

**2008 No. 550**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2008**

*Made* - - - - - *26th February 2008*

*Laid before Parliament* *10th March 2008*

*Coming into force* - - - *6th April 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 59, 61(1), 62, 65, 74, 78(2), 193 and 333(7) of the Town and Country Planning Act 1990(a).

**Citation, commencement, interpretation and application**

1.—(1) This Order may be cited as the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2008 and shall come into force on 6th April 2008.

(2) In this Order “the 1995 Order” means the Town and Country Planning (General Development Procedure) Order 1995(b).

(3) This Order applies in relation to—

- (a) applications made on or after 6th April 2008;
- (b) England only.

**Amendment of the Town and Country Planning (General Development Procedure) Order 1995**

2.—(1) The 1995 Order is amended as follows.

(2) In article 1(2) (interpretation) omit the definition of “1988 Regulations”.

(3) After article 4D (access statements: Wales) insert—

**“Applications for planning permission**

**4E.**—(1) Subject to the following provisions of this article, an application for planning permission shall—

- (a) be made in writing to the local planning authority on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) include the particulars specified or referred to in the form;

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- (a) 1990 c. 8. Section 62 was substituted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 42. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the 1990 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.
- (b) S.I. 1995/419. Relevant amendments were made by S.I. 2003/956, S.I. 2006/1062 and S.I. 2006/3390.

- (c) except where the application is made pursuant to section 73 (determination of applications to develop land without conditions previously attached) or section 73A(2)(c) (planning permission for development already carried out in breach of a condition of a planning permission) of the Act, be accompanied, whether electronically or otherwise, by—
  - (i) a plan which identifies the land to which the application relates;
  - (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application;
  - (iii) except where the application is made by electronic communication or the local planning authority indicate that a lesser number is required, 3 copies of the form; and
  - (iv) except where they are submitted by electronic communication or the local planning authority indicate that a lesser number is required, 3 copies of any plans, drawings and information accompanying the application.
- (2) Any plans or drawings required to be provided by paragraph (1)(c)(i) or (ii) shall be drawn to an identified scale and, in the case of plans, shall show the direction of North.
- (3) Subject to paragraphs (3) to (5) of article 3, in the case of an application for outline planning permission, details need not be given of any reserved matters.
- (4) An application for planning permission pursuant to section 73 or 73A(2)(c) of the Act must give sufficient information to enable the local planning authority to identify the previous grant of planning permission and the conditions with which the applicant seeks not to comply.
- (5) An application for planning permission for development consisting of mining operations or the use of land for mineral-working deposits shall—
  - (a) be made on a form provided by the local planning authority;
  - (b) include the particulars specified or referred to in the form; and
  - (c) comply with the requirements of paragraph (1)(c).
- (6) Where an application is made using electronic communications to transmit a form to the local planning authority, the applicant shall be taken to have agreed—
  - (a) to the use of such communications by the local planning authority for the purposes of his application;
  - (b) that his address for those purposes is the address incorporated into, or otherwise logically associated with, his application; and
  - (c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing of the withdrawal of his consent to the use of electronic communications under article 27A of this Order.”.

(4) For article 5 substitute—

**“General provisions relating to applications**

- 5.—(1) An application made under article 4 or 4E, shall be made—
- (a) where the application relates to land in Greater London or a metropolitan county, to the local planning authority;
  - (b) where the application relates to land which is solely in a National Park, to the National Park authority;
  - (c) where the application relates to land which is in neither Greater London nor a metropolitan county and the application relates to a county matter, to the county planning authority;
  - (d) in any other case, to the district planning authority.

(2) When the local planning authority with whom the application has to be lodged receive—

- (a) in the case of an application made under article 4 or article 4E, an application which complies with the requirements of article 4 or article 4E, as the case may be;
- (b) the certificate required by article 7;
- (c) in a case to which article 4C applies, the design and access statement;
- (d) subject to paragraph (3), the particulars or evidence required by the authority under section 62(3) of the Act (applications for planning permission); and
- (e) the fee required to be paid in respect of the application,

the authority shall, as soon as is reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Part 1 of Schedule 1.

