



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Secretary of State's powers as respects planning applications and decisions

77 Reference of applications to Secretary of State.

- (1) The Secretary of State may give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order [^{F1}[^{F2}, a local development order or a neighbourhood development order]], to be referred to him instead of being dealt with by local planning authorities.
- (2) A direction under this section—
 - (a) may be given either to a particular local planning authority or to local planning authorities generally; and
 - (b) may relate either to a particular application or to applications of a class specified in the direction.
- (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.
- (4) Subject to subsection (5), where an application for planning permission is referred to the Secretary of State under this section, sections [^{F3}70, 72(1) and (5), 73 and 73A] shall apply, with any necessary modifications, as they apply to such an application which falls to be determined by the local planning authority [^{F4}and a development order may apply, with or without modifications, to an application so referred any requirements imposed by such an order by virtue of section 65 or 71].
- (5) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the local planning authority wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

Status: Point in time view as at 06/04/2012. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 77 is up to date with all changes known to be in force on or before 09 July 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)

- (6) Subsection (5) does not apply to an application for planning permission referred to a Planning Inquiry Commission under section 101.
- (7) The decision of the Secretary of State on any application referred to him under this section shall be final.

Textual Amendments

- F1** Words in s. 77(1) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), s. 40\(2\)\(d\)](#) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2
- F2** Words in s. 77(1) 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. 10](#); 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
- F3** Words in s. 77(4) substituted (2.1.1992 so far as relating to the inclusion of a reference to s. 73A otherwise 17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para.18](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch.1](#) (subject to art. 5) and S.I. 1992/1491, art.2, [Sch.1](#)
- F4** Words in s. 77(4) inserted (17.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 18](#) (with s. 84(5)); S.I. 1992/1491, art. 2, [Sch.1](#)

Modifications etc. (not altering text)

- C1** S. 77 extended (3.11.1994) by [1994 c. 33, ss. 80\(3\), 172\(4\)](#)
- C2** S. 77 applied (with modifications) (6.4.2007) by [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007 \(S.I. 2004/783\), reg. 10](#)
- C3** S. 77(5) excluded (27.5.1997) by [1997 c. 8, ss. 70\(4\), 278\(2\), Sch. 7 para. 7](#) (with ss. 20, 64, 219)

Status:

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