



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 4

DEVELOPMENT CONTROL

Applications

42 Applications for planning permission and certain consents

- (1) In the principal Act for section 62 (form and content of applications for planning permission) there is substituted the following section—

“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—
- the form and manner in which the application must be made;
 - particulars of such matters as are to be included in the application;
 - documents or other materials as are to accompany the application.
- (3) The local planning authority may require that an application for planning permission must include—
- such particulars as they think necessary;
 - 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).

Status: Point in time view as at 06/04/2012.

Changes to legislation: *Planning and Compulsory Purchase Act 2004, Section 42 is up to date with all changes known to be in force on or before 26 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)*

- (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.”
- (2) In section 73 of the principal Act (determination of applications to develop land without compliance with conditions previously attached) subsection (3) is omitted.
- (3) [^{F1}In section 198 of that Act (tree preservation orders) after subsection (7) there is inserted—
- “(8) In relation to an application for consent under a tree preservation order the appropriate authority may by regulations make 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) the documents or other materials as are to accompany the application.
- (9) The appropriate authority is—
- (a) the Secretary of State in relation to England;
 - (b) the National Assembly for Wales in relation to Wales,
- and in the case of regulations made by the National Assembly for Wales section 333(3) must be ignored.”]
- (4) In section 220 of that Act (regulations controlling display of advertisements) after subsection (2) there is inserted the following subsection—
- “(2A) The regulations may also make provision as to—
- (a) the form and manner in which an application for consent must be made;
 - (b) particulars of such matters as are to be included in the application;
 - (c) any documents or other materials which must accompany the application.”

(5) In the principal Act before section 328 (settled land and land of universities and colleges) there is inserted the following section—

“327A Applications: compliance with requirements

- (1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—
 - (a) the form or manner in which the application must be made;
 - (b) the form or content of any document or other matter which accompanies the application.
- (2) The local planning authority must not entertain such an application if it fails to comply with the requirement.”

Status: Point in time view as at 06/04/2012.

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- (6) In section 10(2) of the listed buildings Act (applications for listed buildings consent) the words from “shall be made” to “require and” are omitted.
- (7) In section 10(3) of that Act for paragraph (a) there are substituted the following paragraphs—
- “(a) the form and manner in which such applications are to be made;
 - (aa) particulars of such matters as are to be included in such applications;
 - (ab) the documents or other materials as are to accompany such applications;”.
- (8) In section 10 of that Act after subsection (3) there are inserted the following subsections—
- “(4) The regulations must require that an application for listed building consent of such description as is prescribed must be accompanied by such of the following as is prescribed—
 - (a) a statement about the design principles and concepts that have been applied to the works;
 - (b) a statement about how issues relating to access to the building have been dealt with.
 - (5) The form and content of a statement mentioned in subsection (4) is such as is prescribed.”
- (9) In section 89(1) of that Act (application of certain provisions of the principal Act) after the entry relating to section 323 there is inserted— “ section 327A (compliance with requirements relating to applications), ”.

Textual Amendments

- F1** S. 42(3) repealed (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), [Sch. 13](#) (with s. 226); [S.I. 2012/601](#), art. 2(c), [Sch.](#)

Commencement Information

- I1** S. 42 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I2** S. 42(1)(5)-(9) in force at 10.8.2006 for E. by [S.I. 2006/1061](#), [art. 3\(a\)](#) (with [art. 4](#)) (which saving in [art. 4](#) is revoked (11.2.2010) by [S.I. 2010/321](#), art. 4)
- I3** S. 42(1)(5)-(9) in force at 30.6.2007 for W. so far as not already in force by [S.I. 2007/1369](#), [art. 2\(a\)](#) (with [art. 3](#)) (as amended (11.2.2010) by [S.I. 2010/321](#), art. 4)

Status:

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Changes to legislation:

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