

1995 No. 419

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (General Development Procedure) Order 1995

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<i>Made</i>	<i>22nd February 1995</i>
<i>Laid before Parliament</i>	<i>6th March 1995</i>
<i>Coming into force</i>	<i>3rd June 1995</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4), and 333(7) of, and paragraphs 5, 6, 7(6) and 8(6) of Schedule 1 to, the Town and Country Planning Act 1990¹ and of all other powers enabling them in that behalf, hereby make the following Order-

Notes

¹ sections 65 and 71(1), (2) and (2A) were substituted by section 16 of the Planning and Compensation Act 1991 (c.34); sections 69, 71(4), 74(2), 77(4), 79(4), 188, 196(4) and paragraph 8(6) of Schedule 1 were amended by paragraphs 13, 15, 17, 18, 19, 30, 33 and 53(5) of Schedule 7 to the 1991 Act respectively; section 74(1A) was inserted, section 78 was amended, and section 193 was substituted, by sections 19(1), 17(2) and 10(1) of the 1991 Act respectively.

ExtentPreamble: England, Wales

 Law In Force**1.— Citation, commencement and interpretation**

(1) [²]¹This Order may be cited as the Town and Country Planning (General Development Procedure) Order 1995 and shall come into force on 3rd June 1995.

(2) In this Order, unless the context otherwise requires-

“the Act” means the Town and Country Planning Act 1990;

[“access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;]³

“building” includes any structure or erection, and any part of a building, as defined in this article, but does not include plant or machinery or any structure in the nature of plant or machinery;

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

[“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000;]⁴

[“EIA development” , “environmental information” and “environmental statement” have the same meanings respectively as in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;]⁵

“erection” , in relation to buildings as defined in this article, includes extension, alteration, or re-erection;

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

[“landscaping” , in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares, water features, sculpture, or public art, and the provision of other amenity features;]³

[“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;]³

[“by local advertisement” means–

(a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated; and

(b) where the local planning authority maintain a website for the purpose of advertisement of applications, by publication of the notice on the website;

] ⁴

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“outline planning permission” means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

[“planning obligation” means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the Act⁷;]⁶

“proposed highway” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation);

“1988 Regulations” means the Town and Country Planning (Applications) Regulations 1988;

[“reserved matters”, in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

- (a) access;
- (b) appearance;
- (c) landscaping;
- (d) layout; and
- (e) scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4);

] ³

[“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;] ³

[“Secretary of State” shall be construed, in relation to Wales, as meaning the National Assembly for Wales;

“section 278 agreement” means an agreement entered into pursuant to section 278 of the Highways Act 1980⁸;] ⁶

“by site display” means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“special road” means a highway or proposed highway which is a special road in accordance with section 16 of the Highways Act 1980 (general provisions as to special roads);

“trunk road” means a highway or proposed highway which is a trunk road by virtue of sections 10(1) or 19 of the Highways Act 1980⁹ (general provisions as to trunk roads, and certain special roads and other highways to become trunk roads) or any other enactment or any instrument made under any enactment.

[(3) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to documents, maps, plans, drawings, certificates or other documents or to copies of such things, include references to such documents or copies of them in electronic form.

(4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the following purposes—

- (a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person; or
- (b) lodging an application, certificate or other document under article 20(3) with an authority mentioned in that article;

and, in those paragraphs, “the recipient” means the person mentioned in sub-paragraph (a) of this paragraph, or the authority mentioned in sub-paragraph (b), as the case may be.

(5) The requirement shall not be taken to be fulfilled, or (as the case may be) the application or other document shall not be taken to have been lodged, unless the document transmitted by the electronic communication is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

(6) In paragraph (5), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(7) Where the electronic communication is received by the recipient outside the recipient's business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(8) A requirement in this Order that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (5); and “written” and cognate expressions are to be construed accordingly.]¹⁰

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Modified by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008/2336 art.3(1) (October 6, 2008)
- ⁴ Modified by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.1 para.1 (January 1, 2005)
- ⁵ Definition substituted by Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006/3099 reg.19 (November 30, 2006)
- ⁶ Modified by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004/1434 art.2 (September 1, 2004)
- ⁷ Section 106 was substituted by section 12 of the Planning and Compensation Act 1991 (c.34).
- ⁸ 1980 c.66; this section was substituted by section 23 of the New Roads and Street Works Act 1991 (c.22). There are other amendments not relevant to this Order.
- ⁹ section 19 was amended by section 21(1) of the New Roads and Street Works Act 1991 (c.22).
- ¹⁰ Inserted by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.1 para.2 (January 1, 2005)

Commencement

art. 1(1)-(2) definition of "trunk road": June 3, 1995

Extent

art. 1(1)-(8): England, Wales

Law In Force

2.— Application

(1) [²]¹ This Order applies to all land in England and Wales, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this Order shall apply to that land only to such extent and subject to such modifications as may be specified in the special development order.

(2) Nothing in this Order shall apply to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Commencement

art. 2(1)-(2): June 3, 1995

Extent

art. 2(1)-(2): England, Wales

Law In Force

2A.— [...] ¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 2A(1)-(3): England, Wales

Law In Force

2B.— [...] ¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 2B(1)-(17): England, Wales

✔ Law In Force

3.— Applications for outline planning permission

(1) [²]¹ Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of one month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.[...] ³

[(3) Where layout is a reserved matter the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.] ³

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ Added by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008/2336 art.3(2) (October 6, 2008)

Commencement

art. 3(1)-(2): June 3, 1995

Extent

art. 3(1)-(5): England, Wales

✔ Law In Force

4. Applications for approval of reserved matters

[²]¹ An application for approval of reserved matters-

(a) shall be made in writing to the local planning authority and shall give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;

(b) shall include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline planning permission; and

(c) except where the authority indicate that a lesser number is required, [or where the application is made using electronic communications,] ³ shall be accompanied by three copies of the application and the plans and drawings submitted with it. [...] ³

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Words inserted by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.1 para.3 (January 1, 2005)

Commencement

art. 4(a)-(c): June 3, 1995

Extent

art. 4(a)-(c): England, Wales

Law In Force

[4A.— Applications in respect of Crown land

(1) [³]² An application for planning permission in respect of Crown land must be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.

] ¹

Notes

- ¹ Substituted by Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006/1386 art.4(2) (June 7, 2006)
- ² Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ³ In relation to England: SI 1995/419 is repealed.

Extent

art. 4A(a)-(1)(b): United Kingdom

Law In Force

4B.— [...] ¹**Notes**

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 4B(1)-(10) definition of "regional": England, Wales

✔ Law In Force

4C.— [...]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 4C(1)-(6): England, Wales

✔ Law In Force

[4D.— Design and access statements: Wales

(1) [³]² This article applies to an application for planning permission which is not an application for planning permission for—

- (a) engineering or mining operations;
- (b) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (c) a material change in the use of land or buildings, provided that if the new use will necessitate access by an employee or involves the provision of services to the public or to a section of the public, with or without payment, then this article applies to the application as if—
 - (i) in paragraph (3), for “a design and access statement” there were substituted “an access statement”;
 - (ii) in paragraph (5), for “A design and access statement must, in relation to access,” there were substituted “An access statement must”; and
 - (iii) paragraphs 3(a), (4) and (6) were omitted.

(2) For the purposes of paragraph (1)(c) “the provision of services” includes the provision of any goods or facilities.

(3) An application for planning permission to which this article applies must be accompanied by a statement (“a design and access statement”) explaining—

- (a) the design principles and concepts that have been applied to the development; and
- (b) how issues relating to access to the development have been dealt with.

(4) A design and access statement must, in relation to design—

- (a) explain the design principles and concepts that have been applied to the following aspects of the development—
 - (i) environmental sustainability;
 - (ii) movement to, from and within the development;
 - (iii) character; and
 - (iv) community safety; and
- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account in relation to its proposed use and each of the aspects specified in sub-paragraph (a).

- (5) A design and access statement must, in relation to access, explain—
- (a) the policy or approach adopted as to access and how policies relating to access in the development plan⁴ have been taken into account;
 - (b) how any specific issues which might affect access to the development have been addressed; and
 - (c) how features which ensure access to the development will be maintained.
- (6) In this article—
- “amount” means—
- (a) in relation to residential development, the number of proposed units for residential use; and
 - (b) in relation to all other forms of development, the proposed floor space for each proposed use forming part of the development;
- “character” includes any landscaping comprised in the development and the amount, layout, scale and appearance of the development; and
- “context” means the physical, social, economic and policy context of the development.

