



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Determination of applications*

#### **[<sup>F1</sup>70B Power to decline to determine overlapping application**

- (1) A local planning authority may decline to determine an application for planning permission<sup>[<sup>F2</sup>, or permission in principle,]</sup> for the development of any land which is
  - <sup>F3</sup>(a) made on the same day as a similar application, or
  - (b) made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.
- (2) The condition is that a similar application is under consideration by the local planning authority and the determination period for that application has not expired.
- (3) The condition is that a similar application is under consideration by the Secretary of State in pursuance of section [<sup>F4</sup>62A,<sup>2</sup>] 76A or 77 or on an appeal under section 78 and the Secretary of State has not issued his decision.
- (4) The condition is that a similar application—
  - (a) has been granted by the local planning authority,
  - (b) has been refused by them, or
  - (c) has not been determined by them within the determination period,and the time within which an appeal could be made to the Secretary of State under section 78 has not expired.

[ A local planning authority in England may also decline to determine an application for <sup>F5</sup>(4A) planning permission<sup>[<sup>F6</sup>, or permission in principle,]</sup> for the development of any land in England which is made at a time when the condition in subsection (4B) applies in relation to a similar application.

*Status: Point in time view as at 09/05/2024.*

*Changes to legislation: Town and Country Planning Act 1990, Section 70B is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4B) The condition is that—
- (a) a similar application is under consideration by the Secretary of State,
  - (b) the similar application is an application deemed to have been made by section 177(5), and
  - (c) the Secretary of State has not issued his decision.]
- (5) An application <sup>F7</sup>... is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.
- (6) The determination period is—
- (a) the period prescribed by the development order for the determination of the application, or
  - (b) such longer period as the applicant and the authority have agreed for the determination of the application.
- [ If a local planning authority exercise their power under subsection (1)(a) to decline to <sup>F8</sup>(7) determine an application made on the same day as a similar application, they may not also exercise that power to decline to determine the similar application.]]

#### Textual Amendments

- F1** Ss. 70A, 70B substituted (24.8.2005 (E.)) in so far as relates to s. 70A and 6.4.2009 (E.) in so far as relates to s. 70B) for s. 70A by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 43\(1\)](#), [121](#) (with s. 111); [S.I. 2005/2081](#), [art. 2](#) (subject to savings in [art. 4](#)); [S.I. 2009/384](#), [art. 2\(a\)](#)
- F2** Words in s. 70B(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 13\(2\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F3** Words in s. 70B(1) inserted (6.4.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241, [Sch. 7 para. 3\(2\)](#) (with s. 226); [S.I. 2009/400](#), [art. 5](#)
- F4** Word in s. 70B(3) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(1), [Sch. 1 para. 7](#); [S.I. 2013/1124](#), [art. 2](#); [S.I. 2013/2143](#), [art. 2\(1\)\(a\)](#); [S.I. 2014/1531](#), [art. 2](#)
- F5** S. 70B(4A)(4B) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241, [Sch. 7 para. 3\(3\)](#) (with s. 226); [S.I. 2009/400](#), [art. 3](#)
- F6** Words in s. 70B(4A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 13\(2\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F7** Words in s. 70B(5) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 13\(3\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F8** S. 70B(7) inserted (6.4.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241, [Sch. 7 para. 3\(4\)](#) (with s. 226); [S.I. 2009/400](#), [art. 5](#)

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