



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Determination of applications

[^{F1}70B Power to decline to determine overlapping application

- (1) A local planning authority may decline to determine an application for planning permission^[^{F2}, or permission in principle,] for the development of any land which is
 - ^{F3}(a) made on the same day as a similar application, or
 - (b) made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.
- (2) The condition is that a similar application is under consideration by the local planning authority and the determination period for that application has not expired.
- (3) The condition is that a similar application is under consideration by the Secretary of State in pursuance of section [^{F4}62A,[]] 76A or 77 or on an appeal under section 78 and the Secretary of State has not issued his decision.
- (4) The condition is that a similar application—
 - (a) has been granted by the local planning authority,
 - (b) has been refused by them, or
 - (c) has not been determined by them within the determination period,and the time within which an appeal could be made to the Secretary of State under section 78 has not expired.

[A local planning authority in England may also decline to determine an application for ^{F5}(4A) planning permission^[^{F6}, or permission in principle,] for the development of any land in England which is made at a time when the condition in subsection (4B) applies in relation to a similar application.

Changes to legislation: Town and Country Planning Act 1990, Section 70B is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4B) The condition is that—
- (a) a similar application is under consideration by the Secretary of State,
 - (b) the similar application is an application deemed to have been made by section 177(5), and
 - (c) the Secretary of State has not issued his decision.]
- (5) An application ^{F7}... is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.
- (6) The determination period is—
- (a) the period prescribed by the development order for the determination of the application, or
 - (b) such longer period as the applicant and the authority have agreed for the determination of the application.
- [If a local planning authority exercise their power under subsection (1)(a) to decline to ^{F8}(7) determine an application made on the same day as a similar application, they may not also exercise that power to decline to determine the similar application.]]

Textual Amendments

- F1** Ss. 70A, 70B substituted (24.8.2005 (E.)) in so far as relates to s. 70A and 6.4.2009 (E.) in so far as relates to s. 70B) for s. 70A by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 43\(1\)](#), [121](#) (with s. 111); [S.I. 2005/2081](#), [art. 2](#) (subject to savings in [art. 4](#)); [S.I. 2009/384](#), [art. 2\(a\)](#)
- F2** Words in s. 70B(1) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 13\(2\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F3** Words in s. 70B(1) inserted (6.4.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241, [Sch. 7 para. 3\(2\)](#) (with s. 226); [S.I. 2009/400](#), [art. 5](#)
- F4** Word in s. 70B(3) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(1), [Sch. 1 para. 7](#); [S.I. 2013/1124](#), [art. 2](#); [S.I. 2013/2143](#), [art. 2\(1\)\(a\)](#); [S.I. 2014/1531](#), [art. 2](#)
- F5** S. 70B(4A)(4B) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241, [Sch. 7 para. 3\(3\)](#) (with s. 226); [S.I. 2009/400](#), [art. 3](#)
- F6** Words in s. 70B(4A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 13\(2\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F7** Words in s. 70B(5) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 13\(3\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F8** S. 70B(7) inserted (6.4.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241, [Sch. 7 para. 3\(4\)](#) (with s. 226); [S.I. 2009/400](#), [art. 5](#)

Changes to legislation:

Town and Country Planning Act 1990, Section 70B is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- s. 70B(5) words inserted by 2023 c. 55 s. 110(5)(a)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62(2A)(za) inserted by 2023 c. 55 s. 124(2)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7

- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 171A(2)(za) inserted by 2023 c. 55 s. 117(2)(a)
- s. 171B(1)(a)(b) substituted for words by 2023 c. 55 s. 115(1)
- s. 171B(2)(a)(b) substituted for words by 2023 c. 55 s. 115(2)
- s. 171E(8) inserted by 2023 c. 55 s. 116(3)
- s. 172ZA inserted by 2023 c. 55 s. 117(3)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 176(6) inserted by 2023 c. 55 s. 119(2)
- s. 188(1)(zb) inserted by 2023 c. 55 s. 117(4)(a)
- s. 195(3A) inserted by 2023 c. 55 s. 119(3)
- s. 196(1A) inserted by 2008 c. 29 Sch. 10 para. 8(2)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 216(2)(a)(b) substituted for words by 2023 c. 55 s. 120(2)(a)
- s. 216(6A) inserted by 2023 c. 55 s. 120(2)(c)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 327ZA applied (with modifications) by 1990 c. 10, s. 37 (as amended) by 2023 c. 55 s. 124(7)(a)
- s. 327ZA applied by 1990 c. 9, s. 89(1) (as amended) by 2023 c. 55 s. 124(5)(a)
- s. 327ZA inserted by 2023 c. 55 s. 124(1)
- s. 327ZA modified by 1990 c. 9, s. 89(1ZC) (as inserted) by 2023 c. 55 s. 124(5)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 7A para. 14(4) inserted by 2023 c. 55 s. 124(3)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)