] ¹

Notes

- ¹ Substituted by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009/1024 art.2(2) (June 1, 2009)
- ² Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ³ In relation to England: SI 1995/419 is repealed.
- ⁴ See section 38(4) of the Planning and Compulsory Purchase Act 2004 (c. 5) for the meaning of “development plan” and the transitional provisions and savings in article 3 of the Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847) (C.118).

Extent

art. 4D(1)-(a) definition of "context": England, Wales

Law In Force

4E.— [...] ¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 4E(1)-(6)(c): England, Wales

Law In Force

4F.— [...] ¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 4F(1)-(5): England

Law In Force

5.— General provisions relating to applications

(1) [²]¹ Any application made under regulation 3 of the 1988 Regulations (applications for planning permission) or article 4 above, shall be made-

- (a) where the application relates to land in Greater London or a metropolitan county [or to land in Wales]³, to the local planning authority;
- (b) where the application relates to land [in England which is]⁴ in neither Greater London nor a metropolitan county and-
 - (i) that land is in a National Park, or
 - (ii) the application relates to a county matter,
 to the county planning authority;
- (c) in any other case, to the district planning authority⁵.

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

- (a) in the case of an application made under paragraph (1) of regulation 3 of the 1988 Regulations, the form of application required by that paragraph, together with the certificate or other documents required by article 7;
- (b) in the case of an application made under regulation 3(3) of the 1988 Regulations, sufficient information to enable the authority to identify the previous grant of planning permission, together with the certificate or other documents required by article 7;
- (c) in the case of an application made under article 4 above, the documents and information required by that article,

and the fee, if any, required to be paid in respect of the application⁶, 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 hereto.

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

(4) Where, after sending an acknowledgement as required by paragraph (2) of this article, the local planning authority consider that the application is invalid by reason of a failure to comply with the requirements of regulation 3 of the 1988 Regulations or article 4 above or any other statutory requirement, they shall as soon as reasonably practicable notify the applicant that his application is invalid.

(5) In this article, “county matter” has the meaning given to that expression in paragraph 1(1) of Schedule 1 to the Act⁷ (local planning authorities - distribution of functions). [...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Words added by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.20(1)(a) (April 1, 1996)
- ⁴ Words added by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.20(1)(b) (April 1, 1996)
- ⁵ For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867 and section 1 of the Act.
- ⁶ Fees are prescribed by regulations made under section 303 of the Act; S.I. 1989/193, amended by S.I. 1990/2473, 1991/2735, 1992/1817, 1992/3052, 1993/3170.
- ⁷ Paragraph 1(1) of Schedule 1 was amended by paragraph 13 of Schedule 1 to the Planning and Compensation Act 1991 (c.34).

Commencement

art. 5(1)-(5): June 3, 1995

Extent

art. 5(1)-(5): England, Wales

Law In Force

[5A.— Declaration to accompany application to a local planning authority in Wales for planning permission for certain telecommunications developments.

- (1) [³]² This article applies to any application for planning permission which:
- (a) is made to a local planning authority in Wales; and
 - (b) relates to development which involves the construction or installation of one or more antennas for the purpose of operating a telecommunications system.
- (2) For the purposes of this Article—
“telecommunications system” has the meaning assigned to that term by section 4(1) of the Telecommunications Act 1984⁴ (meaning of “telecommunications system” and related expressions);
- (3) An application to which this Article applies must be accompanied by a written declaration that the equipment and installation to which the application relates is so designed that it will, when constructed or installed, operate, having regard to its location and the manner in which it has been constructed or installed, in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999⁵ on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz).⁶

] ¹

Notes

- ¹ Added by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002/1877 art.3 (August 1, 2002)
- ² Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ³ In relation to England: SI 1995/419 is repealed.
- ⁴ 1984 c. 12; section 10 was amended by S.I. 1997/2930.
- ⁵ 1999/519/EC.
- ⁶ In relation to Wales: art.5A is inserted.

Extent

art. 5A(1)-(3): England, Wales

Law In Force

6.— Notice of applications for planning permission

(1) [²]¹ Subject to paragraph (2), an applicant for planning permission shall give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant,-

- (a) by serving the notice on every such person whose name and address is known to him; and
- (b) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement after the prescribed date.

(2) In the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations, instead of giving notice in the manner provided for by paragraph (1), the applicant shall give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant,-

- (a) by serving the notice on every such person whom the applicant knows to be such a person and whose name and address is known to him;
- (b) by local advertisement after the prescribed date; and
- (c) by site display in at least one place in every parish or community within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than seven days in the period of 21 days immediately preceding the making of the application to the local planning authority.

(3) The notice required by paragraph (2)(c) shall (in addition to any other matters required to be contained in it) name a place within the area of the local planning authority to whom the application is made where a copy of the application for planning permission, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice.

[(3A) Where a local planning authority maintain a website for the purpose of advertisement of applications for planning permission, the notice required by paragraph (2)(c) shall (in addition to any other matters required to be contained in it) state the address of the website where a copy of

the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during such period as may be specified in the notice, and the place on the website where such documents may be accessed, and how they may be accessed.]³

(4) Where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of seven days referred to in paragraph (2)(c) has elapsed, he shall be treated as having complied with the requirements of that paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement.

(5)

(a) The date prescribed for the purposes of section 65(2) of the Act (notice etc. of applications for planning permission), and the “prescribed date” for the purposes of this article, is the day 21 days before the date of the application;

(b) The applications prescribed for the purposes of paragraph (c) of the definition of “owner” in section 65(8) of the Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(6) In this article-

“minerals applications” mean applications for planning permission for development consisting of the winning and working of minerals;

“requisite notice” means notice in the appropriate form set out in Part 1 of Schedule 2 to this Order or in a form substantially to the like effect [, but shall not include notice served using electronic communications]³ ; and

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which an application relates.

(7) [...]⁴

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ Modified by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.1 para.4 (January 1, 2005)

⁴ Revoked by Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006/1281 art.8(a) (June 7, 2006)

Commencement

art. 6(1)-(6) definition of "tenant": June 3, 1995

Extent

art. 6(1)-(7): England, Wales

Law In Force

7.— Certificates in relation to notice of applications for planning permission

(1) [²]¹ Where an application for planning permission is made, the applicant shall certify, in the appropriate form prescribed in Part 2 of Schedule 2 to this Order or in a form substantially to the like effect, that the requirements of article 6 have been satisfied.

(2) If an applicant has cause to rely on paragraph (4) of article 6, the certificate must state the relevant circumstances.[...] ¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Commencement

art. 7(1)-(2): June 3, 1995

Extent

art. 7(1)-(2): England, Wales

Law In Force

8.— Publicity for applications for planning permission

(1) [²]¹ An application for planning permission shall be publicised by the local planning authority to which the application is made in the manner prescribed by this article.

(2) In the case of an application for planning permission for development which-

- (a) is [an EIA application]³ accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part III of the Wildlife and Countryside Act 1981⁴ (public rights of way) applies,

the application shall be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) shall be publicised by giving requisite notice-

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days, and
- (b) by local advertisement.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application shall be publicised by giving requisite notice-

- (a)
 - (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or
 - (ii) by serving the notice on any adjoining owner or occupier,

and

(b) by local advertisement.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application shall be publicised by giving requisite notice-

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or

(b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority shall be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) In this article-

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates;

[“EIA application” has the meaning given in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and “environmental statement” means a statement which the applicant refers to as an environmental statement for the purposes of those Regulations.]⁵

“major development” means development involving any one or more of the following-

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where-

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

“requisite notice” means notice in the appropriate form set out in Schedule 3 to this Order or in a form substantially to the like effect;

“waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials.

[(7A) This article applies to applications made to the Secretary of State under section 293A of the Act (urgent Crown development) as if the references to a local planning authority were references to the Secretary of State.]⁶

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

- ³ Words substituted by Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293 Pt IX reg.35(6) (March 14, 1999)
- ⁴ , to which there are amendments not relevant to this Order.
- ⁵ Substituted by Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293 Pt IX reg.35(7) (March 14, 1999)
- ⁶ Added by Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006/1386 art.4(3) (June 7, 2006)

Commencement

art. 8(1)-(7) definition of "waste development": June 3, 1995

Extent

art. 8(1)-(7A): England, Wales

Law In Force

9.— Applications for planning permission referred to the Secretary of State and appeals to the Secretary of State

(1) [²]¹ Articles 6 and 7 apply to any appeal to the Secretary of State under section 78 of the Act (right to appeal against planning decisions and failure to take such decisions) as they apply to applications for planning permission.

(2) Subject to paragraph (3), if the local planning authority have failed to satisfy the requirements of article 8 in respect of an application for planning permission at the time the application is referred to the Secretary of State under section 77 of the Act (reference of applications to Secretary of State), or any appeal to the Secretary of State is made under section 78 of the Act, article 8 shall continue to apply, as if such referral or appeal to the Secretary of State had not been made.

