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STATUTORY INSTRUMENTS

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**2018 No. 343**

**The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018**

**Prior approval applications: modified procedure in relation to call-in of applications**

4. After article 7 insert—

**“Prior approval applications: modified procedure in relation to call-in of applications**

**7ZA.**—(1) This article applies where the Secretary of State is considering exercising the power under section 77(1) of the Act (reference of applications to Secretary of State) in relation to a prior approval application.

(2) Where this article applies, the Secretary of State must give notice in writing (“the pause notice”) to the relevant local planning authority stating that the Secretary of State is considering exercising the power.

(3) Where the Secretary of State decides not to exercise the power the Secretary of State must give notice in writing to the local planning authority to that effect (“the release notice”).

(4) Subject to paragraph (5), the local planning authority must take no further action in relation to that prior approval application from the date it receives the pause notice until the day after the date on which—

- (a) it receives the release notice; or
- (b) the Secretary of State makes a direction under section 77(1) of the Act in relation to the application (“the call-in direction”).

(5) Where the local planning authority has not satisfied a consultation and notification provision at the date it receives the pause notice—

- (a) such provision continues to apply to the local planning authority whether or not the Secretary of State makes a call-in direction in relation to the prior approval application in question; and
- (b) the local planning authority must inform the Secretary of State as soon as they have satisfied that provision.

(6) Where the Secretary of State gives a pause notice, the period—

- (a) beginning with the day after the date on which the Secretary of State gives the pause notice; and
- (b) ending on the day after the date on which the Secretary of State gives the release notice,

shall not be counted for the purpose of calculating any time period for decision under article 7.

(7) Where the Secretary of State makes a call-in direction in relation to a prior approval application the provisions of Schedule 2 (except a consultation and notification provision)

apply to such an application as if the references to a local planning authority were to the Secretary of State.

(8) Where the Secretary of State makes a call-in direction in relation to a prior approval application any deemed prior approval provision shall have no effect in relation to such an application.

(9) In this article—

“consultation and notification provision” means a provision in Schedule 2 in relation to a prior approval application which requires the local planning authority to—

- (a) give notice of a proposed development;
- (b) consult in relation to a proposed development; and/or
- (c) give notice to consultees;

“deemed prior approval provision” means a provision in Schedule 2 in reliance on which, after the expiry of a time period for decision under article 7 where the application has not been determined, development may begin; and

“prior approval application” has the same meaning as in section 69A(2) of the Act.”.