

Status: Law In Force

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Meaning of development

This version in force from: **June 7, 2006** to **present**

(version 8 of 8)

55.— Meaning of “development” and “new development”.

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “*development*,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

[

(1A) For the purposes of this Act “*building operations*” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

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(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b) the carrying out on land within the boundaries of a road by a [...]

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highway authority of any works required for the maintenance or improvement of the road [but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the

environment]

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;

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

[

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.

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[

(2A) The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

(2B) The development order may make different provision for different purposes.

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(3) For the avoidance of doubt it is hereby declared that for the purposes of this section—

(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;

(b) the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if—

(i) the superficial area of the deposit is extended, or

(ii) the height of the deposit is extended and exceeds the level of the land adjoining the site.

(4) For the purposes of this Act mining operations include—

(a) the removal of material of any description—

(i) from a mineral-working deposit;

(ii) from a deposit of pulverised fuel ash or other furnace ash or clinker; or

(iii) from a deposit of iron, steel or other metallic slags; and

(b) the extraction of minerals from a disused railway embankment.

[

(4A) Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection—

“fish farming” means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

“inland waters” means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and

“tank” includes any cage and any other structure for use in fish farming.

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[6](#)

(5) Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

[...]

[7](#)

Notes

1. Added by Planning and Compensation Act 1991 c. 34 [Pt I s.13\(1\)](#) (July 27, 1992 subject to transitional provisions specified in SI 1992/1279 art.3)
2. Word repealed by Planning and Compulsory Purchase Act 2004 c. 5 [Sch.9 para.1](#) (June 7, 2006: repeal came into force on August 6, 2004 as SI 2004/2097 for the purpose of the making of or making provision for secondary legislation; June 7, 2006 as SI 2006/1281 otherwise)
3. Words inserted by Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999/293 [Pt IX reg.35\(1\)](#) (March 14, 1999)
- 4.

Added by Planning and Compensation Act 1991 c. 34 [Pt I s.13\(2\)](#) (November 25, 1991 for the purposes specified in SI 1991/2728; July 27, 1992 otherwise, subject to transitional provisions specified in SI 1992/1279 art.3)

[5](#). Added by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 4 s.49\(1\)](#) (August 6, 2004 in relation to the exercise of powers specified in SI 2004/2097 art.2; May 10, 2006 in relation to England; June 22, 2015 in relation to Wales otherwise)

[6](#). Added by Planning and Compensation Act 1991 c. 34 [Pt I s.14\(1\)](#) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

[7](#). Repealed by Planning and Compensation Act 1991 c. 34 [Sch.6 para.9](#) (September 25, 1991)

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Subject: Planning

Keywords: Development; Development orders; Interpretation; Material change of use; Ministers' powers and duties; Operational development; Planning control; Statutory definition

Status: Law In Force

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Meaning of development

This version in force from: **February 12, 2015** to **present**

(version 6 of 6)

56.— Time when development begun.

(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun;

(b) if the development consists of a change in use, at the time when the new use is instituted;

(c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

(3) The provisions referred to in subsection (2) are [[sections 61L\(5\)](#) and [\(7\)](#), [85\(2\)](#), [86\(6\)](#), [87\(4\)](#)]

²

, [89](#), [\[91, 92, 94\]](#) and [108\(3E\)\(c\)\(i\)](#)]

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(4) In subsection (2) "*material operation*" means—

(a) any work of construction in the course of the erection of a building;

[

(aa) any work of demolition of a building;

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(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

(d) any operation in the course of laying out or constructing a road or part of a road;

(e) any change in the use of any land which constitutes material development.

(5) In subsection (4)(e) “*material development*” means any development other than—

(a) development for which planning permission is granted by a general development order [, a local development order or a Mayoral development order]

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for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted;

[

(b) development of a class specified in [paragraph 1 or 2 of Schedule 3](#); and

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(c) development of any class prescribed for the purposes of this subsection.

(6) In subsection (5) “*general development order*” means a development order (within the meaning of [section 59](#)) made as a general order applicable (subject to such exceptions as may be specified in it) to all land in England and Wales.