(3) Where paragraph (2) applies, when the local planning authority have satisfied the requirements of article 8, they shall inform the Secretary of State that they have done so.[...]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Commencement

art. 9(1)-(3): June 3, 1995

Extent

art. 9(1)-(3): England, Wales

✔ Law In Force

10.— Consultations before the grant of permission

(1) [²]¹ Before granting planning permission for development which, in their opinion, falls within a category set out in the table below, a local planning authority shall consult the authority or person mentioned in relation to that category, except where-

- (i) the local planning authority are the authority so mentioned;
- (ii) the local planning authority are required to consult the authority so mentioned under articles 11 or 12; or
- (iii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted.

[...]³

[(1A) The exception in article 10(1)(iii) shall not apply where, in the opinion of the local planning authority, development falls within paragraph (zb) of the table below.

TABLE

<i>Para</i>	<i>Description of Development</i>	<i>Consultee</i>
(a)	Development likely to affect land in Greater London or in a metropolitan county or, in relation to Wales, land in the area of another local planning authority	The local planning authority concerned
(b)	Development likely to affect land in a non-metropolitan county in England, other than land in a National Park	The district planning authority concerned ⁴
(c)	Development likely to affect land in a National Park in England	The county planning authority concerned
(d)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of- (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic- (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	In England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales The operator of the network which includes or consists of the railway in question, and in England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales

Para	Description of Development	Consultee
(f)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(g)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(h)	Development involving- (i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or (ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(i)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(j)	Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority	The Coal Authority
(k)	Development involving or including mining operations	The Environment Agency
(l)	Development within three kilometres of Windsor Castle, Windsor Great Park, or Windsor Home Park, or within 800 metres of any other royal palace or park, which might affect the amenities (including security) of that palace or park	The Secretary of State for National Heritage
(m)	Development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building	The Historic Buildings and Monuments Commission for England
(n)	Development likely to affect the site of a scheduled monument	In England, the Historic Buildings and Monuments Commission for England, and, in Wales, the Secretary of State for Wales
(o)	Development likely to affect any garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 ⁵ (register of gardens) and which is classified as Grade I or Grade II*.	The Historic Buildings and Monuments Commission for England
(p)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Environment Agency
(q)	Development for the purpose of refining or storing mineral oils and their derivatives	The Environment Agency
(r)	Development involving the use of land for the deposit of refuse or waste	The Environment Agency
(s)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Environment Agency
(t)	Development relating to the use of land as a cemetery	The Environment Agency
(u)	Development- (i) in or likely to affect a site of special scientific interest of which notification has been given, or has effect as if given, to the local	The Council which gave, or is to be regarded as having given, the notice

<i>Para</i>	<i>Description of Development</i>	<i>Consultee</i>
	planning authority by the [English Nature] ⁶ or the Countryside Council for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (areas of special scientific interest); or (ii) within an area which has been notified to the local planning authority by the [English Nature] ⁶ or the Countryside Council for Wales, and which is within two kilometres of a site of special scientific interest of which notification has been given or has effect as if given as aforesaid	
(v)	Development involving any land on which there is a theatre	The Theatres Trust
(w)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves- (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	In England, the Minister of Agriculture, Fisheries and Food and, in Wales, the Secretary of State for Wales
(x)	Development within 250 metres of land which- (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the waste regulation authority for the purposes of this provision	The waste regulation authority concerned
(y)	Development for the purposes of fish farming	The Environment Agency
(z)	Development which: (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	In England, the Sports Council for England; in Wales, the Sports Council for Wales
(za)	Development likely to affect (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board ⁷ ; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the local planning authority by the British Waterways Board.	The British Waterways Board
[(zb)	Development- (i) involving the siting of new establishments; or (ii) consisting of modifications to existing establishments which could have significant repercussions on major-accident hazards; or (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the	The Health and Safety Executive and the Environment Agency, and, where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, in England, the [English Nature] ⁶

<i>Para</i>	<i>Description of Development</i>	<i>Consultee</i>
	siting or development is such as to increase the risk or consequences of a major accident.	, or in Wales, the Countryside Council for Wales] ⁸

] ³

(2) In the above table-

- (a) in paragraph (d)(iv), “industrial process” means a process for or incidental to any of the following purposes-
- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
 - (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” means any site on which mining operations are carried out);
- (b) in paragraph (e)(ii), “network” and “operator” have the same meaning as in Part I of the Railways Act 1993 (the provision of railway services);
- (c) in paragraphs (f) and (g), “classified road” means a highway or proposed highway which-
- (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads); or
 - (ii) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;
- (d) in paragraph (h), “concessionaire”, “road subject to a concession” and “toll order” have the same meaning as in Part I of the New Roads and Street Works Act 1991 (new roads in England and Wales);
- (e) in paragraph (i), “street” has the same meaning as in section 48(1) of the New Roads and Street Works Act 1991 (streets, street works and undertakers), and “new street” includes a continuation of an existing street;
- (f) in paragraph (m), “listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest);
- (g) in paragraph (n), “scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments);
- (h) in paragraph (s), “slurry” means animal faeces and urine (whether or not water has been added for handling), and “caravan” has the same meaning as for the purposes of Part I of the Caravan Sites and Control of Development Act 1960⁹ (caravan sites);
- (i) in paragraph (u), “site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981 (areas of special scientific interest) applies;
- (j) in paragraph (v), “theatre” has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation); [...] ¹⁰
- (k) in paragraph (x), “waste regulation authority” has the same meaning as in section 30(1) of the Environmental Protection Act 1990 (authorities for purposes of Part II) [; [...] ¹²] ¹¹
- [(1) in paragraph (z)—
- (i) “playing field” means the whole of a site which encompasses at least one playing pitch;

(ii) “playing pitch” means a delineated area which, together with any run-off area, is of 0.4 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo [; and]¹³

] ¹¹

[(m) the expressions used in paragraph (zb), have the same meaning as in Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances.]¹³

(3) The Secretary of State may give directions to a local planning authority requiring that authority to consult any person or body named in the directions, in any case or class of case specified in the directions.

(4) Where, by or under this article, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission-

(a) they shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and

(b) they shall not determine the application until at least 14 days after the date on which notice is given under paragraph (a) or, if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(5) The local planning authority shall, in determining the application, take into account any representations received from a consultee.[...]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ Added by Planning (Control of Major-Accident Hazards) Regulations 1999/981 reg.6(2)(a) (April 20, 1999)

⁴ For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

⁵ section 8C was inserted by section 33 of, and paragraph 10 of Schedule 4 to, the National Heritage Act 1983 (c.47).

⁶ Words substituted by Countryside and Rights of Way Act 2000 c. 37 Pt III s.73(2) (January 30, 2001)

⁷ See sections 1 and 10 of the Transport Act 1962 (c.46).

⁸ Added by Planning (Control of Major-Accident Hazards) Regulations 1999/981 reg.6(2)(b) (April 20, 1999)

⁹ a relevant amendment is section 13 of the Caravan Sites Act 1968 (c.52).

¹⁰ Word repealed by Town and Country Planning (General Development Procedure) (Amendment) Order 1996/1817 art.3(a) (August 5, 1996)

¹¹ Added by Town and Country Planning (General Development Procedure) (Amendment) Order 1996/1817 art.3(b) (August 5, 1996)

¹² Word repealed by Planning (Control of Major-Accident Hazards) Regulations 1999/981 reg.6(3)(a) (April 20, 1999)

¹³ Added by Planning (Control of Major-Accident Hazards) Regulations 1999/981 reg.6(3)(b) (April 20, 1999)

Commencement

art. 10(1)-(5): June 3, 1995

Extent

art. 10(1)-(5): England, Wales

Law In Force

[10A.— Consultations before the grant of planning permission: urgent Crown development

(1) Article 10 applies in relation to applications made to the Secretary of State under section 293A of the Act with the following modifications.

(2) For paragraphs (1), (1A), and (1B) substitute—

“(1) Before granting planning permission for development which, in the opinion of the Secretary of State, falls within a category set out in the table below, the Secretary of State must consult the authority or person mentioned in relation to that category, except where—

(a) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or

(b) the development is subject to any standing advice provided by the authority or person so mentioned to the Secretary of State in relation to the category of development.

(1A) The exception in paragraph (1)(a) will not apply where, in the opinion of the Secretary of State, development falls within paragraph (zb) of the table below.

(1B) The exception in paragraph (1)(b) will not apply where—

(a) the development is an EIA development; or

(b) the standing advice was issued more than two years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.”.

