



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III **E+W**

CONTROL OVER DEVELOPMENT

Duration of planning permission

91 **General condition limiting duration of planning permission.** **E+W**

- (1) Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—
 - (a) [^{F1}[^{F2}three years]][^{F1}the applicable period,] beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or
 - (b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.
- (2) The period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.
- (3) If planning permission is granted without the condition required by subsection (1), it shall [^{F3}(subject to subsections (3ZA) and (3ZB))] be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the [^{F4}expiration of [^{F5}three years] beginning with the date of the grant][^{F4}expiration of the applicable period, beginning with the date of the grant].

[^{F6}(3ZA) Subsection (3ZB) applies if—

- (a) a section 73 permission is granted for the development of land in Wales, but without the condition required by subsection (1), and
- (b) the previous permission was granted, or deemed to have been granted (whether by virtue of this section or otherwise) subject to a condition as to the time within which development was to be begun.

Status: Point in time view as at 01/03/2016.

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- (3ZB) The section 73 permission shall be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the date on or before which the previous permission required development to be begun.
- (3ZC) The previous permission, in relation to a section 73 permission, is the previous planning permission referred to in section 73(1).
- (3ZD) References in subsections (3ZA) to (3ZC) to a section 73 permission are to a planning permission granted under section 73.]
- [^{F7}(3A) Subsection (3B) applies if any proceedings are begun to challenge the validity]^{F8}, in respect of the development of land in England,] of a grant of planning permission or of a deemed grant of planning permission.
- (3B) The period before the end of which the development to which the planning permission relates is required to be begun in pursuance of subsection (1) or (3) must be taken to be extended by one year.
- (3C) Nothing in this section prevents the development being begun from the time the permission is granted or deemed to be granted.]
- (4) Nothing in this section applies—
- (a) to any planning permission granted by a development order [^{F9}, a local development order or a neighbourhood development order];
 - (b) to any planning permission [^{F10}granted for development carried out before the grant of that permission];
 - (c) to any planning permission granted for a limited period;
 - ^{F11}[(d) to any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun before the expiration of a specified period after—
 - (i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission; or
 - (ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission;]
 - (e) to any planning permission granted by an enterprise zone scheme;
 - (f) to any planning permission granted by a simplified planning zone scheme; or
 - (g) to any outline planning permission, as defined by section 92.
- [^{F12}(5) The applicable period—
- (a) in relation to England, is three years;
 - (b) in relation to Wales, is five years.]

Textual Amendments

- F1** Words in s. 91(1)(a) substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 35(2)**, **58(2)(b)(4)(b)**
- F2** Words in s. 91(1)(a) substituted (24.8.2005 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 51(1)(a)**, **121** (with **ss. 51(6)**, **111**); **S.I. 2005/2081**, **art. 2** (subject to savings in **art. 4**)

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- F3** Words in s. 91(3) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 35\(3\)\(a\), 58\(2\)\(b\)\(4\)\(b\)](#)
- F4** Words in s. 91(3) substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 35\(3\)\(b\), 58\(2\)\(b\)\(4\)\(b\)](#)
- F5** Words in s. 91(3) substituted (24.8.2005 for E. and otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 51\(1\)\(a\), 121 \(with ss. 51\(6\), 111\); S.I. 2005/2081, art. 2](#) (subject to savings in art. 4)
- F6** S. 91(3ZA)-(3ZD) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 35\(4\), 58\(2\)\(b\)\(4\)\(b\)](#)
- F7** S. 91(3A)-(3C) inserted (24.8.2005 for E., 22.6.2015 for W. for specified purposes) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), s. 51\(1\)\(b\), s. 121\(1\)-\(3\) \(with ss. 51\(6\), 111\); S.I. 2005/2081, art. 2\(c\); S.I. 2015/340, art. 3](#)
- F8** Words in s. 91(3A) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 35\(5\), 58\(2\)\(b\)\(4\)\(b\)](#)
- F9** Words in s. 91(4)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(5\)\(j\), Sch. 12 para. 13; 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\); S.I. 2012/2029, arts. 2, 3\(a\) \(with art. 5\) \(as amended \(6.4.2013\) by S.I. 2013/797, art. 4\); S.I. 2013/797, arts. 1\(2\), 2](#)
- F10** Words in s. 91(4)(b) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para.20 \(with s. 84\(5\)\); S.I. 1991/2905, art. 3, Sch.1](#)
- F11** S. 91(4)(d) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 21, Sch. 1 para. 3; S.I. 1991/2067, art. 3](#) (subject to art. 4)
- F12** S. 91(5) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\), ss. 35\(6\), 58\(2\)\(b\)\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 91 excluded (5.11.1993) by [1993 c. 42, s. 24\(2\) \(with ss. 2, 30\(1\), Sch. 2 para.9\)](#)
S. 91 excluded (18.12.1996) by [1996 c. 61, s. 10\(4\)](#)
- C2** S. 91 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\), ss. 11\(4\)](#)

