



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART III

GENERAL

[^{F1}Power to decline to determine application

Textual Amendments

- F1** Ss. 81A, 81B and cross-heading inserted (24.8.2005 for E. except so far as relates to the insertion of s. 81B, 6.4.2009 for E. for that excepted purpose, otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), ss. 43\(3\), 121\(1\)](#) (with [ss. 43\(5\), 111](#)); [S.I. 2005/2081, art 2\(a\)\(iii\)](#); [S.I. 2009/384, art. 2\(c\)](#)

81A Power to decline to determine subsequent application

- (1) A local planning authority may decline to determine an application for a relevant consent if—
 - (a) one or more of the conditions in subsections (2) to (4) is satisfied, and
 - (b) the authority think there has been no significant change in any material considerations since the relevant event.
- (2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has refused a similar application referred to him under section 12.
- (3) The condition is that in that period the Secretary of State has dismissed an appeal—
 - (a) against the refusal of a similar application, or
 - (b) under section 20(2) in respect of a similar application.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Power to decline to determine application is up to date with all changes known to be in force on or before 21 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

- (4) The condition is that—
- (a) in that period the local planning authority have refused more than one similar application, and
 - (b) there has been no appeal to the Secretary of State against any such refusal ^[F2]or, if there has been such an appeal, it has been withdrawn].
- (5) Relevant consent is—
- (a) listed building consent, or
 - (b) conservation area consent.
- (6) The relevant event is—
- (a) for the purposes of subsections (2) and (4) the refusal of the similar application;
 - (b) for the purposes of subsection (3) the dismissal of the appeal.
- (7) An application for relevant consent is similar to another application if (and only if) the local planning authority think that the building and works to which the applications relate are the same or substantially the same.
- (8) For the purposes of an application for conservation area consent a reference to a provision of this Act is a reference to that provision as excepted or modified by regulations under section 74.

Textual Amendments

F2 Words in s. 81A(4)(b) inserted (6.4.2009 for E., otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241(8), [Sch 7 para. 5](#) (with s. 226); S.I. 2009/400, [art. 5\(b\)](#)

Modifications etc. (not altering text)

C1 S. 81A(2) applied (with modifications) by S.I. 2013/2140, Sch. 3 para. 3 (as inserted (E.) (1.10.2014) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2014 \(S.I. 2014/1532\)](#), arts. 1(1), [8](#))

81B Power to decline to determine overlapping application

- (1) A local planning authority may decline to determine an application for a relevant consent 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 12 or on an appeal under section 20 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

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(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 20 has not expired.

[If a local planning authority exercise their power under subsection (1)(a) to decline to 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.]

(5) Relevant consent is—

- (a) listed building consent, or
- (b) conservation area consent.

(6) An application for relevant consent is similar to another application if (and only if) the local planning authority think that the building and works to which the applications relate are the same or substantially the same.

(7) The determination period is—

- (a) the period prescribed 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.

(8) For the purposes of an application for conservation area consent a reference to a provision of this Act is a reference to that provision as excepted or modified by regulations under section 74.]

Textual Amendments

F3 Words in s. 81B(1) inserted (6.4.2009 for E., otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241(8), [Sch 7 para. 6\(2\)](#) (with s. 226); S.I. 2009/400, [art. 5\(b\)](#)

F4 S. 81B(4A) inserted (6.4.2009 for E., otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 187, 241(8), [Sch 7 para. 6\(3\)](#) (with s. 226); S.I. 2009/400, [art. 5\(b\)](#)

Modifications etc. (not altering text)

C2 S. 81B(3) applied (with modifications) by S.I. 2013/2140, Sch. 3 para. 4 (as inserted (E.) (1.10.2014) by [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2014 \(S.I. 2014/1532\)](#), arts. 1(1), [8](#))

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Power to decline to determine application is up to date with all changes known to be in force on or before 21 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.

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

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

- s. 3(1A)(1B) inserted by 2023 c. 55 s. 105(2)
- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 16(2A) inserted by 2023 c. 55 s. 102(3)
- s. 17(4) inserted by 2023 c. 55 s. 124(4)
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 44AA-44AC inserted by 2023 c. 55 s. 103(2)
- s. 46(1A) inserted by 2023 c. 55 s. 103(8)(a)
- s. 46(3A) inserted by 2023 c. 55 s. 103(8)(c)
- s. 49(1) s. 49 renumbered as s. 49(1) by 2023 asc 3 Sch. 13 para. 127(b)
- s. 49(2) inserted by 2023 asc 3 Sch. 13 para. 127(c)
- s. 54(8) inserted by 2023 c. 55 s. 104(2)(c)
- s. 55(2A) inserted by 2023 c. 55 s. 104(3)(a)
- s. 55(5H)(5I) inserted by 2023 c. 55 s. 104(3)(f)
- s. 55(5BA) inserted by 2023 c. 55 s. 104(3)(d)
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 66(1A) inserted by 2023 c. 55 s. 102(4)(a)
- s. 66(2A) inserted by 2023 c. 55 s. 102(4)(b)
- s. 66(5) inserted by 2023 asc 3 Sch. 13 para. 136
- s. 82A(2)(fza) inserted by 2023 c. 55 s. 103(9)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 88(3ZA) inserted by 2023 c. 55 s. 103(10)(a)
- s. 88B(1ZA) inserted by 2023 c. 55 s. 103(11)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 89(1ZC) inserted by 2023 c. 55 s. 124(5)(b)
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 2 para. 4A inserted by 2023 c. 55 s. 103(12)(b)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)