

Changes to legislation: Planning and Compulsory Purchase Act 2004, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 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

SCHEDULES

SCHEDULE 4 **E+W**

Section 89

TRANSITIONAL PROVISIONS: CROWN APPLICATION

PART 1 **E+W**

THE PRINCIPAL ACT

Introduction

- 1 This Part applies to a development if—
- (a) it is a development for which before the relevant date no planning permission is required,
 - (b) it is not a development or of a description of development for which planning permission is granted by virtue of a development order, and
 - (c) before the relevant date proposed development notice had been given to the local planning authority.

Commencement Information

I1 Sch. 4 para. 1 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

- 2 In this Part—
- (a) the relevant date is the date of commencement of section 79(1);
 - (b) proposed development notice is notice of a proposal for development given by the developer in pursuance of arrangements made by the Secretary of State in relation to development by or on behalf of the Crown;
 - (c) the developer is the Crown or a person acting on behalf of the Crown.

Commencement Information

I2 Sch. 4 para. 2 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

Acceptable development

- 3 (1) This paragraph applies if before the relevant date in pursuance of the arrangements either the local planning authority have or the Secretary of State has given notice to the developer that they or he (as the case may be) find the proposed development acceptable.
- (2) The notice must be treated as if it is planning permission granted under Part 3 of the principal Act.

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- (3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the planning permission.

Commencement Information

I3 Sch. 4 para. 3 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

- 4 (1) This paragraph applies if before the relevant date the local planning authority have in pursuance of the arrangements kept a register of proposed development notices.
- (2) The register must be treated as if it is part of the register kept by them in pursuance of section 69 of the principal Act.

Commencement Information

I4 Sch. 4 para. 4 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

Referred proposals

- 5 (1) This paragraph applies if—
- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they do not find the development acceptable, and
 - (b) the matter has been referred to but not decided by the Secretary of State.
- (2) This paragraph also applies if—
- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they find the development acceptable subject to conditions, and
 - (b) the matter has been referred to but not decided by the Secretary of State.
- (3) The Secretary of State must deal with the proposal as if it is an appeal by an applicant for planning permission under section 78 of the principal Act.

Commencement Information

I5 Sch. 4 para. 5 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

Pending proposals

- 6 (1) This paragraph applies if before the relevant date—
- (a) proposed development notice has been given, but
 - (b) the local planning authority have not given notice to the developer as mentioned in paragraph 3 or 5.
- (2) The principal Act applies as if the proposal is an application for planning permission duly made under Part 3 of that Act.

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Commencement Information

I6 Sch. 4 para. 6 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

PART 2 **E+W**

THE LISTED BUILDINGS ACT

Introduction

- 7 This Part applies to works if—
- (a) they are works for which before the relevant date no listed building consent is required, and
 - (b) before the relevant date proposed works notice had been given to the local planning authority.

Commencement Information

I7 Sch. 4 para. 7 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

- 8 In this Part—
- (a) the relevant date is the date of commencement of section 79(1);
 - (b) proposed works notice is notice of a proposal for works given by the person proposing to carry out the works (the developer) in pursuance of arrangements made by the Secretary of State in relation to development by or on behalf of the Crown;
 - (c) the developer is the Crown or a person acting on behalf of the Crown.

Commencement Information

I8 Sch. 4 para. 8 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

Acceptable works

- 9
- (1) This paragraph applies if before the relevant date in pursuance of the arrangements either the local planning authority have or the Secretary of State has given notice to the developer that they or he (as the case may be) find the proposed works acceptable.
 - (2) The notice must be treated as if it is listed building consent granted under the listed buildings Act.
 - (3) If the notice is subject to conditions the conditions have effect as if they are conditions attached to the consent.

Commencement Information

I9 Sch. 4 para. 9 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

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- 10 (1) This paragraph applies if before the relevant date the local planning authority have in pursuance of the arrangements kept a register of proposed works notices.
- (2) The register must be treated as if it is part of the register kept by them in pursuance of the listed buildings Act.

Commencement Information

I10 Sch. 4 para. 10 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

Referred proposals

- 11 (1) This paragraph applies if—
- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they do not find the works acceptable, and
 - (b) the matter has been referred to but not decided by the Secretary of State.
- (2) This paragraph also applies if—
- (a) before the relevant date the local planning authority have notified the developer in pursuance of the arrangements that they find the works acceptable subject to conditions, and
 - (b) the matter has been referred to but not decided by the Secretary of State.
- (3) The Secretary of State must deal with the proposal as if it is an appeal by an applicant for listed building consent under section 20 of the listed buildings Act.

Commencement Information

I11 Sch. 4 para. 11 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

Pending proposals

- 12 (1) This paragraph applies if before the relevant date—
- (a) proposed works notice has been given, but
 - (b) the local planning authority have not given notice to the developer as mentioned in paragraph 9 or 11.
- (2) The listed buildings Act applies as if the proposal is an application for listed building consent duly made under that Act.

