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STATUTORY INSTRUMENTS

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**2013 No. 2136**

**The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013**

**Citation, commencement and application**

1.—(1) This Order may be cited as the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 and shall come into force on 1st October 2013.

(2) This Order applies in relation to England only.

**Amendments to the Town and Country Planning (Development Management Procedure) (England) Order 2010**

2.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2010(1) is amended as follows.

(2) In article 2(1) (interpretation) after the definition of “mining operations” insert—

““minor commercial application” means—

- (a) an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes set out in Schedule 1A, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

where such an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building.”.

(3) In article 13(7)(f) (publicity for applications for planning permission) insert “or minor commercial” after “in the case of a householder”.

(4) In Article 33 (appeals)—

- (a) in paragraph (1)(b) insert “the documents mentioned in paragraph (3)(b)(viii) to (x) (where those paragraphs apply), and” after “together with a copy of”;
- (b) in paragraph (2)(a) insert “or minor commercial” after “householder”;
- (c) in paragraph (3)(a) insert “or minor commercial” after “householder”;
- (d) omit “and” at the end of paragraph (3)(b)(vi);
- (e) at the end of paragraph (3)(b)(vii) substitute “planning permission granted;” for “planning permission granted.”;
- (f) after paragraph (3)(b)(vii) insert—

“(viii) subject to paragraph (3A), the applicant’s full statement of case (if they wish to make additional representations);

- (ix) subject to paragraph (3A), a statement of which procedure (written representations, a hearing or an inquiry) the applicant considers should be used to determine the appeal; and
  - (x) subject to paragraph (3A), a draft statement of common ground if the applicant considers that the appeal should be determined through a hearing or an inquiry.
- (3A) Paragraph 3(b)(viii) to (x) does not apply—
- (a) where a direction is given by the Secretary of State under section 321(3) of the 1990 Act (matters related to national security)(2);
  - (b) where section 293A of the 1990 Act (urgent Crown development)(3) applies;
  - (c) in relation to type A or type B appeals; or
  - (d) in relation to major infrastructure projects (within the meaning in rule 2 of the Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2002 (interpretation))(4).”;
- (g) in paragraph (7)—
- (i) before the definition of “householder appeal” insert—
    - ““draft statement of common ground” means a written statement containing factual information about the proposal which is the subject of the appeal that the applicant reasonably considers will not be disputed by the local planning authority;
    - “full statement of case” means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward and copies of any documents which that person intends to refer to or put in evidence;”;
  - (ii) after the definition of “householder appeal” insert—
    - ““minor commercial appeal” means an appeal under section 78(1) of the 1990 Act in relation to a minor commercial application, except an appeal against the grant of any planning permission, consent, agreement or approval which is granted subject to conditions;”;
  - (iii) in paragraph (b)(i) of the definition of “type B appeal” insert “or minor commercial” after “householder”;
- (5) after Schedule 1 insert Schedule 1A in Schedule 1.
- (6) In Schedule 2—
- (a) after the notice under article 11 of application for planning permission for householder development insert the notice in Schedule 2; and
  - (b) after the notice under articles 11 and 32 of appeal relating to the refusal to grant permission for householder development insert the notice in Schedule 3.
- (7) In Schedule 3 for the notice under article 13(4) or (5) of application for planning submission substitute the notice in Schedule 4.

### **Transitional provisions**

- 3.—(1) This Order does not apply in relation to—

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(2) Section 321 has been amended in ways not relevant to this Order.  
 (3) Section 293A was inserted by section 82(1) the Planning and Compulsory Purchase Act 2004 (c. 5).  
 (4) [S.I. 2002/1223](#). Rule 2 was partly revoked by [S.I. 2005/2115](#).

- (a) any appeal under section 78(1) of the Planning Act<sup>(5)</sup> relating to an application determined before this Order comes into force; or
  - (b) any appeal under section 78(2) of the Planning Act<sup>(6)</sup> if the relevant period referred to in that paragraph expired before this Order comes into force.
- (2) Article 2(4)(b) and (c) does not apply in relation to any appeal under section 78 of the Planning Act relating to an application made before this Order comes into force.
- (3) In this article—
- “the Planning Act” means the Town and Country Planning Act 1990<sup>(7)</sup>.

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

*Nick Boles*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

27th August 2013

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(5) Section 78(1) was amended by paragraph 11 of Schedule 12 to the Localism Act 2011 (c. 20).

(6) Section 78(2) was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34), section 43(2) of the Planning and Compulsory Purchase Act 2004 (c. 5) (in force in relation to England only, see S.I. 2009/384), and section 123(3) of the Localism Act 2011.

(7) 1990 c. 8.