

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Housing and Planning Act 2016, SCHEDULE 12 is up to date with all changes known to be in force on or before 18 October 2018. 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)

SCHEDULES

SCHEDULE 12

Section 150

PERMISSION IN PRINCIPLE FOR DEVELOPMENT OF LAND: MINOR AND CONSEQUENTIAL AMENDMENTS

Town and Country Planning Act 1990 (c. 8)

- 1 The Town and Country Planning Act 1990 is amended as follows.

Annotations:

Commencement Information

- 11** [Sch. 12 para. 1](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 2 In section 2A (the Mayor of London: applications of potential strategic importance), in subsections (1)(a) and (1B), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- 12** [Sch. 12 para. 2](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 3 In the heading before section 61W, after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- 13** [Sch. 12 para. 3](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 4 In section 61W (requirement to carry out pre-application consultation), in subsection (1)(a), after “planning permission” insert “ , or permission in principle, ”.

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Annotations:

Commencement Information

- I4** [Sch. 12 para. 4](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

- 5 In section 61X (duty to take account of responses to consultation), in subsection (1) (a) and (b), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- I5** [Sch. 12 para. 5](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

- 6 In section 61Y (power to make supplementary provision), in subsection (1), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- I6** [Sch. 12 para. 6](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

- 7 In the heading before section 62, after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- I7** [Sch. 12 para. 7](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

- 8 (1) Section 62 (applications for planning permission) is amended as follows.
- (2) In the heading and in subsection (1), after “planning permission” insert “ or permission in principle ”.
- (3) In subsection (7)—

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- (a) after “the application for planning permission” insert “ or permission in principle ”;
- (b) in paragraphs (a) and (b), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- I8** [Sch. 12 para. 8](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 9 In section 65 (notice etc of applications for planning permission), in the heading and in subsections (1)(a), (3), (5) and (8), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- I9** [Sch. 12 para. 9](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 10 In section 69 (register of applications etc), after paragraph (a) of subsection (1) insert—
“(aza) applications for permission in principle;”.

Annotations:

Commencement Information

- I10** [Sch. 12 para. 10](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 11 (1) Section 70 (determination of applications: general considerations) is amended as follows.
- (2) In subsection (2), for “such an application” substitute “ an application for planning permission or permission in principle ”.
 - (3) In subsection (2A), for “Subsection (2)(b) does not” substitute “ Subsections (1A), (2)(b) and (2ZZA) to (2ZZC) do not ”.

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Annotations:

Commencement Information

I11 [Sch. 12 para. 11](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

- 12 (1) Section 70A (power to decline to determine subsequent application) is amended as follows.
- (2) In subsection (5), after paragraph (a) insert—
 “(aa) an application for permission in principle for the development of any land;”.
- (3) In subsection (8), for “An application for planning permission is similar” substitute “Subject to subsection (9), an application is similar”.
- (4) After that subsection insert—
 “(9) An application within subsection (5)(a) or (b) is not similar to an earlier application within subsection (5)(aa).”

Annotations:

Commencement Information

I12 [Sch. 12 para. 12](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

- 13 (1) Section 70B (power to decline to determine overlapping application) is amended as follows.
- (2) In subsections (1) and (4A), after “planning permission” insert “, or permission in principle,”.
- (3) In subsection (5) omit “for planning permission”.

Annotations:

Commencement Information

I13 [Sch. 12 para. 13](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

- 14 In section 70C (power to decline to determine retrospective application), in subsections (1) and (2), after “for planning permission” insert “ or permission in principle”.

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Annotations:

Commencement Information

- I14** [Sch. 12 para. 14](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 15 In section 71 (consultation in connection with determinations under section 70), in subsection (1), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

- I15** [Sch. 12 para. 15](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 16 In section 71A (assessment of environmental effects), in subsection (1), after “planning permission” insert “ , or permission in principle, ”.