(3) In the table after paragraph (b) insert—

“(b) Development likely to affect land in the area of a community council	The community council”
---------------------------------------------------------------------------	------------------------

(4) Omit paragraph (3).

(5) In paragraph (4)—

(a) for “a local planning authority are” substitute “the Secretary of State is”;

(b) in sub-paragraph (a) for “they shall” substitute “it must”.

(6) In paragraph (5) for “local planning authority” substitute “Secretary of State”.²

]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Extent

art. 10A(1)-(6): England, Wales

Law In Force

10B.— [...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 10B(1)-(2): England

Law In Force

11. Consultation with county planning authority

[²]¹ Where a district planning authority are required by paragraph 7 of Schedule 1 to the Act³ (local planning authorities - distribution of functions) to consult the county planning authority before determining an application for planning permission, they shall not determine the application until the expiry of at least 14 days after the date of the notice given to the county planning authority in accordance with sub-paragraph (6)(b) of that paragraph.[...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Paragraph 7 was amended by paragraph 35(2) of Schedule 4, and paragraph 53(4) of Schedule 7, to the Planning and Compensation Act 1991 (c.34).

Commencement

art. 11: June 3, 1995

Extent

art. 11: England, Wales

Law In Force

11A.— [...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 11A(1)-(5): England, Wales

Law In Force

11B.— [...]¹**Notes**

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 11B(1)-(3)(e): England, Wales

Law In Force

12.— Applications relating to county matters

- (1) [²]¹ A county planning authority shall, before determining-
- (a) an application for planning permission under Part III of the Act (control over development);
 - (b) an application for a certificate of lawful use or development under section 191 or 192 of the Act³ (certificates of lawfulness of existing or proposed use or development); or
 - (c) an application for approval of reserved matters,
- give the district planning authority, if any, for the area in which the relevant land lies a period of at least 14 days, from the date of receipt of the application by the district authority, within which to make recommendations about the manner in which the application shall be determined; and shall take any such recommendations into account.
- (2) A county planning authority shall-
- (a) on determining an application of a kind mentioned in paragraph (1), as soon as reasonably practicable notify the district planning authority, if any, of the terms of their decision; or
 - (b) if any such application is referred to the Secretary of State, inform the district planning authority, if any, of the date when it was so referred and, when notified to them, of the terms of the decision.[...]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ Sections 191 to 194 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c.34).

Commencement

art. 12(1)-(2)(b): June 3, 1995

Extent

art. 12(1)-(2)(b): England, Wales

Law In Force

13.— Notice to parish and community councils

(1) [²]¹ Where the council of a parish [...] ³ are given information in relation to an application pursuant to paragraph 8(1) of Schedule 1 to the Act⁴ (local planning authorities - distribution of functions) [or the council of a community are given information in relation to an application pursuant to paragraph 2(1) of Schedule 1A to the Act (distribution of local planning authority functions: Wales)⁶]⁵ , they shall, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and shall make any representations to that authority within 14 days of the notification to them of the application.

(2) A local planning authority shall not determine any application in respect of which a parish or community are required to be given information before-

(a) the council of the parish or community inform them that they do not propose to make any representations;

(b) representations are made by that council; or

(c) the period of 14 days mentioned in paragraph (1) has elapsed,

whichever shall first occur; and in determining the application the authority shall take into account any representations received from the council of the parish or community.

(3) The district planning authority (or, in a metropolitan county [or Wales]⁷ , the local planning authority) shall notify the council of the parish or community of the terms of the decision on any such application or, where the application is referred to the Secretary of State, of the date when it was so referred and, when notified to them, of the terms of his decision ⁸ .[...] ¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ Words added by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.20(3)(a) (April 1, 1996)

⁴ Paragraph 8 of Schedule 1 was substituted by paragraph 53(5) of Schedule 7 to the Planning and Compensation Act 1991 (c.34).

⁵ Words revoked by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.20(3)(a) (April 1, 1996)

⁶ Schedule 1A is inserted into the Town and Country Planning Act 1990 (c.8) by Schedule 4 to the Local Government (Wales) Act 1994.

⁷ Words added by Local Government Reorganisation (Wales) (Consequential Amendments) Order 1996/525 Sch.1(III) para.20(3)(b) (April 1, 1996)

⁸ For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

Commencement

art. 13(1)-(3): June 3, 1995

Extent

art. 13(1)-(3): England, Wales

Law In Force

14.— Directions by the Secretary of State

(1) [²]¹ The Secretary of State may give directions restricting the grant of permission by a local planning authority, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

[(2) The Secretary of State may give directions that development which is both of a description set out in Column 1 of the table in Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and of a class described in the direction is EIA development for the purposes of those Regulations.]³

(3) A local planning authority shall deal with applications for planning permission for development to which a direction given under this article applies in such manner as to give effect to the direction.

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ Substituted by Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293 Pt IX reg.35(8) (March 14, 1999)

Commencement

art. 14(1)-(3): June 3, 1995

Extent

art. 14(1)-(3): England, Wales

Law In Force

15.— Special provisions as to permission for development affecting certain existing and proposed highways

(1) [²]¹ Where an application is made to a local planning authority for planning permission for development which consists of or includes-

(a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or

(b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under this article) from the middle of-

- (i) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide, in pursuance of an order under Part II of the Highways Act 1980 (trunk roads, classified roads, metropolitan roads, special roads) and which has not for the time being been transferred to any other highway authority;
- (ii) any highway which he proposes to improve under Part V of that Act (improvement of highways) and in respect of which notice has been given to the local planning authority;
- (iii) any highway to which he proposes to carry out improvements in pursuance of an order under Part II of that Act; or
- (iv) any highway which he proposes to construct, the route of which is shown on the development plan or in respect of which he has given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the local planning authority shall notify the Secretary of State by sending him a copy of the application and any accompanying plans and drawings.

- (2) An application referred to in paragraph (1) above shall not be determined unless-
 - (a) the local planning authority receive a direction given under article 14 of this Order (and in accordance with the terms of that direction);
 - (b) they receive notification by or on behalf of the Secretary of State that he does not propose to give any such direction in respect of the development to which the application relates; or
 - (c) a period of 28 days (or such longer period as may be agreed in writing between the local planning authority and the Secretary of State) from the date when notification was given to the Secretary of State has elapsed without receipt of such a direction.
- (3) The Secretary of State may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph 1(b) above.

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

art. 15(1)-(3): June 3, 1995

Extent

art. 15(1)-(3): England, Wales

Law In Force

16.— Notification of mineral applications

- (1) [²]¹ Where notice has been given for the purposes of this article to a mineral planning authority as respects land which is in their area and specified in the notice-
 - (a) by the Coal Authority that the land contains coal;
 - (b) by the Secretary of State for Trade and Industry that it contains gas or oil; or

(c) by the Crown Estates Commissioners that it contains silver or gold, the mineral planning authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the body or person who gave the notice that an application has been made.

(2) In this article, “coal” means coal other than that-

- (a) won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal; or
- (b) which it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal.

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Commencement

art. 16(1)-(2)(b): June 3, 1995

Extent

art. 16(1)-(2)(b): England, Wales

Law In Force

17. Development not in accordance with the development plan

[²]¹ A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Commencement

art. 17: June 3, 1995

Extent

art. 17: England, Wales

✔ Law In Force

18. Notice of reference of applications to the Secretary of State

[²]¹ On referring any application to the Secretary of State under section 77 of the Act³ (reference of applications to Secretary of State) pursuant to a direction in that behalf, a local planning authority shall serve on the applicant a notice-

- (a) setting out the terms of the direction and any reasons given by the Secretary of State for issuing it;
- (b) stating that the application has been referred to the Secretary of State; and
- (c) containing a statement that the Secretary of State will, if the applicant so desires, afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and that the decision of the Secretary of State on the application will be final.[...]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c.34).

Commencement

art. 18(a)-(c): June 3, 1995

Extent

art. 18(a)-(c): England, Wales

✔ Law In Force

19.— Representations to be taken into account

(1) [²]¹ A local planning authority shall, in determining an application for planning permission, take into account any representations made, where any notice of the application has been-

- (a) given by site display under article 6 or 8, within 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on-
 - (i) an owner of the land or a tenant of an agricultural holding under article 6, or
 - (ii) an adjoining owner or occupier under article 8,
 within 21 days beginning with the date when the notice was served on that person, provided that the representations are made by any person who satisfies them that he is such an owner, tenant or occupier; or
- (c) given by local advertisement under article 6 or 8, within 14 days beginning with the date on which the notice was published,

and the representations and periods in this article are representations and periods prescribed for the purposes of section 71(2)(a) of the Act³ (consultations in connection with determinations under section 70).

