



2011 CHAPTER 25

PART 3 PLANNING CONTROL

Determination of planning applications

Power of council to decline to determine subsequent application

46.—(1) A council may decline to determine a relevant application if—

- (a) any of the conditions in subsections (2) to (4) is satisfied; and
- (b) the council thinks there has been no significant change in the relevant 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 Department has refused a similar application.

(3) The condition is that in that period the planning appeals commission has dismissed an appeal—

- (a) against the refusal of a similar application; or
- (b) under section 60 in respect of a similar application.

(4) The condition is that—

- (a) in that period the council has refused more than one similar application; and
- (b) there has been no appeal to the planning appeals commission against any such refusal or, if there has been such an appeal, it has been withdrawn.

(5) A council may also decline to determine a relevant application if—

- (a) the condition in subsection (6) is satisfied; and
 - (b) the council thinks there has been no significant change in the relevant considerations since the relevant event.
- (6) The condition is that—
 - (a) in the period of two years ending with the date on which the application mentioned in subsection (5) is received the planning appeals commission has refused a similar application,
 - (b) the similar application was an application deemed to have been made by section 145(5).
- (7) A relevant application is an application for planning permission for the development of any land.
- (8) The relevant considerations are—
 - (a) the local development plan so far as material to the application;
 - (b) any other material considerations.
- (9) The relevant event is—
 - (a) for the purposes of subsections (2), (4) and (6) the refusal of the similar application;
 - (b) for the purposes of subsection (3) the dismissal of the appeal.
- (10) An application for planning permission is similar to another application if (and only if) the council thinks that the development and the land to which the applications relate are the same or substantially the same.