Annotations:

Commencement Information

- I16** [Sch. 12 para. 16](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 17 (1) Section 74 (directions etc as to method of dealing with applications) is amended as follows.

(2) In subsection (1)—

- (a) after “applications for planning permission” insert “ , or permission in principle, ”;
- (b) in paragraphs (a), (c), (d) and (f), after “planning permission” insert “ or permission in principle ”;
- (c) in paragraph (b), after “planning permission” insert “ , or permission in principle, ”.

(3) In subsection (1B)—

- (a) in paragraph (a), after “planning permission” insert “ , or permission in principle, ”;
- (b) in paragraph (c), after “planning permission” insert “ or permission in principle ”.

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Annotations:

Commencement Information

I17 [Sch. 12 para. 17](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

18 In section 76C (provisions applying to applications made under section 62A), after subsection (2) insert—

“(2A) Sections 65(5) and 70 to 70C apply, with any necessary modifications, to an application for permission in principle made to the Secretary of State under section 62A as they apply to an application for permission in principle which is to be determined by the local planning authority.

(2B) Any requirements imposed by a development order by virtue of section 62(1), (2) or (8), 65 or 71 or paragraph 8(6) of Schedule 1 may be applied by a development order, with or without modifications, to an application for permission in principle made to the Secretary of State under section 62A.”

Annotations:

Commencement Information

I18 [Sch. 12 para. 18](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

19 In section 76D (deciding applications made under section 62A), in subsection (3), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I19 [Sch. 12 para. 19](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

20 (1) Section 77 (references of applications to Secretary of State) is amended as follows.

(2) In subsection (1), after “planning permission” insert “ or permission in principle ”.

(3) In subsection (4)—

(a) for “subsection (5), where” substitute “subsection (5)—

(a) where”;

(b) for “local planning authority and” substitute “local planning authority;

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- (b) where an application for permission in principle is referred to the Secretary of State under this section, section 70 shall apply, with any necessary modifications, as it applies to such an application which falls to be determined by the local planning authority;

and ”.

Annotations:

Commencement Information

I20 [Sch. 12 para. 20](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 21 In section 78 (right of appeal against planning decisions and failure to take such decision), in subsection (1), after paragraph (a) insert—
“(aa) refuse an application for permission in principle;”.

Annotations:

Commencement Information

I21 [Sch. 12 para. 21](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 22 (1) Section 78A (appeal made: functions of local planning authorities) is amended as follows.
(2) In subsection (1), after “section 78(1)(a)” insert “ or (aa) ”.
(3) In subsection (4), for “to grant the application” substitute “ to grant an application mentioned in section 78(1)(a) ”.

Annotations:

Commencement Information

I22 [Sch. 12 para. 22](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 23 (1) Section 79 (determination of appeals) is amended as follows.
(2) In subsection (4)—
(a) for “subsection (2), the provisions of sections” substitute “subsection (2)—
(a) sections”;

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- (b) after “under section 78” insert “ in respect of an application within section 78(1)(a), (b) or (c) ”;
- (c) for “local planning authority and” substitute “local planning authority;
 - (b) section 70 shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 in respect of an application for permission in principle as it applies in relation to such an application which falls to be determined by the local planning authority;

and ”.

(3) After subsection (6) insert—

“(6ZA) If, before or during the determination of such an appeal in respect of an application for permission in principle to develop land, the Secretary of State forms the opinion that, having regard to the provisions of section 70 and the development order, permission in principle for that development could not have been granted by the local planning authority, he may decline to determine the appeal or to proceed with the determination.”

Annotations:

Commencement Information

I23 [Sch. 12 para. 23](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

24 In the heading before section 97, after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I24 [Sch. 12 para. 24](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)
 ,
[reg. 3\(d\)](#)

25 (1) Section 97 (power to revoke or modify planning permission) is amended as follows.

(2) In the heading, at the end insert “ or permission in principle ”.

