



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 4

DEVELOPMENT CONTROL

Miscellaneous

51 Duration of permission and consent

(1) Section 91 of the principal Act (limit on duration of planning permission) is amended as follows—

- (a) in subsections (1)(a) and (3) for the words “five years” there is substituted “three years”;
- (b) after subsection (3) there are inserted the following subsections—

“(3A) Subsection (3B) applies if any proceedings are begun to challenge the validity 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.”

(2) In section 92 of that Act (outline planning permission)—

- (a) in subsection (2)(b) sub-paragraph (i) is omitted;
- (b) in subsection (2)(b) in sub-paragraph (ii) the words “if later” are omitted;
- (c) in subsection (4) “five years” is omitted.

- (3) In section 73 of the principal Act (applications to develop land without compliance with existing conditions) after subsection (4) there is inserted the following subsection—
- “(5) Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—
- (a) a development must be started;
 - (b) an application for approval of reserved matters (within the meaning of section 92) must be made.”
- (4) Section 18 of the listed buildings Act (limit of duration of listed buildings consent) is amended as follows—
- (a) in subsections (1)(a) and (2) for the words “five years” there is substituted “three years”;
 - (b) after subsection (2) there are inserted the following subsections—
- “(2A) Subsection (2B) applies if any proceedings are begun to challenge the validity of a grant of listed building consent or of a deemed grant of listed building consent.
- (2B) The period before the end of which the works to which the consent relates are required to be begun in pursuance of subsection (1) or (2) must be taken to be extended by one year.
- (2C) Nothing in this section prevents the works being begun from the time the consent is granted.”
- (5) In section 19 of that Act (variation or discharge of conditions) after subsection (4) there is inserted the following subsection—
- “(5) But a variation or discharge of conditions under this section must not—
- (a) vary a condition subject to which a consent was granted by extending the time within which the works must be started;
 - (b) discharge such a condition.”
- (6) This section has effect only in relation to applications made under the principal Act or the listed buildings Act which are received by the local planning authority after the commencement of the section.