(2) A local planning authority shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with paragraph (1)(b)(i), and such notice is notice prescribed for the purposes of section 71(2)(b) of the Act.

(3) Paragraphs (1) and (2) of this article apply to applications referred to the Secretary of State under section 77 [(reference of applications to the Secretary of State) and section 293A(2) (applications for urgent Crown development) of the Act]⁴ and paragraphs (1)(b) and (2) apply to appeals to the Secretary of State made under section 78 of the Act⁵ (right to appeal against planning decisions and failure to take such decisions), as if the references to-

- (a) a local planning authority were to the Secretary of State, and
- (b) determining an application for planning permission were to determining such application or appeal, as the case may be.[...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34).
- ⁴ Words substituted by Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006/1386 art.4(5) (June 7, 2006)
- ⁵ Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c.34).

Commencement

art. 19(1)-(3)(b): June 3, 1995

Extent

art. 19(1)-(3)(b): England, Wales

Law In Force

20.— Time periods for decision

(1) [²]¹ Subject to paragraph (5), where a valid application under article 4 or regulation 3 of the 1988 Regulations (applications for planning permission) has been received by a local planning authority, they shall within the period specified 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 in this paragraph is-

- (a) a period of eight weeks beginning with the date when the application was received by a local planning authority;
- (b) except where 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 by whom the application falls to be determined; or
- (c) where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured, the appropriate period specified in (a) or (b) above calculated without regard to any time between the date when the authority sent the applicant written

notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee.

(3) For the purposes of this article, the date when the application was received shall be taken to be the date when each of the following events has occurred-

- (a) the application form or application in writing has been lodged with the authority mentioned in article 5(1);
- (b) any certificate or documents required by the Act or this Order has been lodged with that authority; and
- (c) any fee required to be paid in respect of the application has been paid to that authority and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment.

(4) A local planning authority shall provide such information about applications made under article 4 or regulation 3 of the 1988 Regulations (including information as to the manner in which any such application has been dealt with) as the Secretary of State may by direction require; and any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.

(5) Subject to paragraph (6), a local planning authority shall not determine an application for planning permission, where any notice of the application has been-

- (a) given by site display under article 6 or 8, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
- (b) served on-
 - (i) an owner of the land or a tenant of an agricultural holding under article 6, or
 - (ii) an adjoining owner or occupier under article 8,before the end of the period of 21 days beginning with the date when the notice was served on that person;
- (c) given by local advertisement under article 6 or 8, before the end of the period of 14 days beginning with the date on which the notice was published,

and the periods in this paragraph are periods prescribed for the purposes of section 71(1) of the Act (consultations in connection with determinations under section 70).

(6) Where, under paragraph (5), more than one of the prescribed periods applies, the local planning authority shall not determine the application before the end of the later or latest of such periods.[...]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Commencement

art. 20(1)-(6): June 3, 1995

Extent

art. 20(1)-(6): England, Wales

✔ Law In Force

21. Applications made under planning condition

[²]¹ Where an application has been made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission (other than an application for approval of reserved matters or an application for approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (development by telecommunications code system operators)) the authority shall give notice to the applicant of their decision on the application within a period of eight weeks from the date when the application was received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

Commencement

art. 21: June 3, 1995

Extent

art. 21: England, Wales

✔ Law In Force

22.— Written notice of decision or determination relating to a planning application

(1) [²]¹ When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved matters, and a permission or approval is granted subject to conditions or the application is refused, the notice shall-

(a) state clearly and precisely their full reasons for the refusal or for any condition imposed [, specifying all policies and proposals in the development plan which are relevant to the decision]³ ; and

(b) where the Secretary of State has given a direction restricting the grant of permission for the development for which application is made or where he or a Government Department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions, give details of the direction or of the view expressed,

and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part 2 of Schedule 1 to this Order.

(2) Where-

(a) the applicant for planning permission has submitted an environmental statement; and
 (b) the local planning authority have decided (having taken environmental information into consideration) to grant permission (whether unconditionally or subject to conditions),

the notice given to the applicant in accordance with article 20(1) shall include a statement that environmental information has been taken into consideration by the authority.[...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Words inserted by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004/1434 art.3 (September 1, 2004)

Commencement

art. 22(1)-(2)(b): June 3, 1995

Extent

art. 22(1)-(2)(b): England, Wales

Law In Force

23.— Appeals

(1) [²]¹ An applicant who wishes to appeal to the Secretary of State under section 78 of the Act (right to appeal against planning decisions and failure to take such decisions) shall give notice of appeal to the Secretary of State by-

- (a) serving on him, within the time limit specified in paragraph (2), a form obtained from him, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and
- (b) serving on the local planning authority a copy of the form mentioned in paragraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (3)(e).

(2) The time limit mentioned in paragraph (1) is [six]³ months from-

- (a) the date of the notice of the decision or determination giving rise to the appeal;
- (b) the expiry of the period specified in article 20 or, as the case may be, article 21; or
- (c) in a case in which the authority have served a notice on the applicant in accordance with article 3(2) that they require further information, and he has not provided the information, the date of service of that notice,

or such longer period as the Secretary of State may, at any time, allow.

(3) The documents mentioned in paragraph (1) are-

- (a) the application made to the local planning authority which has occasioned the appeal;
- (b) all plans, drawings and documents sent to the authority in connection with the application;
- (c) all correspondence with the authority relating to the application;
- (d) any certificate provided to the authority under article 7;
- (e) any other plans, documents or drawings relating to the application which were not sent to the authority;
- (f) the notice of the decision or determination, if any;
- (g) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.[...]⁴

[(4) The Secretary of State may refuse to accept a notice of appeal from an applicant if the documents required under paragraphs (1) and (3) are not served on him within the time limit specified in paragraph (2).[...]⁵]⁴

[(5) The Secretary of State may provide, or arrange for the provision of, a website for use for such purposes as he thinks fit which—

- (a) relate to appeals under section 78 of the Act and this article, and
- (b) are capable of being effected electronically.

(6) Where a person gives notice of appeal to the Secretary of State using electronic communications, the person shall be taken to have agreed—

- (a) to the use of such communications for all purposes relating to his appeal which are capable of being carried out electronically,
- (b) that his address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, his notice of appeal, and
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in accordance with article 27A that he wishes to revoke the agreement. [...]¹

] ⁵

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Word substituted by Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2004/3340 art.2(a) (January 14, 2005)
- ⁴ Inserted by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004/1434 art.4 (September 1, 2004)
- ⁵ Inserted by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.1 para.5 (January 1, 2005)

Commencement

art. 23(1)-(3)(g): June 3, 1995

Extent

art. 23(1)-(6)(c): England, Wales

Law In Force

24.— Certificate of lawful use or development

(1) [²]¹ An application for a certificate under section 191(1) or 192(1) of the Act³ (certificates of lawfulness of existing or proposed use or development) shall be in writing and shall, in addition to specifying the land and describing the use, operations or other matter in question in accordance with those sections, include the following information—

- (a) the paragraph of section 191(1) or, as the case may be, section 192(1), under which the application is made;

- (b) in the case of an application under section 191(1), the date on which the use, operations or other matter began or, in the case of operations carried out without planning permission, the date on which the operations were substantially completed;
 - (c) in the case of an application under section 191(1)(a), the name of any use class specified in an order under section 55(2)(f) of the Act (meaning of “development”) which the applicant considers applicable to the use existing at the date of the application;
 - (d) in the case of an application under section 191(1)(c), sufficient details of the planning permission to enable it to be identified;
 - (e) in the case of an application under section 192(1)(a), the use of the land at the date of the application (or, when the land is not in use at that date, the purpose for which it was last used) and the name of any use class specified in an order under section 55(2)(f) of the Act which the applicant considers applicable to the proposed use;
 - (f) the applicant's reasons, if any, for regarding the use, operations or other matter described in the application as lawful; and
 - (g) such other information as the applicant considers to be relevant to the application.
- (2) An application to which paragraph (1) applies shall be accompanied by-
- (a) a plan identifying the land to which the application relates;
 - (b) such evidence verifying the information included in the application as the applicant can provide; and
 - (c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.
- [(2A) Where [...] ⁵ an application for a certificate under section 192(1) of the Act is made in respect of Crown land, it shall, in addition to the documents required by paragraph (2), be accompanied by—
- (a) a statement that the application is made [...] ⁵ in respect of Crown land; and
 - (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.
-] ⁴
- (3) Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application shall indicate to which part of the land each such use, operation or matter relates.
- (4) Articles 5(1) and 20(4) shall apply to an application for a certificate to which paragraph (1) applies as they apply to an application for planning permission.
- (5) When the local planning authority receive an application to which paragraph (1) applies and any fee required to be paid in respect of 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 by reason of the failure to comply with the preceding paragraphs of this article or any other statutory requirement, they shall, as soon as practicable, notify the applicant that his 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) The local planning authority shall give the applicant written notice of their decision within a period of eight weeks beginning with the date of receipt by the authority of the application and any fee required to be paid in respect of the application or, except where the applicant has already given notice of appeal to the Secretary of State, within such extended period as may be agreed upon in writing between the applicant and the authority.