(3) In subsection (1), for the words from “modify” to “the authority” substitute “modify

- (a) any permission (including permission in principle) to develop land granted on an application made under this Part, or
- (b) any permission in principle granted by a development order,

the authority ”.

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(4) In subsection (3)(a) and (b), for “where the permission” substitute “ in the case of planning permission that ”.

(5) In subsection (4), for “permission” substitute “ planning permission ”.

Annotations:

Commencement Information

I25 [Sch. 12 para. 25](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

26 In section 99 (procedure for section 97 orders: unopposed cases), in subsection (8) (a), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I26 [Sch. 12 para. 26](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

PROSPECTIVE

27 (1) In section 106BB (duty to notify the Mayor of London of certain applications under section 106BA), in paragraphs (a), (b) and (c) of subsection (1), for “planning permission” substitute “ permission ”.

(2) At the end of that subsection insert—

“In this subsection, “permission” means planning permission or permission in principle.”

28 (1) Section 107 (compensation where planning permission revoked or modified) is amended as follows.

(2) In the heading, after “planning permission” insert “ or permission in principle ”.

(3) In subsection (1)—

(a) after “planning permission” insert “ or permission in principle ”;

(b) or “section 97” substitute “section 97(1)(a)”.

(4) In subsections (2) and (3), for “this section” substitute “ subsection (1) ”.

(5) In subsection (4)—

(a) for “this section” substitute “ subsection (1) ”;

(b) for “consisting” substitute “ that is attributable to the revocation or modification of planning permission and consists ”.

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(6) After that subsection insert—

“(4A) A development order may make provision for the payment of compensation, in such circumstances and subject to such conditions as may be prescribed in the order, where permission in principle is revoked or modified by an order under section 97(1)(b).”

Annotations:

Commencement Information

I27 [Sch. 12 para. 28](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

29 (1) Section 108 (compensation for refusal or conditional grant of planning permission formerly granted by development order etc) is amended as follows.

(2) In the heading, after “planning permission” insert “ etc ”.

(3) After subsection (2A) insert—

“(2B) Where—

(a) permission in principle granted by a development order is withdrawn by the revocation or amendment of the order, and

(b) on an application made under Part 3 or section 293A before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation, permission in principle is refused for development of a description that is the same as, or falls within, that to which the withdrawn permission in principle related,

section 107 shall apply as if the permission in principle granted by the development order had been granted by the local planning authority under Part 3 or section 293A, and had been revoked or modified by an order under section 97.”

(4) In subsection (3), after “planning permission” insert “ , or permission in principle, ”.

(5) In subsections (3B)(a) and (3C)(a), after “planning permission” insert “ or permission in principle ”.

(6) In subsection (3C)(b), for “planning permission” substitute “ permission ”.

(7) In subsection (3C)(d), before “either” insert “ where the development order granted planning permission, ”.

Annotations:

Commencement Information

I28 [Sch. 12 para. 29](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,

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reg. 3(d)

- 30 In section 109 (apportionment of compensation for depreciation), in the definition of “relevant planning decision” in subsection (6), for “by which planning permission is refused, or is granted” substitute “by which planning permission or permission in principle is refused, or by which planning permission is granted”.

Annotations:

Commencement Information

- I29** [Sch. 12 para. 30](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 31 In section 284 (validity of development plans and certain orders, decisions and directions), in subsection (3)(i), after “planning permission” insert “or permission in principle”.

Annotations:

Commencement Information

- I30** [Sch. 12 para. 31](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 32 In section 286 (challenges to validity on ground of authority's powers), in subsections (1)(a) and (2), after “planning permission” insert “or permission in principle”.

Annotations:

Commencement Information

- I31** [Sch. 12 para. 32](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 33 In section 293 (application to Crown: definitions), in subsection (2A), after “planning permission” insert “or permission in principle”.

