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## STATUTORY INSTRUMENTS

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# 2015 No. 595

## The Town and Country Planning (Development Management Procedure) (England) Order 2015

### Part 10

#### General

#### Development to include certain internal operations

**44.**—(1) The amount specified under section 55(2A) of the 1990 Act (meaning of “development” and “new development”) <sup>M1</sup> is 200 square metres.

(2) The circumstances in which section 55(2) of the 1990 Act does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the floor space of the building by more than 200 square metres are that the building is used for the retail sale of goods other than hot food.

(3) In paragraph (2), the reference to a building used for the retail sale of goods includes a building used as a retail warehouse club, being a retail club where goods are sold, or displayed for sale, only to members who are members of that club.

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#### Marginal Citations

**M1** Section 55(2A) was inserted by section 49(1) of the 2004 Act.

#### Directions

**45.** Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

#### Withdrawal of consent to use of electronic communications

**46.** Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, that person must give notice in writing—

- (a) withdrawing any address notified to the Secretary of State or to a local planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Secretary of State or with a local planning authority for that purpose,

and such withdrawal or revocation takes effect on the date specified by the person in the notice but not less than 7 days after the date on which the notice is given.

**Revocations, transitional provisions and savings**

47.—(1) The statutory instruments specified in the first column of the table in Schedule 9 are revoked, in so far as they apply to England, to the extent specified in the corresponding row of the third column of the table.

(2) In respect of an application for planning permission made before 15th April 2015, the following articles of this Order do not apply—

- (i) article 15 (publicity for applications for planning permission)
- (ii) article 16 (publicity for applications for planning permission within 10 metres of relevant railway land);
- (iii) Schedule 3 (publicity for planning permission);
- (iv) article 35 (written notice of determination relating to a planning application); and
- (v) Schedule 4 (consultations before the grant of planning permission).

(3) In respect of an application for planning permission made before 15th April 2015, the following articles of the Town and Country Planning (Development Management Procedure) (England) Order 2010<sup>M2</sup> (“the 2010 Order”) apply as they applied immediately prior to 15th April 2015—

- (i) article 13 (publicity for applications for planning permission);
- (ii) article 31 (written notice of determination relating to a planning application);
- (iii) Schedule 5 (consultations before the grant of planning permission); and
- (iv) Schedule 6 (notification where planning permission refused or granted subject to conditions).

(4) In respect of an application for planning permission made before 15th April 2015, the following provisions of this Order should be read as if—

- (i) the reference in article 35 of this Order to article 34 were a reference to article 29 in the 2010 Order;
- (ii) the reference to article 15 in Schedule 3 of this Order were a reference to article 13 in the 2010 Order;
- (iii) the references to articles 18, 19 and 20 in Schedule 4 of this Order were references to articles 16, 17 and 18 of the 2010 Order; and
- (iv) the reference to article 35 in Schedule 5 of this Order were a reference to article 31 in the 2010 Order.

(5) In respect of an application for consent, agreement, or approval required by a condition or limitation attached to a grant of planning permission, where the application for the grant of planning permission was made before 15th April 2015—

- (a) Part 5 of this Order does not apply; and
- (b) article 30 of the 2010 Order applies as that article applied immediately prior to 15th April 2015.

(6) Paragraph (7) applies in respect of an application made before 1st June 2015 for development falling within paragraph (zc) of Schedule 5 to the 2010 Order.

(7) Where this paragraph applies—

- (a) Schedule 4 of this Order should be read as if paragraph (zb) of the Schedule were a reference to paragraph (zc) of Schedule 5 to the 2010 Order;
- (b) paragraph 1(k) ( interpretation of table) of Schedule 4 to this Order should be read as if it were a reference to paragraph 1(l) of (interpretation of table) in Schedule 5 to the 2010 Order; and

- (c) the references in article 18(2) and 19(3) of this Order to paragraph (zb) of Schedule 4 to this Order should be read as if they are references to paragraph (zc) of Schedule 5 of the 2010 Order.

**Marginal Citations**

**M2** [S.I. 2010/2184](#), amended by [S.I. 2011/1824](#), 2012/636, 2012/2274, 2012/3109, 2013/235, 2013/1238, 2013/2136, 2013/2879, 2013/2932, 2013/3194, 2014/469, 2014/564 and 2014/1532.

**Status:**

Point in time view as at 01/04/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (England) Order 2015, Part 10.