(3) Paragraph (2)(d) only applies if—

- (a) before the application is made the local planning authority publish, for the purposes of article 20(3), a list of requirements on their website; and
- (b) the particulars or evidence that the authority require to be included in the application fall within that list.

(4) Where an application is made to a county planning authority in accordance with paragraph (1), that authority shall, as soon as reasonably practicable, send a copy of the application and of any accompanying plans, drawings and information to the district planning authority, if any.

(5) Where, after sending an acknowledgement as required by paragraph (2) of this article, the local planning authority consider that the application is invalid, they shall as soon as reasonably practicable notify the applicant that the application is invalid.

(6) In this article—

“county matter” has the meaning given to that expression in paragraph 1(1) of Schedule 1 to the Act<sup>(a)</sup> (local planning authorities — distribution of functions); and

“invalid application” means an application which is not a valid application within the meaning of article 20(3).”.

(5) In article 7 (certificates in relation to notice of applications for planning permission) in paragraph (1), for the words “in the appropriate form prescribed in Part 2 of Schedule 2 to this Order” substitute—

“in a form published by the Secretary of State”.

(6) In article 20 (time periods for decision)—

(a) for paragraphs (1) to (3) substitute—

“(1) Subject to paragraph (5), where a valid application has been received by a local planning authority, they shall within the period specified or referred to in paragraph (2) give the applicant notice of their decision or determination or notice that the application has been referred to the Secretary of State.

(2) The period specified or referred to in this paragraph is—

- (a) in relation to an application for major development, 13 weeks beginning with the day immediately following that on which the application is received by the local planning authority;
- (b) in relation to an application for development which is not major development, 8 weeks beginning with the day immediately following that on which the application is received by the local planning authority; or

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<sup>(a)</sup> See also the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 (S.I. 2003/1033) which prescribes certain forms of waste development for the purposes of the definition of county matters.

- (c) in relation to any development, unless the applicant has already given notice of appeal to the Secretary of State, such extended period as may be agreed in writing between the applicant and the local planning authority.

(3) In this article “valid application” means an application which consists of—

- (a) an application which complies with the requirements of article 4 or article 4E, as the case may be;
- (b) the certificate required by article 7;
- (c) in a case to which article 4C applies, the design and access statement;
- (d) subject to paragraph (3A), the particulars or evidence required by the authority under section 62(3) of the Act (applications for planning permission); and
- (e) any fee required to be paid in respect of the application and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment,

and a valid application shall be taken to have been received when the application, and such of the documents, particulars or evidence referred to above as are required to be included in, or to accompany, the application have been lodged with the appropriate authority mentioned in article 5(1) and the fee required to be paid has been paid.

(3A) Paragraph (3)(d) only applies if—

- (a) before the application is made the local planning authority publish, for the purposes of paragraph (3), a list of requirements on their website; and
- (b) the particulars or evidence that the authority require to be included in the application fall within that list.

(3B) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—

- (a) sub-paragraph (a) or (b) of paragraph (2), as the case may be, shall have effect as if, for “the application is received by the local planning authority”, there were substituted “the local planning authority are satisfied that they have received the full amount of the fee”; and
- (b) sub-paragraph (c) of that paragraph shall have effect as if, at the end, there were added “once the authority are satisfied that they have received the full amount of the fee”.

- (b) in paragraph (4), for the words “regulation 3 of the 1988 Regulations” substitute “4E”.