Notes

1. Word inserted by Planning and Compensation Act 1991 c. 34 [Sch.7 para.10\(1\)](#) (September 25, 1991)
2. Words inserted by Localism Act 2011 c. 20 [Sch.12 para.2\(a\)](#) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j)); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(h) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; April 6, 2012 otherwise subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
3. Words substituted by Localism Act 2011 c. 20 [Sch.12 para.2\(b\)](#) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j)); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(h) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; April 6, 2012 otherwise subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
4. Added by Planning and Compensation Act 1991 c. 34 [Sch.7 para.10\(2\)](#) (July 27, 1992)
5. Words substituted by Infrastructure Act 2015 c. 7 [Sch.4\(2\) para.3](#) (February 12, 2015 in so far as it confers power to make provision by regulations or development order within the meaning of 1990 c.8; not yet in force otherwise)
6. Substituted by Planning and Compensation Act 1991 c. 34 [Sch.6 para.10](#) (September 25, 1991)

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Subject: Planning

Keywords: Commencement; Development; Interpretation; Planning control

Status: Law In Force

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Requirement for planning permission

This version in force from: **February 12, 2015 to present**

(version 5 of 5)

57.— Planning permission required for development.

(1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.

[

(1A) Subsection (1) is subject to [section 33\(1\)](#) of the [Planning Act 2008](#) (exclusion of requirement for planning permission etc. for development for which development consent required).

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[1](#)

(2) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.

(3) Where by a development order [, a local development order [, a Mayoral development order]

[3](#)

or a neighbourhood development order]

[2](#)

planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is its normal use.

(4) Where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.

(5) In determining for the purposes of subsections (2) and (3) what is or was the normal use of land, no account shall be taken of any use begun in contravention of this Part or of previous planning control.

(6) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if it was begun in contravention of [Part III](#) of the 1947 Act, [Part III](#) of the 1962 Act or [Part III](#) of the 1971 Act.

(7) Subsection (1) has effect subject to [Schedule 4](#) (which makes special provision about use of land on 1st July 1948).

Notes

1. Added by Planning Act 2008 c. 29 [Sch.2 para.35](#) (March 1, 2010)
2. Words substituted by Localism Act 2011 c. 20 [Sch.12 para.3](#) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(h) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; April 6, 2012 otherwise subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
3. Words inserted by Infrastructure Act 2015 c. 7 [Sch.4\(2\) para.4](#) (February 12, 2015 in so far as it confers power to make provision by regulations or development order within the meaning of 1990 c.8; not yet in force otherwise)

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Subject: Planning

Keywords: Development; Development consent; Development orders; Enforcement notices; Interpretation; Land use; Planning control; Planning permission

Status: Law In Force Amendment(s) Pending

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Publicity for applications

This version in force from: **February 12, 2015** to **present**

(version 5 of 6)

[

65.— Notice etc. of applications for planning permission.

(1) A development order may make provisions requiring—

(a) notice to be given of any application for planning permission, and

(b) any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used,

and provide for publicising such applications and for the form, content and service of such notices and certificates.

(2) Provisions shall be made by a development order for the purpose of securing that, in the case of any application for planning permission, any person (other than the applicant) who on such date as may be prescribed by the order is an owner of the land to which the application relates, or [an agricultural tenant of that land]

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, is given notice of the application in such manner as may be required by the order.

(3) A development order may require an applicant for planning permission to certify, in such form as may be prescribed by the order, or to provide evidence, that any requirements of the order have been satisfied.

[

(3A) In subsections (1) and (3) references to any application for planning permission or any applicant for such permission include references to [—]

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[

(a) any application for consent, agreement or approval as mentioned in [section 61DB\(2\)](#) or any applicant for such consent, agreement or approval, and

(b) any application for approval under [section 61L\(2\)](#) or any applicant for such approval.

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(4) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(5) A local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of this section have been satisfied.

(6) If any person—

(a) issues a certificate which purports to comply with any requirements imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence.

