

Planning Act 2008

2008 CHAPTER 29

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 9

LEGAL CHALLENGES

118 Legal challenges relating to applications for orders granting development consent

- (1) A court may entertain proceedings for questioning an order granting development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [F1before the end of] the period of 6 weeks beginning with [F2the day after]
 - (i) the day on which the order is published, or
 - (ii) if later, the day on which the statement of reasons for making the order is published.
- (2) A court may entertain proceedings for questioning a refusal of development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [F3before the end of] the period of 6 weeks beginning with [F4the day after] the day on which the statement of reasons for the refusal is published.
- (3) A court may entertain proceedings for questioning a decision of the [F5Secretary of State] under section 55 not to accept an application for an order granting development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and

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- (b) the claim form is filed [F6before the end of] the period of 6 weeks beginning with [F7the day after] the day on which the [F5Secretary of State] notifies the applicant as required by subsection (7) of that section.
- (4) A court may entertain proceedings for questioning a decision under paragraph 1 of Schedule 4 in relation to an error or omission in a decision document only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [F8 before the end of] the period of 6 weeks beginning with the day [F9 after the day] on which a correction notice in respect of the error or omission is issued under paragraph 2 of that Schedule or, if the correction is required to be made by order contained in a statutory instrument, the day [F9 after the day] on which the order is published.
- (5) A court may entertain proceedings for questioning a decision under paragraph 2(1) of Schedule 6 to make a change to an order granting development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [F10 before the end of] the period of 6 weeks beginning with the day [F11 after the day] on which notice of the change is given under paragraph 2(12)(b) of that Schedule or, if the change to the order is required to be made by order contained in a statutory instrument, the day [F11 after the day] on which the order making the change is published.
- (6) A court may entertain proceedings for questioning a decision under paragraph 3(1) of Schedule 6 to make a change to, or revoke, an order granting development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [F12before the end of] the period of 6 weeks beginning with the day [F13after the day] on which notice of the change or revocation is given under paragraph 4(6) of that Schedule or, if the change or revocation is required to be made by order contained in a statutory instrument, the day [F13after the day] on which the order making the change or revocation is published.
- (7) A court may entertain proceedings for questioning anything else done, or omitted to be done, by the Secretary of State ^{F14}... in relation to an application for an order granting development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [F15before the end of] the period of 6 weeks beginning with [F16the day after] the relevant day.
- (8) "The relevant day", in relation to an application for an order granting development consent, means the day on which—
 - (a) the application is withdrawn,
 - (b) the order granting development consent is published or (if later) the statement of reasons for making the order is published, or
 - (c) the statement of reasons for the refusal of development consent is published.
- (9) Subsections (7) and (8) do not apply in relation to—
 - (a) a failure to decide an application for an order granting development consent, or
 - (b) anything which delays (or is likely to delay) the decision on such an application.

Chapter 9 – Legal challenges

Document Generated: 2024-05-23

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Textual Amendments

- F1 Words in s. 118(1)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4) (a)(i), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F2 Words in s. 118(1)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4)(a) (ii), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F3 Words in s. 118(2)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4) (a)(i), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- **F4** Words in s. 118(2)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4)(a) (ii), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F5 Words in s. 118(3) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 59(2); S.I. 2012/628, art. 7(a)
- **F6** Words in s. 118(3)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4) (a)(i), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F7 Words in s. 118(3)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4)(a) (ii), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F8 Words in s. 118(4)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4) (b)(i), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F9 Words in s. 118(4)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4)(b) (ii), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- **F10** Words in s. 118(5)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4) (b)(i), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- Words in s. 118(5)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4)(b) (ii), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F12 Words in s. 118(6)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4) (b)(i), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- **F13** Words in s. 118(6)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4)(b) (ii), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- **F14** Words in s. 118(7) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 59(3), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7
- F15 Words in s. 118(7)(b) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4) (c)(i), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71
- F16 Words in s. 118(7)(b) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 92(4)(c) (ii), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 71

Commencement Information

- II S. 118 in force at 1.3.2010 by S.I. 2010/101, art. 4(c) (with art. 6)
- I2 S. 118 in force at 1.3.2010 by S.I. 2010/101, art. 3(d) (with art. 6)

Changes to legislation:

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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):
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Pt. 10A inserted by 2023 c. 55 Sch. 12 para. 1
s. 37(3A) inserted by 2021 c. 30 Sch. 15 para. 7
s. 37(3A) inserted by 2021 c. 30 Sch. 15 para. 7
s. 103(1A) inserted by 2021 c. 30 Sch. 15 para. 2
s. 103(1A) inserted by 2021 c. 30 Sch. 15 para. 2
s. 104(3)-(3B) substituted for s. 104(3) by 2021 c. 30 Sch. 15 para. 3(2)
s. 104(3)-(3B) substituted for s. 104(3) by 2021 c. 30 Sch. 15 para. 3(2)
s. 105(3)(4) inserted by 2021 c. 30 Sch. 15 para. 4(1)
s. 105(3)(4) inserted by 2021 c. 30 Sch. 15 para. 4(1)
s. 120(2)(c) inserted by 2021 c. 30 Sch. 15 para. 8
s. 120(2)(c) inserted by 2021 c. 30 Sch. 15 para. 8
s. 223(1)(za) inserted by 2021 c. 30 Sch. 15 para. 9(2)
s. 232(5)(f) inserted by 2021 c. 30 Sch. 15 para. 9(2)
Sch. 2A inserted by 2021 c. 30 Sch. 15 para. 5
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Sch. 2A inserted by 2021 c. 30 Sch. 15 para. 5