dwelling, garage or stable) required for a purpose incidental to the enjoyment of the dwelling house as such.</p>	<p>1. The height of such buildings shall not exceed the height of the original dwelling house.</p> <p>2. No part of such building shall project beyond the forwardmost part of the front of the original dwelling house.</p> <p>3. Standard conditions 1 and 2.</p>



FOURTH SCHEDULE, *contd.*

Column 1 Description of Development	Column 2 Conditions
<p><b>CLASS II—RURAL DWELLINGS</b></p> <p>1. Where the total floor area of any proposed building or of the existing and proposed buildings on a holding does not exceed 50 sq. ft., planning permission shall not be required if in the opinion of the Local Planning Authority such building or buildings will not be visible from the existing main road or principal Parish Council road or the location of the proposed main road.</p> <p><b>CLASS III—SUNDRY MINOR OPERATIONS</b></p> <p>1. The erection or construction of gates, fences, walls or other means of enclosures, not exceeding 4 feet in height where abutting on a highway used by vehicular traffic and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure, but not including land adjacent to the line of high water mark which shall be the subject of a planning application.</p> <p>2. The painting of the exterior of any building or work otherwise than for the purpose of advertisements, announcement or direction.</p> <p><b>CLASS IV—</b></p> <p>1. Any use of land for agricultural purposes.</p>	<p>1. The height shall not exceed in the case of a building with a ridged roof, 12 feet, or in any other case 10 feet.</p> <p>2. The total area covered by all such buildings or enclosures shall not exceed 500 sq. ft. and the total area covered (including the original dwelling house) shall not exceed 50 % of the site area.</p> <p>3. Standard conditions 1 and 2.</p> <p>1. No improvement or alteration shall increase the height above, the height appropriate for a new means of enclosure.</p> <p>2. Standard conditions 1 and 2.</p> <p>1. Standard conditions 1 and 2.</p>

## PART II

*Standard Conditions*

1. The permission shall not authorise any development which involves the formation, laying out or material widening of a means of access to a highway.
2. No development shall be carried out which creates an obstruction to the views of persons using any highway by vehicular traffic at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons, or obstruct scenic views.

Dated at 2A Manhattan Road, Kingston 5, this 28th day of June, 1977.

EASTON DOUGLAS,  
Chairman, Town and Country Planning Authority.

## THE AIMS AND OBJECTS

This Order seeks to make provision for the orderly and progressive development of the parish of Westmoreland in a regional and national context. It is expedient to secure a proper balance between the various demands for land:

- (a) to prevent the alienation and sterilization of good agricultural land;
- (b) to provide a more rational and economic expansion of urban areas in terms of infrastructure development, social facilities and growth potential in the parish;
- (c) to protect and procure areas of ecological, historical and regional significance for public use;
- (d) to integrate properly, local plans by setting broad development guidelines;
- (e) to provide for adequate utilities within the parish and the improvement of environmental quality in the parish.