(7) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) In this section—

[*‘agricultural tenant’*, in relation to any land, means any person who—

(a) is the tenant, under a tenancy in relation to which the [Agricultural Holdings Act 1986](#) applies, of an agricultural holding within the meaning of that Act any part of which is comprised in that land; or

(b) is the tenant, under a farm business tenancy (within the meaning of the [Agricultural Tenancies Act 1995](#)), of land any part of which is comprised in that land;

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“owner” in relation to any land means any person who—

(a) is the estate owner in respect of the fee simple;

(b) is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired; or

(c) in the case of such applications as may be prescribed by a development order, is entitled to an interest in any mineral so prescribed,

and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.

(9) Notwithstanding [section 127](#) of the [Magistrates' Courts Act 1980](#), a magistrates' court may try an information in respect of an offence under this section whenever laid.

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Notes

1. S.65(1)-(9) substituted for ss.65-68 by Planning and Compensation Act 1991 c. 34 [Pt I s.16\(1\)](#) (November 25, 1991 for purposes specified in SI 1991/2728; July 17, 1992 otherwise)
2. Words substituted by Agricultural Tenancies Act 1995 c. 8 [Sch.1 para.35\(2\)](#) (September 1, 1995)
3. Added by Localism Act 2011 c. 20 [Sch.12 para.6](#) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j)); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(h) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; April 6, 2012 otherwise subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
4. Existing text renumbered as s.65(3A)(b) and s.65(3A)(a) is inserted by Infrastructure Act 2015 c. 7 [Sch.4\(2\) para.7](#) (February 12, 2015 in so far as it confers power to make provision by regulations or development order within the meaning of 1990 c.8; not yet in force otherwise)
5. Definition substituted by Agricultural Tenancies Act 1995 c. 8 [Sch.1 para.35\(3\)](#) (September 1, 1995)

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Subject: Criminal law **Other related subjects:** Planning

Keywords: Certificates; Development orders; Interpretation; Local planning authorities; Notice; Planning applications; Planning authorities' powers and duties; Planning control; Publicity

Status: Law In Force Amendment(s) Pending

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Determination of applications

This version in force from: **March 1, 2016** to **present**

(version 5 of 7)

70.— Determination of applications: general considerations.

(1) Where an application is made to a local planning authority for planning permission—

(a) subject to [\[section 62D\(5\)\]](#) and

[1](#)

[sections 91 and 92](#), they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or

(b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard [to—]

[2](#)

[

(a) the provisions of the development plan, so far as material to the application,

[

(aa) any considerations relating to the use of the Welsh language, so far as material to the application;

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[3](#)

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

]

[2](#)

[

(2ZA) Subsection (2)(aa) applies only in relation to Wales.

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[4](#)

[

(2A) Subsection (2)(b) does not apply in relation to Wales.

]

[5](#)

(3) Subsection (1) has effect subject to [\[section 65\]](#)

[6](#)

and to the following provisions of this Act, to [sections 66, 67, 72 and 73](#) of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) and to [section 15](#) of the [Health Services Act 1976](#).

[

(4) In this section—

“local finance consideration” means—

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;

“Minister of the Crown” has the same meaning as in the [Ministers of the Crown Act 1975](#);

“relevant authority” means—

(a) a district council;

(b) a county council in England;

(c) the Mayor of London;

(d) the council of a London borough;

(e) a Mayoral development corporation;

(f) an urban development corporation;

(g) a housing action trust;

(h) the Council of the Isles of Scilly;

(i) the Broads Authority;

(j) a National Park authority in England;

(k) the Homes and Communities Agency; or

(l) a joint committee established under [section 29](#) of the [Planning and Compulsory Purchase Act 2004](#).

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Notes

1. Words inserted by Planning (Wales) Act 2015 anaw. 4 [Sch.4 para.5](#) (March 1, 2016 in relation to developments of national significance and secondary consents; not yet in force otherwise)
2. Word and s.70(2)(a)-(c) substituted for words by Localism Act 2011 c. 20 [Pt 6 c.7 s.143\(2\)](#) (January 15, 2012)
3. Added by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.31\(2\)](#) (January 4, 2016 as SI 2015/1987)
4. Added by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.31\(3\)](#) (January 4, 2016 as SI 2015/1987)
5. Added by Localism Act 2011 c. 20 [Pt 6 c.7 s.143\(3\)](#) (January 15, 2012)
6. Substituted by Planning and Compensation Act 1991 c. 34 [Sch.7 para.14](#) (July 17, 1992)
7. Added by Localism Act 2011 c. 20 [Pt 6 c.7 s.143\(4\)](#) (January 15, 2012)

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Subject: Planning

Keywords: Interpretation; Local planning authorities; Planning applications; Planning authorities' powers and duties; Planning control

Status: Law In Force Amendment(s) Pending

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Determination of applications

This version in force from: **February 12, 2015** to **present**

(version 6 of 7)

71.— Consultations in connection with determinations under s. 70.