(9) For the purpose of calculating the appropriate period specified in paragraph (8), where any fee required has been paid by a cheque which is subsequently dishonoured, the time between the date when the authority send the applicant written notice of the dishonouring of the cheque and the date when the authority receive the full amount of the fee shall not be taken into account.

(10) Where an application is refused, in whole or in part (including a case in which the authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the notice of decision shall state clearly and precisely the authority's full reasons for their decision and shall include a statement to the effect that if the applicant is aggrieved by the decision he may appeal to the Secretary of State under section 195 of the Act⁶ (appeals against refusal or failure to give decision on application).

(11) A certificate under section 191 or 192 of the Act shall be in the form set out in Schedule 4, or in a form substantially to the like effect.

(12) Where a local planning authority propose to revoke a certificate issued under section 191 or 192 of the Act in accordance with section 193(7) of the Act (certificates under sections 191 and 192: supplementary provisions), they shall, before they revoke the certificate, give notice of that proposal to-

- (a) the owner of the land affected;
- (b) the occupier of the land affected;
- (c) any other person who will in their opinion be affected by the revocation; and
- (d) in the case of a certificate issued by the Secretary of State under section 195 of the Act, the Secretary of State.

(13) A notice issued under paragraph (12) shall invite the person on whom the notice is served to make representations on the proposal to the authority within 14 days of service of the notice and the authority shall not revoke the certificate until all such periods allowed for making representations have expired.

(14) An authority shall give written notice of any revocation under section 193(7) of the Act to every person on whom notice of the proposed revocation was served under paragraph (12).[...]¹

Notes

¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

² In relation to England: SI 1995/419 is repealed.

³ Sections 191 to 194 were substituted by section 10(1) of the Planning and Compensation Act 1991 (c.34).

⁴ Added by Town and Country Planning (Crown Land Applications) Regulations 1995/1139 Sch.1 para.4 (June 3, 1995)

⁵ Words repealed by Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006/1281 art.8(b) (June 7, 2006)

⁶ Section 195 was amended by paragraph 32 of Schedule 7 to the Planning and Compensation Act 1991 (c.34).

Commencement

art. 24(1)-(14): June 3, 1995

Extent

art. 24(1)-(14): England, Wales

Law In Force

[25.— Register of applications

- (1) [³] ² In this article and in article 26, “the local planning register authority” means—
- (a) in Greater London or a metropolitan county or in Wales, the local planning authority (and references to the area of the local planning register authority are, in this case, to the area of the local planning authority);
 - (b) in relation to land in a National Park (except in a metropolitan county or in Wales), the county planning authority (and references to the area of the local planning register authority are, in this case, to the area of the county planning authority within a National Park);
 - (c) in relation to any other land, the district planning authority (and references to the area of the local planning register authority are, in this case, to the area of the district planning authority, other than any part of their area falling within a National Park)⁴
- (2) Each local planning register authority shall keep, in two parts, a register of every application for planning permission relation to their area.
- (3) Part I of the register shall contain in respect of each such application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of—
- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings;
 - (b) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;
 - (c) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and
 - (d) particulars of any modification to any planning obligation or section 278 agreement included in Part I of the register in accordance with sub-paragraphs (b) and (c) above.
- (4) Part II of the register shall contain, in respect of every application for planning permission relating to the local planning register authority's area—
- (a) a copy (which may be photographic or in electronic form) of the application and of plans and drawings submitted in relation thereto [and of any accompanying [design and access statement or]⁶ access statement provided in accordance with article 4D]⁵ ;
 - (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, including details of any conditions subject to which permission was granted, the date of such decision and the name of the local planning authority;
 - (d) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal [, on an application under section 293A(2)

- of the Act (applications for urgent Crown development)]⁷ or on a reference under section 77 of the Act (reference of applications to Secretary of State);
- (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application;
 - (f) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement entered into in connection with any decision of the local planning authority or the Secretary of State in respect of the application;
 - (g) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement taken into account by the local planning authority or the Secretary of State when making the decision; and
 - (h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part II of the register in accordance with sub-paragraphs (f) and (g) above and paragraph (5) below.

(5) Where, on any appeal to the Secretary of State under section 174 of the Act⁸ (appeal against enforcement notices), the appellant is deemed to have made an application for planning permission and the Secretary of State has granted permission, the local planning register authority shall, on receipt of notification of the Secretary of State's decision, enter into Part II of the register referred to in paragraph (2) particulars of the development concerned, the land on which it was carried out, and the date and effect of the Secretary of State's decision together with a copy (which may be photographic or in electronic form) of—

- (a) any planning obligation or section 278 agreement entered into in connection with the decision; and
- (b) any other planning obligation or section 278 agreement taken into account by the Secretary of State when making the decision.

(6) The register kept by the local planning register authority shall also contain the following information in respect of every application for a certificate under section 191 or 192 of the Act (certificates of lawfulness of existing or proposed use or development) relating to the authority's area-

- (a) the name and address of the applicant;
- (b) the date of the application;
- (c) the address or location of the land to which the application relates;
- (d) the description of the use, operations or other matter included in the application;
- (e) the decision, if any, of the local planning authority in respect of the application and the date of such decision; and
- (f) the reference number, date and effect of any decision of the Secretary of State on an appeal in respect of the application.

(7) The register shall contain the following information about simplified planning zone schemes in the area of the authority—

- (a) brief particulars of any action taken by the authority or the Secretary of State in accordance with section 83 of or Schedule 7 to the Act⁹ (making of simplified planning zone schemes etc.) to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
- (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 7 to the Act;

(c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under sub-paragraph (a) and (b) above.

(8) To enable any person to trace any entry in the register, every register shall include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.

(9) [Subject to paragraph (9A), every]⁷ entry in the register shall be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.

[(9A) A copy of any application made under section 293A(2) of the Act (applications for urgent Crown development) and of any plans and drawings submitted in relation to it must be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Secretary of State.]⁷

(10) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

(11) For the purposes of paragraph (3) of this article, an application shall not be treated as finally disposed of unless-

(a) it has been decided by the authority (or the appropriate period allowed under article 20(2) of this Order has expired without their giving a decision) and the period of six months specified in article 23 of this Order has expired without any appeal having been made to the Secretary of State;

(b) if it has been referred to the Secretary of State under section 77 of the Act¹⁰ (reference of applications to Secretary of State) or an appeal has been made to the Secretary of State under section 78 of the Act¹¹ (right to appeal against planning decisions and failure to take such decisions), the Secretary of State has issued his decision and the period of six weeks specified in section 288 of the Act¹² (proceedings for questioning the validity of certain orders, decisions and directions) has expired without any application having been made to the High Court under that section;

(c) an application has been made to the High Court under section 288 of the Act and the matter has been finally determined, either by final dismissal of the application by a court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under the said section 288); or

(d) it has been withdrawn before being decided by the authority or the Secretary of State, as the case may be, or an appeal has been withdrawn before the Secretary of State has issued his decision.

(12) Where the register kept by a local planning register authority under this article is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.[...]²

] ¹

Notes

¹ Word substituted by Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2004/3340 art.2(b) (January 14, 2005)

- ² Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ³ In relation to England: SI 1995/419 is repealed.
- ⁴ For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.
- ⁵ Words inserted by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006/3390 art.3(2) (June 30, 2007)
- ⁶ Words inserted by Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009/1024 art.2(3) (June 1, 2009)
- ⁷ Modified by Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006/1386 art.4(6) (June 7, 2006)
- ⁸ Section 174 was amended by section 6(1) of, and paragraph 22 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34).
- ⁹ Schedule 7 was amended by Schedule 5 to the Planning and Compensation Act 1991 (c.34).
- ¹⁰ section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c.34).
- ¹¹ Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c.34).
- ¹² Section 288 was amended by paragraph 25 of Schedule 3 to the Tribunals and Inquiries Act 1992 (c.53).

