



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Applications for planning permission*

#### **[<sup>F1</sup>62 Applications for planning permission.**

- (1) A development order may make provision as to applications for planning permission made to a local planning authority.
- (2) Provision referred to in subsection (1) includes provision as to—
  - (a) the form and manner in which the application must be made;
  - (b) particulars of such matters as are to be included in the application;
  - (c) documents or other materials as are to accompany the application.

[<sup>F2</sup>(2A) In subsections (1) and (2) references to applications for planning permission include references to applications for approval under section 61L(2).]

- (3) The local planning authority may require that an application for planning permission must include—
  - (a) such particulars as they think necessary;
  - (b) such evidence in support of anything in or relating to the application as they think necessary.
- (4) But a requirement under subsection (3) must not be inconsistent with provision made under subsection (1).

[<sup>F3</sup>(4A) Also, a requirement under subsection (3) in respect of an application for planning permission for development of land in England—

- (a) must be reasonable having regard, in particular, to the nature and scale of the proposed development; and

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- (b) may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.]
- (5) A development order must require that an application for planning permission of such description as is specified in the order must be accompanied by such of the following as is so specified—
  - (a) a statement about the design principles and concepts that have been applied to the development;
  - (b) a statement about how issues relating to access to the development have been dealt with.
- (6) The form and content of a statement mentioned in subsection (5) is such as is required by the development order.]
- [<sup>F4</sup>(7) In subsection (8) “a relevant application” means the application for planning permission in a case where a person—
  - (a) has been required by section 61W(1) to carry out consultation on a proposed application for planning permission, and
  - (b) is going ahead with making an application for planning permission (whether or not in the same terms as the proposed application).
- (8) A development order must require that a relevant application be accompanied by particulars of—
  - (a) how the person complied with section 61W(1),
  - (b) any responses to the consultation that were received by the person, and
  - (c) the account taken of those responses.]

#### Textual Amendments

- F1** S. 62 substituted (6.8.2004 for certain purposes, 10.8.2006 for E. and 30.6.2007 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 42(1)**, 121 (with s. 111); S.I. 2004/2097, **art. 2**; S.I. 2006/1061, **art. 3** (with **art. 4**) (as amended by S.I. 2010/321, **art. 3**); S.I. 2007/1369, **art. 2** (with **art. 3**) (as amended by S.I. 2010/321, **art. 4**)
- F2** S. 62(2A) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(2)(5)(j), **Sch. 12 para. 5**; S.I. 2012/57, **art. 4(1)(h)** (with arts. 6, 7, 9-11); S.I. 2012/628, **art. 8(a)** (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)
- F3** S. 62(4A) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 6, 35(1)**; S.I. 2013/1488, **art. 3(c)**
- F4** S. 62(7)(8) inserted (temp.) (15.11.2011 for specified purposes, 17.12.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), **ss. 122(2)**, 240(5)(l) (with **ss. 122(3)**, 144); S.I. 2013/2931, **art. 2** (This amendment is extended (21.10.2020) and now ceases to have effect on 15.12.2025 by virtue of [The Town and Country Planning \(Pre-application Consultation\) Order 2020 \(S.I. 2020/1051\)](#), arts. 1, 2)

#### [<sup>F5</sup>62A When application may be made directly to Secretary of State

- (1) A relevant application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) be made instead to the Secretary of State if the following conditions are met at the time it is made—