[

(1) A development order may provide that a local planning authority shall not determine an application for planning permission before the end of such period as may be prescribed.

(2) A development order may require a local planning authority—

(a) to take into account in determining such an application such representations, made within such period, as may be prescribed; and

(b) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.

[

(2ZA) In subsections (1) and (2) references to an application for planning permission include references to [—]

³

[

(a) an application for consent, agreement or approval as mentioned in [section 61DB\(2\)](#), and

(b) an application for approval under [section 61L\(2\)](#).

]

³

[

²

(2A) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

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¹

(3) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority with power to issue a site licence

for that land, consult the local authority with that power.

[

(3A) Subsection (3) does not apply in relation to planning permission granted by [a Mayoral development order or]

[5](#)

a neighbourhood development order.

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[4](#)

(4) In this section—

[“*prescribed*” means prescribed by a development order; and]

[6](#)

“*site licence*” means a licence under [Part 1](#) of the [Caravan Sites and Control of Development Act 1960](#) authorising the use of land as a caravan site [or under [Part 2](#) of the [Mobile Homes \(Wales\) Act 2013](#) authorising the use of the land as a site for mobile homes (within the meaning of that Act)]

[7](#)

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Notes

- [1.](#) S.71(1), (2), (2A) substituted for s.71(1) and (2) by Planning and Compensation Act 1991 c. 34 [Pt 1 s.16\(2\)](#) (November 25, 1991 for purposes specified in SI 1991/2728; July 17, 1992 otherwise)
- [2.](#) Added by Localism Act 2011 c. 20 [Sch.12 para.8\(2\)](#) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(h) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; April 6, 2012 otherwise subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
- [3.](#) Existing text renumbered as s.71(2ZA)(b) and s.71(2ZA)(a) inserted by Infrastructure Act 2015 c. 7 [Sch.4\(2\) para.9\(2\)](#) (February 12, 2015 in so far as it confers power to make provision by regulations or development order within the meaning of 1990 c.8; not yet in force otherwise)
- [4.](#) Added by Localism Act 2011 c. 20 [Sch.12 para.8\(3\)](#) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(h) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; April 6, 2012 otherwise subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
- [5.](#) Words inserted by Infrastructure Act 2015 c. 7 [Sch.4\(2\) para.9\(3\)](#) (February 12, 2015 in so far as it confers power to make provision by regulations or development order within the meaning of 1990 c.8; not yet in force otherwise)
- [6.](#) Substituted by Planning and Compensation Act 1991 c. 34 [Sch.7 para.15](#) (July 17, 1992)
- [7.](#) Words inserted by Mobile Homes (Wales) Act 2013 anaw. 6 [Sch.4 para.6\(2\)](#) (October 1, 2014: insertion has effect on October 1, 2014 as SI 2014/11 subject to savings and transitional provisions specified in 2013 anaw 6 Sch.5 and SI 2014/11 art.4)

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Subject: Planning

Keywords: Caravan sites; Consultation; Development orders; Interpretation; Local planning authorities; Notices; Planning applications; Planning authorities' powers and duties; Planning control; Statements; Time limits

Status: Law In Force

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Determination of applications

This version in force from: **September 25, 1991 to present**

(version 2 of 2)

72.— Conditional grant of planning permission.

(1) Without prejudice to the generality of [section 70\(1\)](#), conditions may be imposed on the grant of planning permission under that section—

(a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;

(b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

(2) A planning permission granted subject to such a condition as is mentioned in subsection (1)(b) is in this Act referred to as "*planning permission granted for a limited period*".

