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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 5**

**Applications made under a planning condition**

**Applications made under a planning condition**

**27.**—(1) Subject to paragraph (3), an application for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission must—

- (a) be made in writing to the local planning authority and must give sufficient information to enable the authority to identify the planning permission in respect of which it is made; and
- (b) include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the application.

(2) The authority must give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

(3) Paragraphs (1) and (2) do not apply to an application for approval—

- (a) of reserved matters<sup>(1)</sup>; or
- (b) under Schedule 2 to the Permitted Development Order<sup>(2)</sup>.

**Deemed discharge**

**28.**—(1) Subject to article 30, a planning condition to which section 74A(2) of the 1990 Act applies is deemed to be discharged<sup>(3)</sup> with effect from the date provided for paragraph (2) where—

- (a) the applicant has applied to the local planning authority under article 27; and
- (b) the applicant has given notice, in relation to that condition, in accordance with article 29; and
- (c) the period for the authority to give notice to the applicant of their decision on the application has elapsed without the authority giving notice to the applicant of their decision.

(2) Deemed discharge takes effect on the date specified in the notice given under article 29 or on such later date as may be agreed by the applicant and the authority in writing, unless the authority has given notice to the applicant of their decision on the application under article 27 before that date.

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(1) See article 6 of this Order.

(2) S.I. 2015/596.

(3) See section 74A(3) for the definition of deemed discharge.

### Deemed discharge notice

**29.**—(1) In order for a planning condition to be deemed discharged under article 28, the applicant must give a notice (“the deemed discharge notice”) to the local planning authority.

- (2) A deemed discharge notice may not be given unless—
  - (a) at least 6 weeks have elapsed beginning with the day immediately following that on which the application under article 27 is received by the local planning authority; or
  - (b) such shorter period as may be agreed in writing between the applicant and the local planning authority for serving a deemed discharge notice has elapsed.
- (3) The deemed discharge notice must—
  - (a) provide details of the application submitted under article 27 and identify the planning condition to which it relates;
  - (b) where the period referred to in article 27 has elapsed, confirm that no appeal has been made under section 78 of the 1990 Act<sup>(4)</sup>; and
  - (c) specify the date on which deemed discharge is to take effect.
- (4) The date specified under paragraph (3)(c) must be no earlier than—
  - (a) the date the period referred to in article 27 elapses, or
  - (b) 14 days after the day immediately following that on which the deemed discharge notice is received by the local planning authority,

whichever is later.

### Exemptions

**30.** Deemed discharge under article 28 does not apply to a condition attached to the grant of planning permission where—

- (a) the condition falls within the exemptions listed in Schedule 6; or
- (b) in relation to that condition, the applicant for planning permission and the local planning authority have agreed in writing that the provisions of section 74A of the 1990 Act (deemed discharge of planning conditions) do not apply.

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(4) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, section 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* S.I. 2009/400) and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 29).