92 Outline planning permission. E+W

- (1) In this section and section 91 “outline planning permission” means planning permission granted, in accordance with the provisions of a development order, with the reservation for subsequent approval by the local planning authority^[F13], the Welsh Ministers] or the Secretary of State of matters not particularised in the application (“reserved matters”).
- (2) Subject to the following provisions of this section, where outline planning permission is granted for development consisting in or including the carrying out of building or other operations, it shall be granted subject to conditions to the effect—
- (a) that, in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and
- (b) ^[F14]that, in the case of outline planning permission for the development of land in England, the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

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- (c) that, in the case of outline planning permission for the development of land in Wales, the development must be begun no later than—
- (i) the expiration of five years from the date of the grant of outline planning permission, or
 - (ii) if later, the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.]
- (3) If outline planning permission is granted without the conditions required by subsection (2), it shall [^{F17}(subject to subsections (3A) to (3D))] be deemed to have been granted subject to those conditions.
- [^{F18}(3A) If outline planning permission is granted under section 73 for the development of land in Wales, but without the condition required by subsection (2)(a), it shall be deemed to have been granted subject to the following condition.
- (3B) The condition is that, in the case of any reserved matter, application for approval must be made not later than the date on or before which the previous permission required application for approval, in the case of any matter reserved under the previous permission, to be made.
- (3C) If outline planning permission is granted under section 73 for the development of land in Wales, but without a condition required by subsection (2)(c), it shall be deemed to have been granted subject to the following condition.
- (3D) The condition is that the development to which the permission relates must be begun not later than the date on or before which the previous permission required development to be begun.
- (3E) The previous permission, in relation to outline planning permission granted under section 73, is the previous planning permission referred to in subsection (1) of that section.]
- (4) The authority concerned with the terms of an outline planning permission may, in applying subsection (2), substitute, or direct that there be substituted, for the periods [^{F19}of three years, ^{F20}. . . or two years] referred to in that subsection such other periods respectively (whether longer or shorter) as they consider appropriate.
- (5) They may also specify, or direct that there be specified, separate periods under paragraph (a) of subsection (2) in relation to separate parts of the development to which the planning permission relates; and, if they do so, the condition required by paragraph (b) [^{F21}or (c)] of that subsection shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.
- (6) In considering whether to exercise their powers under subsections (4) and (5), the authority shall have regard to the provisions of the development plan and to any other material considerations.

Textual Amendments

F13 Words in s. 92(1) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 10**; S.I. 2016/52, art. 3(e)

F14 S. 92(2)(b)(c) substituted for s. 92(2)(b) (6.9.2015 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), **ss. 36(2), 58(2)(b)(4)(b)**

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- F15** S. 92(2)(b)(i) omitted (24.8.2005 for E. and otherwise prosp.) by virtue of [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 51\(2\)\(a\)](#), 121 (with [ss. 51\(6\)](#), 111); S.I. 2004/2081, [art. 2](#) (subject to savings in [art. 4](#))
- F16** Words in s. 92(2)(b)(ii) omitted (28.8.2005 for E. and otherwise prosp.) by virtue of [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 51\(2\)\(b\)](#), 121 (with [ss. 51\(6\)](#), 111); S.I. 2005/2081, [art. 2](#) (subject to savings in [art. 4](#))
- F17** Words in s. 92(3) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 36\(3\)](#), 58(2)(b)(4)(b)
- F18** S. 92(3A)-(3E) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 36\(4\)](#), 58(2)(b)(4)(b)
- F19** Words in s. 92(4) omitted (6.9.2015 for specified purposes) by virtue of [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 36\(5\)](#), 58(2)(b)(4)(b)
- F20** Words in s. 92(4) omitted (24.8.2005 for E. and otherwise prosp.) by virtue of [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 51\(2\)\(c\)](#), 121 (with [ss. 51\(6\)](#), 111); S.I. 2005/2081, [art. 2](#) (subject to savings in [art. 4](#))
- F21** Words in s. 92(5) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 36\(6\)](#), 58(2)(b)(4)(b)