(3) Where—

(a) planning permission is granted for development consisting of or including the carrying out of building or other operations subject to a condition that the operations shall be commenced not later than a time specified in the condition; and

(b) any building or other operations are commenced after the time so specified,

the commencement and carrying out of those operations do not constitute development for which that permission was granted.

(4) Subsection (3)(a) does not apply to a condition attached to the planning permission by or under [section 91](#) or [92](#).

(5) [Part I of Schedule 5](#) shall have effect for the purpose of making special provision with respect to the conditions which may be imposed on the grant of planning permission for development consisting of the winning and working of minerals [or involving the depositing of refuse or waste materials]

¹

, and subsection (2) has effect subject to [paragraph 1\(6\)\(a\)](#) of that Schedule.

Notes

1. Words inserted by Planning and Compensation Act 1991 c. 34 [Sch.1 para.2](#) (September 25, 1991)

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Subject: Planning

Keywords: Development; Local planning authorities; Planning authorities' powers and duties; Planning conditions; Planning control; Planning permission

Status: Law In Force Amendment(s) Pending

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Deemed planning permission

This version in force from: **September 6, 2015 to present**

(version 6 of 6)

90.— Development with government authorisation.

(1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority [or National Park authority]

[1](#)

, or by statutory undertakers who are not a local authority [or National Park authority]

[1](#)

, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

[

(2) On granting or varying a consent under [section 36](#) or [37](#) of the [Electricity Act 1989](#) in relation to a generating station or electric line in England or Wales, the Secretary of State may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for—

(a) so much of the operation or change of use to which the consent relates as constitutes development;

(b) any development ancillary to the operation or change of use to which the consent relates.

(2ZA) On varying a consent under [section 36](#) or [37](#) of the [Electricity Act 1989](#) in relation to a generating station or electric line in England or Wales, the Secretary of State may give one or more of the following directions (instead of, or as well as, a direction under subsection (2))—

(a) a direction for an existing planning permission deemed to be granted by virtue of a direction under subsection (2) (whenever made) to be varied as specified in the direction;

(b) a direction for any conditions subject to which any such existing planning permission was deemed to be granted to be varied as specified in the direction;

(c) a direction for any consent, agreement or approval given in respect of a condition subject to which any such existing planning permission was deemed to be granted to be treated as given in respect of a condition subject to which a new or varied planning permission is deemed to be granted.

]
2

[

(2A) On making an order under [section 1](#) or [3](#) of the [Transport and Works Act 1992](#) which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

]
3

(3) The provisions of this Act (except [Part

4

[XII](#)] shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this section as if it had been granted by the Secretary of State on an application referred to him under [section 77](#) [(so that [section 71ZA](#) applies as if references to the decision notice were to the direction)]

5

.

(4) For the purposes of this section development is authorised by a government department if—

(a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment;

(b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;

(c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;

(d) authority is given by the department—

(i) for the borrowing of money for the purpose of the development, or

(ii) for the application for that purpose of any money not otherwise so applicable; or

(e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants;

and references in this section to the authorisation of a government department shall be construed accordingly.

[

(5) In subsection (2), the reference to ancillary development, in the case of a consent relating to the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station.

(6) In this section, references to England or Wales include—

(a) waters adjacent to England or Wales up to the seaward limits of the territorial sea,
and

(b) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.

(7) In this section “*electric line*”, “*extension*”, “*generating station*” and “*Renewable Energy Zone*” have the same meanings as in [Part 1](#) of the [Electricity Act 1989](#).

]
[6](#)

Notes

1. Words inserted by Environment Act 1995 c. 25 [Sch.10 para.32\(4\)](#) (November 23, 1995)
2. S.90(2) and (2ZA) substituted for s.90(2) by Growth and Infrastructure Act 2013 c. 27 [s.21\(2\)](#) (July 31, 2013)
3. Added by Transport and Works Act 1992 c. 42 [Pt I s.16\(1\)](#) (January 1, 1993)
4. Substituted by Planning and Compensation Act 1991 c. 34 [Sch.6 para.12](#) (September 25, 1991 subject to transitional provisions specified in SI 1991/2067 Sch.2 Part II)
5. Words inserted by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.33\(3\)](#) (September 6, 2015 for the purposes of enabling the Welsh Ministers to exercise any function of making regulations or orders by statutory instrument under any enactment as amended by 2015 anaw 4 Pts 3-8; March 1, 2016 in relation to developments of national significance and secondary consents; March 16 subject to transitional provisions specified in SI 2016/52 art.12 otherwise)
6. S.90(5)-(7) substituted for s.90(5) by Growth and Infrastructure Act 2013 c. 27 [s.21\(3\)](#) (July 31, 2013)

