

GROWTH AND INFRASTRUCTURE ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Promoting growth and facilitating provisions of infrastructure, and related matters

Section 4: Permitted development rights: prior approvals

35. **Section 4(1)** amends section 60 of the 1990 Act. Section 60(1) provides that planning permission granted by a development order may be granted unconditionally or subject to such conditions or limitations as may be specified in the order. Section 4(1) inserts new subsections (2A) to (2C) into section 60.
36. New subsection (2A) provides that where planning permission is granted for development which is a change of use the order may specify matters that relate to the new use for which the approval of the local planning authority or the Secretary of State may be required. For example, in relation to a change of use which might generate extra traffic and be noisier than the existing use, the local planning authority may be given the opportunity to approve a transport strategy prepared by the developer, and a plan to address noise impacts.
37. The key change made by new subsection (2B) is that, where a development order grants planning permission for development within the curtilage of a dwelling house, the order can include provision enabling the local planning authority to prevent the development going ahead in reliance on the order where: (1) there are objections from neighbours who share a boundary with the property to be developed; and (2) the authority considers that there would be an unacceptable impact on the amenity of adjoining properties
38. **Section 4(2)** amends section 70A(5) of the 1990 Act to provide that a local planning authority can decline to determine repeat applications for these approvals.