Commencement

art. 25(1)-(11)(d): June 3, 1995

Extent

art. 25(1)-(12): England, Wales

Law In Force

25A.— [...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

art. 25A(1)-(5): England, Wales

Law In Force

26.— Register of enforcement and stop notices

- (1) [²]¹ Subject to paragraph (2) of this article, the register under section 188 of the Act³ (register of enforcement and stop notices) shall contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register-
- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
 - (b) the name of the issuing authority;
 - (c) the date of issue of the notice;

- (d) the date of service of copies of the notice;
 - (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
 - (f) the date specified in the notice as the date on which it is to take effect;
 - (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the Act⁴ (appeals: supplementary provisions) and the date of the final determination or withdrawal of any appeal;
 - (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice;
 - (i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the Act (remedying any injury to amenity) have been taken.
- (2) That register shall also contain the following information with respect to every breach of condition notice served in relation to land in the area of the authority maintaining the register-
- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
 - (b) the name of the serving authority;
 - (c) the date of service of the notice;
 - (d) details of the relevant planning permission sufficient to enable it to be identified;
 - (e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.
- (3) All entries relating to an enforcement notice, stop notice or breach of condition notice shall be removed from the register if-
- (a) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Secretary of State;
 - (b) in the case of a breach of condition notice, the notice is quashed by a court;
 - (c) in any case, the relevant notice is withdrawn.
- (4) Every register shall include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.
- (5) Where a county planning authority issue an enforcement notice or serve a stop notice or a breach of condition notice, they shall supply the information specified in paragraph (1) or (2) of this article, as the case may be, in relation to the notice to the district planning authority in whose area the land to which the notice relates is situated and shall inform that authority if the notice is withdrawn or the relevant enforcement notice or breach of condition notice is quashed.
- (6) The information prescribed in paragraphs (1) and (2) of this article shall be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information shall be so supplied under paragraph (5) that entries may be made within the said period of 14 days.
- (7) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.
- ³ Section 188 was amended by paragraph 30 of Schedule 7 to the Planning and Compensation Act 1991 (c.34).
- ⁴ Section 175(4) was amended by section 6(2) of the Planning and Compensation Act 1991 (c.34).

Commencement

art. 26(1)-(7): June 3, 1995

Extent

art. 26(1)-(7): England, Wales

Law In Force

27. Directions

[²]¹ Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

art. 27: June 3, 1995

Extent

art. 27: England, Wales

Law In Force

[27A. Withdrawal of consent to use of electronic communications

[³]² Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, he shall give notice in writing—

- (a) withdrawing any address notified to the Secretary of State or to a local planning authority for that purpose, or
- (b) revoking any agreement entered into or deemed to have been entered into with the Secretary of State or with a local planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

] ¹

Notes

- ¹ Added by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 Sch.1 para.7 (January 1, 2005)
- ² Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ³ In relation to England: SI 1995/419 is repealed.

Extent

art. 27A(a)-(b): England, Wales

Law In Force

28.— Revocations, transitionals and savings

(1) [²]¹ Subject to paragraphs (2) to (5) of this article, the statutory instruments specified in Schedule 5 are revoked to the extent not already revoked.

(2) Where an area of coal working has been notified to the local planning authority for the purposes of paragraph (i) of the table in article 18 of the Town and Country Planning General Development Order 1988³ (consultations before the grant of permission) before the date of the coming into force of this Order, such notification shall be treated as if it had been made for the purposes of paragraph (j) of the table in article 10 of this Order by the Coal Authority on or after that date; and, in relation to a particular application for planning permission made before 31st October 1994, the local planning authority are not required to consult the Coal Authority if they have already consulted the British Coal Corporation.

(3) Any notice given for the purposes of article 13 of the Town and Country Planning General Development Order 1988 (notification of mineral applications) before the date of the coming into force of this Order, shall be treated as if it had been given for the purposes of article 16 of this Order by the Coal Authority on or after that date; and, in relation to a particular application for planning permission made before 31st October 1994, the mineral planning authority are not required to notify the Coal Authority, before determining the application, if they have already notified the British Coal Corporation that that application has been made.

(4) The relevant provisions of the Town and Country Planning General Development Order 1988, in the form in which they were in force immediately before 27th July 1992, shall continue to apply with respect to applications made under section 64 of the Act⁴ (applications to determine whether planning permission required) before 27th July 1992.

(5) The relevant provisions of the Town and Country Planning General Development Order 1988, in the form in which they were in force immediately before 27th July 1992, shall continue to apply with respect to applications for established use certificates made under section 192 of the Act⁵ (applications for established use certificates), as originally enacted, before 27th July 1992.

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

- ² In relation to England: SI 1995/419 is repealed.
- ³ the Town and Country Planning General Development Order 1988 is revoked by this Order to the extent not already revoked.
- ⁴ Section 64 was repealed by paragraph 12 of Schedule 7 to the Planning and Compensation Act 1991 (c.34) with effect from 27th July 1992.
- ⁵ Section 192 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c.34) with effect from 27th July 1992.

Commencement

art. 28(1)-(5): June 3, 1995

Extent

art. 28(1)-(5): England, Wales

Law In Force

John Selwyn Gummer
Secretary of State for the Environment

21st February 1995

John Redwood
Secretary of State for Wales

22nd February 1995

SCHEDULE 1**Articles 5, 22 and 24****PART 1****TOWN AND COUNTRY PLANNING ACT 1990**

Law In Force

[²]¹

[Form not available in online format. Please see original printed copy.]

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

Sch. 1(1) para. 1: June 3, 1995

Extent

Sch. 1(1) para. 1: England, Wales

PART 2**TOWN AND COUNTRY PLANNING ACT 1990**

Law In Force

[²]¹

[Form not available in online format. Please see original printed copy.]

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

Sch. 1(2) para. 1: June 3, 1995

Extent

Sch. 1(2) para. 1: England, Wales

SCHEDULE 2**Articles 6, 7 and 9****PART 1****Town and Country Planning (General Development Procedure) Order 1995**

Law In Force

[²]¹

NOTICE UNDER ARTICLE 6 OF APPLICATION FOR PLANNING PERMISSION

NOTICE UNDER ARTICLE 6 OF APPLICATION FOR PLANNING PERMISSION

NOTICE UNDER ARTICLES 6 AND 9(1) OF APPEAL

NOTICE UNDER ARTICLES 6 AND 9(1) OF APPEAL

[Forms not available in online format. Please see original printed copy.]

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

Sch. 2(1) para. 1: June 3, 1995

Extent

Sch. 2(1) para. 1: England, Wales

PART 2**Town and Country Planning (General Development Procedure) Order 1995**

✔ Law In Force

*CERTIFICATE UNDER ARTICLE 7**CERTIFICATE UNDER ARTICLE 7**CERTIFICATE UNDER ARTICLE 7**CERTIFICATE UNDER ARTICLE 7**CERTIFICATE UNDER ARTICLE 7**CERTIFICATE UNDER ARTICLE 7*

[Forms not available in online format. Please see original printed copy.]

[²]¹**Notes**

¹ Revoked subject to transitional provisions specified in SI 2008/550 art.3 by Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2008/550 art.2(8) (April 6, 2008: repeal has effect subject to transitional provisions specified in SI 2008/550 art.3)

² In relation to England: Sch.2 Part 2 is repealed.

Commencement

Sch. 2(2) para. 1: June 3, 1995

Extent

Sch. 2(2) para. 1: England, Wales

SCHEDULE 3**NOTICE OF APPLICATION FOR PLANNING PERMISSION****Article 8**

✔ Law In Force

[²]¹ *Town and Country Planning (General Development Procedure) Order 1995**NOTICE UNDER ARTICLE 8**NOTICE UNDER ARTICLE 8 OF APPLICATION FOR PLANNING PERMISSION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT*

[Forms not available in online format. Please see original printed copy.]

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

Sch. 3 para. 1: June 3, 1995

Extent

Sch. 3 para. 1: England, Wales

SCHEDULE 4**Article 24**

Law In Force

[²]¹ TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192 (as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

[Form not available in online format. Please see original printed copy.]