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Subject: Planning

Keywords: Authorisation; Deemed consent; Development; Electricity lines; Government departments; Ministers' powers and duties; Planning control; Planning permission; Power stations; Statutory orders

Status: Law In Force Amendment(s) Pending

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Duration of planning permission

This version in force from: **March 16, 2016** to **present**

(version 11 of 11)

91.— General condition limiting duration of planning permission.

(1) Subject to the provisions of this section, every planning permission granted or deemed to be granted shall be granted or, as the case may be, be deemed to be granted, subject to the condition that the development to which it relates must be begun not later than the expiration of—

(a) [the applicable period,]

¹

beginning with the date on which the permission is granted or, as the case may be, deemed to be granted; or

(b) such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.

(2) The period mentioned in subsection (1)(b) shall be a period which the authority consider appropriate having regard to the provisions of the development plan and to any other material considerations.

(3) If planning permission is granted without the condition required by subsection (1), it shall [(subject to subsections (3ZA) and (3ZB))]

²

be deemed to have been granted subject to the condition that the development to which it relates must be begun not later than the [expiration of the applicable period, beginning with the date of the grant]

³

[

(3ZA) Subsection (3ZB) applies if—

(a) a [section 73](#) permission is granted for the development of land in Wales, but without the condition required by subsection (1), and

(b) the previous permission was granted, or deemed to have been granted (whether by virtue of this section or otherwise) subject to a condition as to the time within which development was to be begun.

(3ZB) The [section 73](#) permission shall be deemed to have been granted subject to the

condition that the development to which it relates must be begun not later than the date on or before which the previous permission required development to be begun.

(3ZC) The previous permission, in relation to a [section 73](#) permission, is the previous planning permission referred to in [section 73\(1\)](#).

(3ZD) References in subsections (3ZA) to (3ZC) to a section 73 permission are to a planning permission granted under [section 73](#).

]

[

(3A) Subsection (3B) applies if any proceedings are begun to challenge the validity, in respect of the development of land in England, of a grant of planning permission or of a deemed grant of planning permission.

(3B) The period before the end of which the development to which the planning permission relates is required to be begun in pursuance of subsection (1) or (3) must be taken to be extended by one year.

]

[

(3C) Nothing in this section prevents the development being begun from the time the permission is granted or deemed to be granted.

]

(4) Nothing in this section applies—

(a) to any planning permission granted by a development order [, a local development order [, a Mayoral development order]

]

or a neighbourhood development order]

]

;

(b) to any planning permission [granted for development carried out before the grant of that permission]

]

;

(c) to any planning permission granted for a limited period;

[

(d) to any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun

before the expiration of a specified period after—

(i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission; or

(ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission;

]

[10](#)

(e) to any planning permission granted by an enterprise zone scheme;

(f) to any planning permission granted by a simplified planning zone scheme; or

(g) to any outline planning permission, as defined by [section 92](#).

[

(5) The applicable period—

(a) in relation to England, is three years;

(b) in relation to Wales, is five years.

]

[11](#)

Notes

- [1.](#) Words substituted by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.35\(2\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)
- [2.](#) Words inserted by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.35\(3\)\(a\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)
- [3.](#) Words substituted by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.35\(3\)\(b\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)
- [4.](#) Added by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.35\(4\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)
- [5.](#) Words inserted by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.35\(5\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)
- [6.](#) Added by Planning and Compulsory Purchase Act 2004 c. 5 [Pt 4 s.51\(1\)\(b\)](#) (June 22, 2015 as SI 2015/340)
- [7.](#) Words substituted by Localism Act 2011 c. 20 [Sch.12 para.13](#) (November 15, 2011 for the purpose specified in 2011 c.20 s.240(5)(j); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(h) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; April 6, 2012 otherwise subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
- [8.](#) Words inserted by Infrastructure Act 2015 c. 7 [Sch.4\(2\) para.14](#) (February 12, 2015 in so far as it confers power to make provision by

regulations or development order within the meaning of 1990 c.8; not yet in force otherwise)

