



# Planning Act 2008

## 2008 CHAPTER 29

### PART 6

#### DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

##### HANDLING OF APPLICATION BY COMMISSION

### 55 Acceptance of applications

- (1) The following provisions of this section apply where the [<sup>F1</sup>Secretary of State] receives an application that purports to be an application for an order granting development consent.
- (2) The [<sup>F1</sup>Secretary of State] must, by the end of the period of 28 days beginning with the day after the day on which [<sup>F2</sup>the Secretary of State] receives the application, decide whether or not to accept the application.
- (3) The [<sup>F1</sup>Secretary of State] may accept the application only if the [<sup>F1</sup>Secretary of State] concludes—
  - (a) that it is an application for an order granting development consent,
  - <sup>F3</sup>(b) .....
  - (c) that development consent is required for any of the development to which the application relates,
  - <sup>F4</sup>(d) .....
  - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure)<sup>F5</sup>, and
  - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.]

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Planning Act 2008, Section 55 is up to date with all changes known to be in force on or before 11 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)*

- (4) The [<sup>F1</sup>Secretary of State], when deciding whether [<sup>F6</sup>the Secretary of State] may reach the conclusion in subsection (3)(e), must have regard to—
- (a) the consultation report received under section 37(3)(c),
  - (b) any adequacy of consultation representation received by [<sup>F6</sup>the Secretary of State] from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4)—
- “local authority consultee” means—
- (a) a local authority consulted under [<sup>F7</sup>section 42(1)(b)] about a proposed application that has become the application, or
  - (b) the Greater London Authority if consulted under [<sup>F8</sup>section 42(1)(c)] about that proposed application;
- “adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant's duties under sections 42, 47 and 48.
- [<sup>F9</sup>(5A) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f), must have regard to the extent to which—
- (a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5), and
  - (b) any applicable guidance given under section 37(4) has been followed in relation to the application.]
- (6) If the [<sup>F1</sup>Secretary of State] accepts the application, [<sup>F10</sup>the Secretary of State] must notify the applicant of the acceptance.
- (7) If the [<sup>F1</sup>Secretary of State] is of the view that [<sup>F11</sup>the application cannot be accepted, the Secretary of State] must—
- (a) notify that view to the applicant, and
  - (b) notify the applicant of [<sup>F12</sup>the Secretary of State's] reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

#### Textual Amendments

- F1** Words in s. 55 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 13\(2\)](#); [S.I. 2012/628](#), art. 7(a)
- F2** Words in s. 55(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 13\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F3** S. 55(3)(b) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 137(2), 240(2), [Sch. 25 Pt. 21](#) (with s. 144); [S.I. 2012/628](#), art. 7
- F4** S. 55(3)(d) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 137(2), 240(2), [Sch. 25 Pt. 21](#) (with s. 144); [S.I. 2012/628](#), art. 7
- F5** S. 55(3)(f) and preceding word inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 137(3), 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F6** Words in s. 55(4) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 13\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F7** Words in s. 55(5) substituted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 23(4)(a), 324(3); [S.I. 2010/298](#), art. 2, [Sch. para. 6](#)

---

**Status:** Point in time view as at 01/04/2012.

**Changes to legislation:** Planning Act 2008, Section 55 is up to date with all changes known to be in force on or before 11 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)

---

- F8** Words in s. 55(5) substituted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 23(4)(b), 324(3)**; S.I. 2010/298, art. 2, Sch. para. 6
- F9** S. 55(5A) inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 137(4), 240(2)** (with s. 144); S.I. 2012/628, art. 7(a)
- F10** Words in s. 55(6) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 13(3)**; S.I. 2012/628, art. 7(a)
- F11** Words in s. 55(7) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 13(4)(a)**; S.I. 2012/628, art. 7(a)
- F12** Words in s. 55(7)(b) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 13(4)(b)**; S.I. 2012/628, art. 7(a)

---

#### **Commencement Information**

- I1** S. 55 in force at 1.3.2010 by S.I. 2010/101, **art. 3(d)** (with art. 6)

**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

Planning Act 2008, Section 55 is up to date with all changes known to be in force on or before 11 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.