(7) In article 24 (certificate of lawful use or development)—

(a) in paragraph (1)—

- (i) for the words “in writing” substitute “made on a form published by the Secretary of State (or a form to substantially the same effect)”;
- (ii) for the words “the following information” substitute “the particulars specified or referred to in the form.”; and
- (iii) omit sub-paragraphs (a) to (g);

(b) in paragraph (2)(a) after “to which the application relates” insert “drawn to an identified scale and showing the direction of North”;

(c) after paragraph (3) insert—

“(3A) Where an application is made using electronic communications to transmit a form to the local planning authority, the applicant shall be taken to have agreed—

- (a) to the use of such communications by the local planning authority for the purposes of his application;
- (b) that his address for those purposes is the address incorporated into, or otherwise logically associated with, his application; and

- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing of the withdrawal of his consent to the use of electronic communications under article 27A of this Order.”;
- (d) for paragraphs (5) to (9) substitute—
  - “(5) When the local planning authority receive an application which complies with the requirements of paragraphs (1) to (3) and any fee required to be paid with respect to the application, they shall, as soon as reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Part 1 of Schedule 1.
  - (6) Where, after sending an acknowledgement as required by paragraph (5), the local planning authority consider that the application is invalid they shall, as soon as reasonably practicable, notify the applicant that the application is invalid.
  - (7) The local planning authority may by notice in writing require the applicant to provide such further information as may be specified to enable them to deal with the application.
  - (8) Where a valid application has been received, the local planning authority shall give the applicant written notice of their decision within—
    - (a) the period of eight weeks beginning with the day immediately following that on which the application is received; or
    - (b) unless the applicant has already given notice of appeal to the Secretary of State, within such extended period as may be agreed in writing between the applicant and the authority.
  - (9) Where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured—
    - (a) sub-paragraph (a) of paragraph (8) shall have effect as if, for “the application is received”, there were substituted “the authority are satisfied that they have received the full amount of the fee”; and
    - (b) sub-paragraph (b) of that paragraph shall have effect as if, at the end, there were added “once the authority are satisfied that they have received the full amount of the fee”.
  - (9A) In this article “valid application” means an application which—
    - (a) complies with the requirements of paragraphs (1) to (3); and
    - (b) is accompanied by the appropriate fee,
 and a valid application shall be taken to have been received when the application and all of the documents, particulars or evidence referred to in paragraphs (1) to (3) have been lodged with the appropriate authority mentioned in article 5(1) and the fee has been paid.”.
- (8) Subject to article 3(b) of this Order, Part 2 of Schedule 2 is revoked.

### **Transitional provisions**

- 3. An application made after 5th April 2008 and before 6th May 2008, otherwise than by a local planning authority or an interested planning authority, may—
  - (a) be made in writing on a form provided by the local planning authority instead of on a form published by the Secretary of State;
  - (b) be accompanied by a certificate for the purposes of article 7 in the appropriate form prescribed in Part 2 of Schedule 2 to the 1995 Order instead of in a form published by the Secretary of State.

Signed by authority of the Secretary of State for Communities and Local Government

26th February 2008

*Iain Wright*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Town and Country Planning (General Development Procedure) Order 1995 (“the 1995 Order”) specifies the procedures connected with planning applications, appeals to the Secretary of State and related matters so far as these are not laid down in the Town and Country Planning Act 1990. This Order amends the 1995 Order in relation to England.

Article 2(3) inserts a new article 4E which makes provision for the form and content of application forms for planning permission. In particular, it provides for applications for planning permission to be made on a standard application form published by the Secretary of State.

Article 2(4) substitutes a new article 5 in the 1995 Order which contains general provisions relating to applications including to which bodies applications should be made and the steps that local planning authorities should take upon receipt of an application for planning permission.

Article 2(5) amends article 7 of the 1995 Order to provide for certificates in relation to notice of applications for planning permission to be made in a form published by the Secretary of State.

Article 2(6) amends article 20 of the 1995 Order, which deals with the time periods in which local planning authorities must determine applications for planning permission. It sets out what constitutes a valid application. The time period within which local planning authorities must determine applications starts the day after a valid application is received unless a cheque is subsequently dishonoured.

Article 2(7) amends article 24, which provides for applications for certificates of lawful use or development, to make similar provision for this type of application.

Article 2(8) makes a consequential revocation.

Article 3 contains transitional provisions.

An impact assessment has been prepared in relation to this Order. This assessment has been placed in the Library of each House of Parliament and copies may be obtained from PSID, Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 3934).

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STATUTORY INSTRUMENTS

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The Town and Country Planning (General Development  
Procedure) (Amendment) (England) Order 2008

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