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- (a) the local planning authority concerned is designated by the Secretary of State for the purposes of this section; and
  - (b) the development to which the application relates (where the application is within subsection (2)(b)(i)), or the development for which outline planning permission has been granted (where the application is within subsection (2)(b)(ii)), is major development.
- (2) In this section—
- (a) “major development” means development of a description prescribed by the Secretary of State;
  - (b) “relevant application” means—
    - (i) an application for planning permission for the development of land in England, other than an application of the kind described in section 73(1); or
    - (ii) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England.
- (3) Where a relevant application is made to the Secretary of State under this section, an application under the planning Acts—
- (a) that is—
    - (i) an application for listed building consent, or for conservation area consent, under the Planning (Listed Buildings and Conservation Areas) Act 1990, or
    - (ii) an application of a description prescribed by the Secretary of State,
  - (b) that is considered by the person making the application to be connected with the relevant application,
  - (c) that would otherwise have to be made to the local planning authority or hazardous substances authority,
  - (d) that is neither a relevant application nor an application of the kind described in section 73(1), and
  - (e) that relates to land in England,
- may (if the person so chooses) be made instead to the Secretary of State.
- (4) If an application (“the connected application”) is made to the Secretary of State under subsection (3) but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—
- (a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it would otherwise have been made; and
  - (b) direct that the connected application—
    - (i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and
    - (ii) is to be determined by that authority accordingly.
- (5) The decision of the Secretary of State on an application made to the Secretary of State under this section shall be final.
- (6) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made to the Secretary of State under this section that would otherwise have been made to the authority; and directions under this subsection—

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- (a) may relate to a particular application or to applications more generally; and
- (b) may be given to a particular authority or to authorities more generally.

#### Textual Amendments

**F5** Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3)(4), 25.4.2013, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013](#) (c. 27), **ss. 1(1), 35(2)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

### 62B Designation for the purposes of section 62A

- (1) An authority may be designated for the purposes of section 62A only if—
  - (a) the criteria that are to be applied in deciding whether to designate the authority are set out in a document to which subsection (2) applies,
  - (b) by reference to those criteria, the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications under this Part, and
  - (c) the criteria that are to be applied in deciding whether to revoke a designation are set out in a document to which subsection (2) applies.
- (2) This subsection applies to a document if—
  - (a) the document has been laid before Parliament by the Secretary of State,
  - (b) the 40-day period for the document has ended without either House of Parliament having during that period resolved not to approve the document, and
  - (c) the document has been published (whether before, during or after the 40-day period for it) by the Secretary of State in such manner as the Secretary of State thinks fit.
- (3) In this section “the 40-day period” for a document is the period of 40 days beginning with the day on which the document is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).
- (4) In calculating the 40-day period for a document, no account is to be taken of any period during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses of Parliament are adjourned for more than four days.
- (5) None of the following may be designated for the purposes of section 62A—
  - (a) the Homes and Communities Agency;
  - (b) the Mayor of London;
  - (c) a Mayoral development corporation;
  - (d) an urban development corporation.
- (6) The Secretary of State must publish (in such manner as the Secretary of State thinks fit)—
  - (a) any designation of an authority for the purposes of section 62A, and
  - (b) any revocation of such a designation.

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**Textual Amendments**

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**62C Notifying parish councils of applications under section 62A(1)**

- (1) If an application is made to the Secretary of State under section 62A(1) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—
  - (a) the application, and
  - (b) any alteration to the application accepted by the Secretary of State.
- (2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) of that Schedule.
- (3) An authority designated for the purposes of section 62A must comply with requests from the Secretary of State for details of requests received by the authority under paragraph 8(1) of Schedule 1.]

**Textual Amendments**

**F5** Ss. 62A-62C inserted (9.5.2013 for E. for specified purposes, 1.10.2013 except in relation to s. 62A(3) (4), 25.4.2013, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013](#) (c. 27), **ss. 1(1), 35(2)**; S.I. 2013/1124, art. 2; S.I. 2013/2143, art. 2(1)(a); S.I. 2014/1531, art. 2

**F6** 63 .....

**Textual Amendments**

**F6** S. 63 repealed (2.1.1992) by [Planning and Compensation Act 1991](#) (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 11, **Sch. 19**, Pt.I (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1** (subject to art. 5)

**F7** 64 .....

**Textual Amendments**

**F7** S. 64 repealed (27.7.1992) by [Planning and Compensation Act 1991](#) (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 12, **Sch. 19**, Pt.I (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, 2 (with art. 3(1))

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