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

Sch. 4 para. 1: June 3, 1995

Extent

Sch. 4 para. 1: England, Wales

[SCHEDULE 4A**Article 4B**

]¹

Notes

- ¹ Added by Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2005/2087 Sch.1 para.1 (August 24, 2005)

Law In Force

[...]¹

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))

Extent

Sch. 4A para. 1: England, Wales

SCHEDULE 5**STATUTORY INSTRUMENTS REVOKED****Article 28**

Law In Force

[²]¹

1 <i>Title of Instrument</i>	2 <i>Reference</i>
The Town and Country Planning General Development Order 1988	S.I. 1988/1813
The Town and Country Planning General Development (Amendment) Order 1989	S.I. 1989/603
The Town and Country Planning General Development (Amendment) (No. 2) Order 1989	S.I. 1989/1590
The Town and Country Planning General Development (Amendment) (No. 3) Order 1991	S.I. 1991/2805
The Town and Country Planning General Development (Amendment) (No. 2) Order 1992	S.I. 1992/658
The Town and Country Planning General Development (Amendment) (No. 4) Order 1992	S.I. 1992/1493
The Town and Country Planning General Development (Amendment) (No. 5) Order 1992	S.I. 1992/1563
The Town and Country Planning General Development (Amendment) (No. 6) Order 1992	S.I. 1992/2450
The Town and Country Planning General Development (Amendment) Order 1994	S.I. 1994/678
The Town and Country Planning General Development (Amendment) (No. 2) Order 1994	S.I. 1994/2595

1 <i>Title of Instrument</i>	2 <i>Reference</i>
The Town and Country Planning General Development (Amendment) Order 1995	S.I. 1995/298

Notes

- ¹ Revoked by Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 Sch.9 para.1 (October 1, 2010: repeal has effect subject to savings and transitional provisions specified in SI 2010/2184 art.41(2) and (3))
- ² In relation to England: SI 1995/419 is repealed.

Commencement

Sch. 5 para. 1: June 3, 1995

Extent

Sch. 5 para. 1: England, Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates with amendments the procedural provisions of the Town and Country Planning General Development Order 1988 and subsequent amending instruments. A separate Order, the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418), consolidates with amendments the remaining provisions which deal with permitted development.

The 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 and the Town and Country Planning (Applications) Regulations 1988 (S.I. 1988/1812). It also deals with the maintenance of registers of planning applications, applications for certificates of lawful use or development, and other related matters.

The main change made by the Order is the inclusion of a requirement for a local planning authority, before granting planning permission, to consult the Historic Buildings and Monuments Commission for England in relation to development likely to affect any registered Grade I or Grade II* garden or park of special historic interest (paragraph (o) of the Table in article 10).

Modifications

art. 2B	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293, Pt VII reg. 24A
art. 6	Town and Country Planning (General Development Procedure) Order 1995/419, art. 6(5)(a) Town and Country Planning (General Development Procedure) Order 1995/419, art. 9(1)
art. 6(2)(c)	Town and Country Planning (General Development Procedure) Order 1995/419, art. 6(3) Town and Country Planning (General Development Procedure) Order 1995/419, art. 6(4)
art. 6(4)	Town and Country Planning (General Development Procedure) Order 1995/419, art. 7(2)
art. 7	Town and Country Planning (General Development Procedure) Order 1995/419, art. 9(1)
art. 8	Town and Country Planning (General Development Procedure) Order 1995/419, art. 9(2)
art. 8(2)	Town and Country Planning (London Borough of Camden) Special Development Order 2004/1231, art. 4
art. 8(3)	Town and Country Planning (London Borough of Camden) Special Development Order 2004/1231, art. 4
art. 8(3A)	Town and Country Planning (London Borough of Camden) Special Development Order 2004/1231, art. 4
art. 8(4)	Town and Country Planning (London Borough of Camden) Special Development Order 2004/1231, art. 4
art. 8(5)	Town and Country Planning (London Borough of Camden) Special Development Order 2004/1231, art. 4
art. 10	Town and Country Planning (General Development Procedure) Order 1995/419, art. 10A Town and Country Planning (General Development Procedure) Order 1995/419, art. 10A
art. 15(1)	Town and Country Planning (General Development Procedure) Order 1995/419, art. 15(2)
art. 20	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293, Pt IX reg. 32(2)(a) Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293, Pt IX reg. 32(2)(b)
Sch. 1(2)	South Downs National Park Authority (Establishment) Order 2010/497, Sch. 3(2) para. 11
Sch. 1(2) para. 1	New Forest National Park Authority (Establishment) Order 2005/421, Sch. 3(2) para. 13
Sch. 2(2)	Town and Country Planning (General Development Procedure) Order 1995/419, art. 7(1)
Sch. 3 para. 1	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293, Pt V reg. 13

Table of Contents

Town and Country Planning (General Development Procedure) Order 1995/419.....	<u>1</u>
Preamble	<u>1</u>
✓ art. 1 Citation, commencement and interpretation.....	<u>1</u>
✓ art. 2 Application.....	<u>5</u>
✓ art. 2A Development to include certain internal operations.....	<u>5</u>
✓ art. 2B Local development orders.....	<u>5</u>
✓ art. 3 Applications for outline planning permission.....	<u>6</u>
✓ art. 4 Applications for approval of reserved matters.....	<u>6</u>
✓ art. 4A Applications in respect of Crown land.....	<u>7</u>
✓ art. 4B Major infrastructure projects: economic impact report.....	<u>7</u>
✓ art. 4C Design and access statements.....	<u>8</u>
✓ art. 4D Design and access statements: Wales.....	<u>8</u>
✓ art. 4E Applications for planning permission.....	<u>9</u>
✓ art. 4F Applications for non-material changes to planning permission.....	<u>9</u>
✓ art. 5 General provisions relating to applications.....	<u>10</u>
✓ art. 5A Declaration to accompany application to a local planning authority in Wales for planning permission for certain telecommunications developments.....	<u>11</u>
✓ art. 6 Notice of applications for planning permission.....	<u>12</u>
✓ art. 7 Certificates in relation to notice of applications for planning permission.....	<u>14</u>
✓ art. 8 Publicity for applications for planning permission.....	<u>14</u>
✓ art. 9 Applications for planning permission referred to the Secretary of State and appeals to the Secretary of State.....	<u>16</u>
✓ art. 10 Consultations before the grant of permission.....	<u>17</u>
✓ art. 10A Consultations before the grant of planning permission: urgent Crown development.....	<u>22</u>
✓ art. 10B Consultations before the grant of planning permission pursuant to section 73 or the grant of a replacement planning permission subject to a new time limit.....	<u>23</u>
✓ art. 11 Consultation with county planning authority.....	<u>23</u>
✓ art. 11A Duty to respond to consultation.....	<u>23</u>
✓ art. 11B Duty to respond to consultation— annual reports.....	<u>24</u>
✓ art. 12 Applications relating to county matters.....	<u>24</u>
✓ art. 13 Notice to parish and community councils.....	<u>25</u>
✓ art. 14 Directions by the Secretary of State.....	<u>26</u>
✓ art. 15 Special provisions as to permission for development affecting certain existing and proposed highways.....	<u>26</u>
✓ art. 16 Notification of mineral applications.....	<u>27</u>
✓ art. 17 Development not in accordance with the development plan.....	<u>28</u>
✓ art. 18 Notice of reference of applications to the Secretary of State.....	<u>29</u>

✓ art. 19 Representations to be taken into account.....	<u>29</u>
✓ art. 20 Time periods for decision.....	<u>30</u>
✓ art. 21 Applications made under planning condition.....	<u>32</u>
✓ art. 22 Written notice of decision or determination relating to a planning application..	<u>32</u>
✓ art. 23 Appeals.....	<u>33</u>
✓ art. 24 Certificate of lawful use or development.....	<u>34</u>
✓ art. 25 Register of applications.....	<u>37</u>
✓ art. 25A Register of Local Development Orders.....	<u>40</u>
✓ art. 26 Register of enforcement and stop notices.....	<u>40</u>
✓ art. 27 Directions.....	<u>42</u>
✓ art. 27A Withdrawal of consent to use of electronic communications.....	<u>42</u>
✓ art. 28 Revocations, transitionals and savings.....	<u>43</u>
✓ Signatures	<u>44</u>
Schedule 1	<u>44</u>
Part 1 TOWN AND COUNTRY PLANNING ACT 1990.....	<u>44</u>
✓ para. 1	<u>44</u>
Part 2 TOWN AND COUNTRY PLANNING ACT 1990.....	<u>45</u>
✓ para. 1	<u>45</u>
Schedule 2	<u>45</u>
Part 1 Town and Country Planning (General Development Procedure) Order 1995..	<u>45</u>
✓ para. 1	<u>45</u>
Part 2 Town and Country Planning (General Development Procedure) Order 1995..	<u>46</u>
✓ para. 1	<u>46</u>
Schedule 3 NOTICE OF APPLICATION FOR PLANNING PERMISSION.....	<u>46</u>
✓ para. 1	<u>46</u>
Schedule 4	<u>47</u>
✓ para. 1	<u>47</u>
Schedule 4A	<u>47</u>
✓ para. 1	<u>48</u>
Schedule 5 STATUTORY INSTRUMENTS REVOKED.....	<u>48</u>
✓ para. 1	<u>48</u>
Explanatory Note	<u>49</u>
para. 1	<u>49</u>
Modifications.....	<u>50</u>
Table of Contents.....	<u>51</u>