

Status: Point in time view as at 06/04/2009.

Changes to legislation: Planning Act 2008, Cross Heading: Town and Country Planning Act 1990 (c. 8) is up to date with all changes known to be in force on or before 26 June 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)

SCHEDULES

SCHEDULE 7

POWER TO DECLINE TO DETERMINE APPLICATIONS: AMENDMENTS

Town and Country Planning Act 1990 (c. 8)

1 T CPA 1990 is amended as follows.

Commencement Information

II Sch. 7 para. 1 in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(b)

2 (1) Section 70A (power of local planning authority to decline to determine subsequent application) is amended as follows.

(2) At the end of subsection (4)(b) insert “ or, if there has been such an appeal, it has been withdrawn ”.

(3) After subsection (4) insert—

“(4A) A local planning authority in England may also decline to determine a relevant application if—

- (a) the condition in subsection (4B) is satisfied, and
- (b) the authority think there has been no significant change in the relevant considerations since the relevant event.

(4B) The condition is that—

- (a) in the period of two years ending with the date on which the application mentioned in subsection (4A) is received the Secretary of State has refused a similar application,
- (b) the similar application was an application deemed to have been made by section 177(5), and
- (c) the land to which the application mentioned in subsection (4A) and the similar application relate is in England.”

(4) In subsection (7)(a) for “and (4)” substitute “ , (4) and (4B) ”.

Commencement Information

I2 Sch. 7 para. 2(1)(2) in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(b)

I3 Sch. 7 para. 2(3)(4) in force at 6.4.2009 for E.W. by S.I. 2009/400, art. 3(n)

3 (1) Section 70B (power of local planning authority to decline to determine overlapping application) is amended as follows.

(2) In subsection (1) after “which is” insert “—

Status: Point in time view as at 06/04/2009.

Changes to legislation: *Planning Act 2008, Cross Heading: Town and Country Planning Act 1990 (c. 8) is up to date with all changes known to be in force on or before 26 June 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)*

- (a) made on the same day as a similar application, or
- (b)”.

(3) After subsection (4) insert—

“(4A) A local planning authority in England may also decline to determine an application for planning permission 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.

(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.”

(4) After subsection (6) insert—

“(7) If a local planning authority exercise their power under subsection (1)(a) to decline to 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.”

Commencement Information

- I4** Sch. 7 para. 3(1)(2)(4) in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(b)
- I5** Sch. 7 para. 3(3) in force at 6.4.2009 for E.W. by S.I. 2009/400, art. 3(n)

Status:

Point in time view as at 06/04/2009.

Changes to legislation:

Planning Act 2008, Cross Heading: Town and Country Planning Act 1990 (c. 8) is up to date with all changes known to be in force on or before 26 June 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.