Modifications etc. (not altering text)

- C3** S. 92: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)

93 Provisions supplementary to ss. 91 and 92. E+W

- (1) The authority referred to in section 91(1)(b) or 92(4) is—
- (a) the local planning authority^[F22], the Welsh Ministers] or the Secretary of State, in the case of planning permission granted by them,
 - (b) in the case of planning permission deemed to be granted under section 90(1), the department on whose direction planning permission is deemed to be granted, and
 - (c) in the case of planning permission deemed to be granted under section 90(2), the Secretary of State.
- (2) For the purposes of section 92, a reserved matter shall be treated as finally approved—
- (a) when an application for approval is granted, or
 - (b) in a case where the application is made to the local planning authority and on an appeal to the Secretary of State against the authority's decision on the application the Secretary of State grants the approval, when the appeal is determined.
- (3) Where a local planning authority grant planning permission, the fact that any of the conditions of the permission are required by the provisions of section 91 or 92 to be imposed, or are deemed by those provisions to be imposed, shall not prevent the conditions being the subject of an appeal under section 78 against the decision of the authority.
- (4) In the case of planning permission (whether outline or other) which has conditions attached to it by or under section 91 or 92—
- (a) development carried out after the date by which the conditions require it to be carried out shall be treated as not authorised by the permission; and

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- (b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.

Textual Amendments

F22 Words in s. 93(1)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 4 para. 11**; S.I. 2016/52, art. 3(e)

94 Termination of planning permission by reference to time limit: completion notices. **E+W**

- (1) This section applies where—
- (a) by virtue of section 91 or 92, a planning permission is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed; or
 - (b) development has been begun in accordance with planning permission under a simplified planning zone scheme but has not been completed by the time the area ceases to be a simplified planning zone; or
 - (c) development has been begun in accordance with planning permission under an enterprise zone scheme but has not been completed by the time the area ceases to be an enterprise zone [^{F23}; or
 - (d) a planning permission under a neighbourhood development order is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed.]
- (2) If the local planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (“a completion notice”) stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice.
- (3) The period so specified must not be less than 12 months after the notice takes effect.
- (4) A completion notice shall be served—
- (a) on the owner of the land,
 - (b) on the occupier of the land, and
 - (c) on any other person who in the opinion of the local planning authority will be affected by the notice.
- (5) The local planning authority may withdraw a completion notice at any time before the expiration of the period specified in it as the period at the expiration of which the planning permission is to cease to have effect.
- (6) If they do so they shall immediately give notice of the withdrawal to every person who was served with the completion notice.

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Textual Amendments

F23 S. 94(1)(d) and word inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 14](#); [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); [S.I. 2012/2029](#), arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797](#), art. 4); [S.I. 2013/797](#), arts. 1(2), 2

Modifications etc. (not altering text)

C4 S. 94 applied (with modifications) (18.12.1996) by [1996 c. 61](#), s. 10(5)(6)
C5 S. 94(2): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), [Sch. 1](#)

95 Effect of completion notice. **E+W**

- (1) A completion notice shall not take effect unless and until it is confirmed by the Secretary of State.
- (2) In confirming a completion notice the Secretary of State may substitute some longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.
- (3) If, within such period as may be specified in a completion notice (which must not be less than 28 days from its service) any person on whom the notice is served so requires, the Secretary of State, before confirming the notice, shall give him and the local planning authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) If a completion notice takes effect, the planning permission referred to in it shall become invalid at the expiration of the period specified in the notice (whether the original period specified under section 94(2) or a longer period substituted by the Secretary of State under subsection (2)).
- (5) Subsection (4) shall not affect any permission so far as development carried out under it before the end of the period mentioned in that subsection is concerned.

Modifications etc. (not altering text)

C6 S. 95(2) modified (18.12.1996) by [1996 c. 61](#), s. 10(6)

96 Power of Secretary of State to serve completion notices. **E+W**

- (1) If it appears to the Secretary of State to be expedient that a completion notice should be served in respect of any land, he may himself serve such a notice.
- (2) A completion notice served by the Secretary of State shall have the same effect as if it had been served by the local planning authority.
- (3) The Secretary of State shall not serve such a notice without consulting the local planning authority.

Status:

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