- [9](#) . Substituted by Planning and Compensation Act 1991 c. 34 [Sch.7 para.20](#) (January 2, 1992)
- [10](#) . S.91(4)(d)(i)-(ii) substituted for s.91(4)(d) by Planning and Compensation Act 1991 c. 34 [Sch.1 para.3](#) (September 25, 1991)
- [11](#) . Added by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.35\(6\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)

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Subject: Planning

Status: Law In Force

Town and Country Planning Act 1990 c. 8

Part III CONTROL OVER DEVELOPMENT

Duration of planning permission

This version in force from: **March 16, 2016** to **present**

(version 5 of 5)

92.— Outline planning permission.

(1) In this section and [section 91](#) “*outline planning permission*” means planning permission granted, in accordance with the provisions of a development order, with the reservation for subsequent approval by the local planning authority [, the Welsh Ministers]

[1](#)

or the Secretary of State of matters not particularised in the application (“*reserved matters*”).

(2) Subject to the following provisions of this section, where outline planning permission is granted for development consisting in or including the carrying out of building or other operations, it shall be granted subject to conditions to the effect—

(a) that, in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and

[

(b) that, in the case of outline planning permission for the development of land in England, the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

(c) that, in the case of outline planning permission for the development of land in Wales, the development must be begun no later than—

(i) the expiration of five years from the date of the grant of outline planning permission, or

(ii) if later, the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

]

[2](#)

(3) If outline planning permission is granted without the conditions required by subsection (2), it shall [(subject to subsections (3A) to (3D))]

[3](#)

be deemed to have been granted subject to those conditions.

[

(3A) If outline planning permission is granted under [section 73](#) for the development of land in Wales, but without the condition required by subsection (2)(a), it shall be deemed to have been granted subject to the following condition.

(3B) The condition is that, in the case of any reserved matter, application for approval must be made not later than the date on or before which the previous permission required application for approval, in the case of any matter reserved under the previous permission, to be made.

(3C) If outline planning permission is granted under [section 73](#) for the development of land in Wales, but without a condition required by subsection (2)(c), it shall be deemed to have been granted subject to the following condition.

(3D) The condition is that the development to which the permission relates must be begun not later than the date on or before which the previous permission required development to be begun.

(3E) The previous permission, in relation to outline planning permission granted under [section 73](#), is the previous planning permission referred to in subsection (1) of that section.

]

[4](#)

(4) The authority concerned with the terms of an outline planning permission may, in applying subsection (2), substitute, or direct that there be substituted, for the periods [...]

[5](#)

referred to in that subsection such other periods respectively (whether longer or shorter) as they consider appropriate.

(5) They may also specify, or direct that there be specified, separate periods under paragraph (a) of subsection (2) in relation to separate parts of the development to which the planning permission relates; and, if they do so, the condition required by paragraph (b) [or (c)]

[6](#)

of that subsection shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.

(6) In considering whether to exercise their powers under subsections (4) and (5), the authority shall have regard to the provisions of the development plan and to any other material considerations.

Notes

[1.](#) Words inserted by Planning (Wales) Act 2015 anaw. 4 [Sch.4 para.10](#) (March 1, 2016 in relation to developments of national significance and secondary consents; not yet in force otherwise)

[2.](#) S.92(2)(b)-(c) substituted for s.92(2)(b) by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.36\(2\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)

[3.](#) Words inserted by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.36\(3\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)

[4.](#)

Added by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.36\(4\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)

[5](#). Words repealed by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.36\(5\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)

[6](#). Words inserted by Planning (Wales) Act 2015 anaw. 4 [Pt 6 s.36\(6\)](#) (March 16, 2016 subject to transitional provisions specified in SI 2016/52 art.13)

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Subject: Planning

Keywords: Local planning authorities; Outline planning permission; Powers rights and duties