Annotations:

Commencement Information

- I32** [Sch. 12 para. 33](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)

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, [reg. 3\(d\)](#)

- 34 (1) Section 293A (urgent Crown development: application) is amended as follows.
- (2) In subsection (2), after “planning permission” (in both places) insert “ or permission in principle ”.
- (3) In subsection (4)(a), after “planning permission” insert “ , or (as the case may be) permission in principle, ”.

Annotations:

Commencement Information

I33 [Sch. 12 para. 34](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)

, [reg. 3\(d\)](#)

- 35 (1) Section 298A (application for planning permission by Crown) is amended as follows.
- (2) In the heading, after “planning permission” insert “ etc ”.
- (3) In subsection (1), after “for planning permission” insert “ , for permission in principle ”.

Annotations:

Commencement Information

I34 [Sch. 12 para. 35](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)

, [reg. 3\(d\)](#)

- 36 In section 303 (fees for planning applications etc), in subsection (4), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I35 [Sch. 12 para. 36](#)
 in force at 13.7.2016 by
[S.I. 2016/733](#)

, [reg. 3\(d\)](#)

- 37 In section 316 (land of interested planning authorities and development by them), for subsection (7) substitute—
- “(7) This section applies—
- (a) to permission in principle to develop any land, and

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(b) to any consent required in respect of any land,
as it applies to planning permission to develop land.”

Annotations:

Commencement Information

I36 Sch. 12 para. 37
in force at 13.7.2016 by
S.I. 2016/733
,
reg. 3(d)

- 38 In section 322B (local inquiries in London: special provision as to costs in certain cases)—
- (a) in subsection (1)(a),
 - (b) in paragraph (a) of the subsection set out in subsection (5), and
 - (c) in paragraph (a) of the subsection set out in subsection (6),
- after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I37 Sch. 12 para. 38
in force at 13.7.2016 by
S.I. 2016/733
,
reg. 3(d)

- 39 In section 332 (combined applications), in subsection (1)(a), after “planning permission” insert “ , or permission in principle , ”.

Annotations:

Commencement Information

I38 Sch. 12 para. 39
in force at 13.7.2016 by
S.I. 2016/733
,
reg. 3(d)

- 40 (1) In section 336 (interpretation), subsection (1) is amended as follows.
- (2) At the appropriate place insert—
- ““permission in principle” means permission of the kind referred to in section 58A;”.
- (3) At the end of the definition of “planning permission” insert “ but does not include permission in principle ”.

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Annotations:

Commencement Information

I39 [Sch. 12 para. 40](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 41 (1) Schedule 1 (local planning authorities: distribution of functions) is amended as follows.
- (2) In paragraph 3(1)(a), after “planning permission” insert “ or permission in principle ”.
- (3) In paragraph 4(2), after “application for planning permission” insert “ or permission in principle ”.
- (4) In paragraphs 7(1), 8(1) and 8(2)(b)(i), 11(1)(a), 16(2)(a) and 18, after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I40 [Sch. 12 para. 41](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 42 (1) In section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (general duty as respects listed buildings in exercise of planning functions) in subsection (1), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I41 [Sch. 12 para. 42](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

- 43 In section 91(2) of that Act (expressions that have the same meaning as in the principal Act), at the appropriate place insert—
- “permission in principle”.

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Annotations:

Commencement Information

I42 [Sch. 12 para. 43](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

Commons Act 2006 (c. 26)

- 44 (1) Schedule 1A to the Commons Act 2006 (exclusion of right under section 15) is amended as follows.
- (2) In the first column of the Table, in paragraphs 1 and 2, after “An application for planning permission” insert “, or permission in principle,”.
- (3) In the second column of the Table, in paragraphs 1(c) and 2(c), after “planning permission” insert “ or permission in principle ”.

Annotations:

Commencement Information

I43 [Sch. 12 para. 44](#)
in force at 13.7.2016 by
[S.I. 2016/733](#)
,
[reg. 3\(d\)](#)

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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):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by
2017 c. 20
s. 26(8)(a)(i)
- s. 172(1)(b) inserted by
2017 c. 20
s. 26(8)(a)(ii)