
STATUTORY INSTRUMENTS

1991 No. 1220

The Planning(Northern Ireland) Order 1991

PART IV

PLANNING CONTROL

Duration of planning permission

Duration of planning permission

34.—(1) Subject to this Article, every planning permission granted shall be granted subject to the condition that the development to which it relates must be begun within—

- (a) five years of the date on which the permission is granted; or
- (b) such other period (whether longer or shorter) as the Department considers appropriate.

(2) If planning permission is granted without the condition required by paragraph (1), it shall be deemed to have been granted subject to the condition that the development to which it relates must be begun within five years of the date of the grant.

(3) Nothing in paragraphs (1) and (2) applies—

- (a) to any outline planning permission;
- (b) to any planning permission granted by a development order;
- (c) to any planning permission granted for a limited period;
- (d) to any planning permission granted under Article 29;
- (e) to any planning permission granted by an enterprise zone scheme; or
- (f) to any planning permission granted by a simplified planning zone scheme.

Duration of outline planning permission

35.—(1) In this Article and in Article 34 “outline planning permission” means planning permission granted in accordance with the provisions of a development order, conditional on the subsequent approval by the Department of the particulars of the proposed development (in this Article referred to as “reserved matters”).

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

- (a) that in the case of any reserved matter application for approval must be made within three years of the date of the grant of outline planning permission; and
- (b) that the development to which the permission relates must be begun by whichever is the later of the following dates—
 - (i) the expiration of five years from the date of the grant of outline planning permission;
 - or

(ii) 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.

(3) If outline planning permission is granted without the conditions required by paragraph (2), it shall be deemed to have been granted subject to those conditions.

(4) The Department may, in applying paragraph (2), substitute for the periods of three years, five years or two years referred to in that paragraph, such other periods respectively (whether longer or shorter) as it considers appropriate.

(5) The Department may, in applying paragraph (2), specify separate periods under paragraph (2) (a) in relation to separate parts of the development to which the planning permission relates; and if it does so, the condition required by paragraph (2)(b) shall then be framed correspondingly by reference to those parts, instead of by reference to the development as a whole.

Provisions supplementary to Articles 34 and 35

36.—(1) For the purposes of Articles 34 and 35, development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out—

- (a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;
- (b) where the development consists of or includes alterations to a building, any work involved in the alterations;
- (c) where the development consists of or includes a change of use of any building or other land, that change of use;
- (d) where the development consists of or includes mining operations, any of those operations.

(2) For the purposes of Article 35(2), a reserved matter shall be treated as finally approved when an application for approval is granted, or, where there is an appeal under Article 32, on the date of the determination of the appeal.

(3) Where the Department grants planning permission on an application to which Article 31 does not apply the fact that any of the conditions of the permission are required by this Order to be imposed or are deemed by this Order to be imposed, shall not prevent the conditions being the subject of an appeal under Article 32 against the decision of the Department.

(4) Where a planning permission (whether outline or other) has conditions attached to it by or under Article 34 or 35—

- (a) development commenced and carried out after the date by which the conditions of the permission require it to be commenced shall be treated as not authorised by the permission; and
- (b) an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.

Termination of planning permission by reference to time limit

37.—(1) Paragraphs (2) to (6) shall have effect where by virtue of Article 34 or 35, a planning permission is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period and that development has been begun within that period but the period has elapsed without the development having been completed.

(2) If the Department is of the opinion that the development will not be completed within a reasonable period, it may make an order (in this Article referred to as a “completion order”) whereby the planning permission will cease to have effect at the expiration of a further period specified in the order, being a period of not less than 12 months after the order takes effect.

(3) Before making a completion order, the Department shall serve notice of its intention to make the order on the owner and occupier of the land affected and on any other person who in its opinion would be affected by the order; and if within such period as may be specified in that behalf in the notice (not being less than 28 days from the date of service thereof) any person on whom the notice is served so requests in writing, the Department shall afford to him an opportunity of appearing before and being heard by the planning appeals commission.

(4) Where a completion order is made, the planning permission therein referred to shall at the expiration of the period specified in the order be invalid except so far as it authorises any development carried out thereunder up to the end of that period.

(5) Where the Department makes an order under this Article it shall serve a notice on any person mentioned in paragraph (3) stating the general effect of the order.

(6) The Department may withdraw a completion order at any time before the expiration of the period specified therein as the period at the expiration of which the planning permission is to cease to have effect; and if it does so it shall forthwith give notice of the withdrawal to every person who was served with notice of the making of the order.