Commencement Information

I12 Sch. 4 para. 12 in force at 7.6.2006 by [S.I. 2006/1281](#), [art. 2\(d\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/1061 art. 4 by [S.I. 2010/321 art. 3](#)
- specified provision(s) amendment to earlier commencing SI 2007/1369 art. 3 by [S.I. 2010/321 art. 4](#)

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. 15A-15LH and cross-heading substituted for s. 15-37 and cross-heading by [2023 c. 55 Sch. 7](#)
- s. 38(2A) substituted for s. 38(2)(3) by [2023 c. 55 s. 92\(3\)](#)
- s. 38(5A)-(5C) inserted by [2023 c. 55 s. 93\(2\)](#)
- s. 38(9A) substituted for s. 38(9) by [2023 c. 55 s. 92\(4\)](#)
- s. 38(9B) inserted by [2023 c. 55 s. 93\(4\)](#)
- s. 38B(A1) inserted by [2023 c. 55 s. 98\(2\)](#)
- s. 38B(2B)(2C) inserted by [2023 c. 55 s. 98\(3\)](#)
- s. 38C(5)(d)(i)-(iii) and word substituted for words by [2023 c. 55 s. 99\(2\)](#)
- s. 39(1)(ba) inserted by [2023 c. 55 Sch. 8 para. 21\(b\)](#)
- s. 39A and cross-heading inserted by [2023 c. 55 s. 100](#)
- s. 45(A1) inserted by [2011 c. 20 Sch. 8 para. 14\(2\)](#)
- s. 113(1)(bb)-(bd) inserted by [2023 c. 55 Sch. 8 para. 23\(2\)\(a\)](#)
- s. 113(9)(f)(g) inserted by [2023 c. 55 Sch. 8 para. 23\(3\)\(c\)](#)
- s. 113(13) inserted by [2023 c. 55 Sch. 8 para. 23\(5\)](#)
- s. 122(5)(za)(zb) inserted by [2023 c. 55 Sch. 8 para. 25\(a\)](#)
- Sch. A2 para. 11(2)(da) inserted by [2023 c. 55 s. 99\(3\)\(b\)](#)
- Sch. A1 para. 2(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(3\)\(b\)](#)
- Sch. A1 para. 6(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(7\)\(b\)](#)
- Sch. A1 para. 7ZC(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(11\)\(b\)](#)
- Sch. A1 para. 7C(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(14\)\(b\)](#)
- Sch. A1 para. 8(7A) inserted by [2023 c. 55 Sch. 8 para. 26\(16\)\(g\)](#)
- Sch. A1 para. 1 substituted by [2023 c. 55 Sch. 8 para. 26\(2\)](#)
- Sch. A1 para. 2(4) substituted by [2023 c. 55 Sch. 8 para. 26\(3\)\(c\)](#)
- Sch. A1 para. 3(1) substituted by [2023 c. 55 Sch. 8 para. 26\(4\)\(a\)](#)
- Sch. A1 para. 5 substituted by [2023 c. 55 Sch. 8 para. 26\(6\)](#)
- Sch. A1 para. 6(4) substituted by [2023 c. 55 Sch. 8 para. 26\(7\)\(c\)](#)
- Sch. A1 para. 7(1) substituted by [2023 c. 55 Sch. 8 para. 26\(8\)\(a\)](#)
- Sch. A1 para. 7ZB substituted by [2023 c. 55 Sch. 8 para. 26\(10\)](#)
- Sch. A1 para. 7ZC(4) substituted by [2023 c. 55 Sch. 8 para. 26\(11\)\(c\)](#)
- Sch. A1 para. 7ZD(1) substituted by [2023 c. 55 Sch. 8 para. 26\(12\)\(a\)](#)
- Sch. A1 para. 7B substituted by [2023 c. 55 Sch. 8 para. 26\(13\)](#)
- Sch. A1 para. 7C(4) substituted by [2023 c. 55 Sch. 8 para. 26\(14\)\(c\)](#)
- Sch. A1 para. 7D(1) substituted by [2023 c. 55 Sch. 8 para. 26\(15\)\(a\)](#)
- Sch. A1 para. 10 substituted by [2023 c. 55 Sch. 8 para. 26\(18\)](#)
- Sch. A2 para. 11(2)(ca) substituted for Sch. A2 para. 11(2)(c) by [2023 c. 55 s. 99\(3\)\(a\)](#)
- Sch. A1 para. 7ZA word substituted by [2023 c. 55 Sch. 8 para. 26\(9\)](#)
- Sch. A1 para. 8(2)(a) word substituted by [2023 c. 55 Sch. 8 para. 26\(16\)\(b\)\(ii\)](#)

- Sch. A1 para. 8(3)(b) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(c)
- Sch. A1 para. 8(6) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(e)
- Sch. A1 para. 8(7) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(iii)
- Sch. A1 para. 9 word substituted by 2023 c. 55 Sch. 8 para. 26(17)
- Sch. A1 para. 13(1) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(iii)
- Sch. A1 para. 13(2) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(b)
- Sch. A1 para. 13(3) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(c)
- Sch. A1 para. 13(1) words inserted by 2023 c. 55 Sch. 8 para. 26(20)(a)(ii)
- Sch. A1 para. 3(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(4)(b)
- Sch. A1 para. 7(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(8)(b)
- Sch. A1 para. 7ZD(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(12)(b)
- Sch. A1 para. 7D(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(15)(b)
- Sch. A1 para. 2(1) words substituted by 2023 c. 55 Sch. 8 para. 26(3)(a)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(i)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(ii)
- Sch. A1 para. 4 words substituted by 2023 c. 55 Sch. 8 para. 26(5)
- Sch. A1 para. 6(1) words substituted by 2023 c. 55 Sch. 8 para. 26(7)(a)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(i)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(ii)
- Sch. A1 para. 7ZC(1) words substituted by 2023 c. 55 Sch. 8 para. 26(11)(a)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(i)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(ii)
- Sch. A1 para. 7C(1) words substituted by 2023 c. 55 Sch. 8 para. 26(14)(a)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(i)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(ii)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(i)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(ii)
- Sch. A1 para. 8(2) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(i)
- Sch. A1 para. 8(2)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(iii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(i)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(ii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(iii)
- Sch. A1 para. 8(7)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(i)
- Sch. A1 para. 8(7)(b) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(ii)
- Sch. A1 para. 11 words substituted by 2023 c. 55 Sch. 8 para. 26(19)
- Sch. A1 para. 13(1) words substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(i)