
EXPLANATORY NOTE

(This note is not part of the Order)

The Town and Country Planning (Development Management Procedure) (England) Order 2010 ([S.I. 2010/2184](#)) (“the 2010 Order”) provides for procedures connected with planning applications in England.

Article 3 of this Order amends the definition of “reserved matters” in article 2 of the 2010 Order. The amendment removes an obsolete reference to article 4(4) (that provision was revoked by [S.I. 2012/3109](#)).

Article 4 of this Order amends article 8 of the 2010 Order. Article 8 provides that certain applications for planning permission must be accompanied by a design and access statement, as well as specifying the content which must be included within such statements. The effect of the amendment is to reduce the number of types of applications which must be accompanied by a design and access statement, and to simplify their required content. Under article 8, a design and access statement is required with applications for major development (subject to certain exceptions). A design and access statement is also required for certain applications for development which is not major development in a conservation area or a World Heritage Site.

Article 5 of this Order amends articles 2, 10, 29 and 36 of the 2010 Order and inserts a new article 10A. Article 10 of the 2010 Order sets out the general requirements which apply to an application for planning permission. Article 29 of the 2010 Order sets out the time periods within which a local planning authority must determine a valid application. The effect of the amendments to articles 10 and 29 and new article 10A is to provide a right of appeal for non-determination of applications where an applicant considers that a local authority require particulars or evidence that do not meet the requirements set out in article 29(4)(bb). In such cases, article 10A provides that the applicant may send the local planning authority a notice. Where an applicant sends such a notice and the authority do not waive the information requirement the application is then described as a ‘non-validated application’. On receipt of an article 10A notice a local planning authority could accept the notice and determine the application. Alternatively a local planning authority could reject the article 10A notice. This Order amends article 29 to provide that the local planning authority are required to determine a non-validated application within the time periods set out. If a local planning authority fails to determine a non-validated application within the time specified in article 29 of the 2010 Order then article 33 of that Order provides that an applicant may proceed to appeal on grounds of non-determination under section 78 of the 1990 Act. The amendments to articles 2 and 36 of the 2010 Order are consequential amendments.

Article 6 of this Order amends article 20 of the 2010 Order which provides a list of the consultations in relation to which the duty to respond in section 54 of the Planning and Compulsory Purchase Act 2004 applies. Article 6 amends this list by inserting the consultations referred to in paragraphs N(3) and (4) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (change of use). Paragraph N is inserted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Article 7 of this Order amends article 31 of the 2010 Order. Article 31 provides that where a local planning authority determines an application for planning permission, they must issue a written notice of decision and set out the content of such notice. The effect of the amendment is to remove the requirement to include both a summary of reasons for the grant of permission and a summary of the policies and proposals in the development plan which are relevant to the decision to grant permission.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 8 of this Order makes transitional provision to the effect that the amendments to articles 2, 10, 29 and 36 and new article 10A of the 2010 Order do not apply in relation to an application for planning permission submitted before the coming into force of this Order.

An impact assessment will be prepared in relation to this instrument. The assessment will be placed in the Library of each House of Parliament and copies may be obtained from the Planning Directorate, the Department for communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or <http://www.communities.gov.uk>.