



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Determination of applications

[^{F2}70A ^{F1}[^{F2}Power of local planning authority to decline to determine applications.][Power to decline to determine subsequent application.]

- (1) A local planning authority may decline to determine an application for planning permission for the development of any land if—
 - (a) within the period of two years ending with the date on which the application is received, the [^{F3}Welsh Ministers have refused a similar application made to them under section 62D, 62F, 62M or 62O, or referred to them under section 77, or have] dismissed an appeal against the refusal of a similar application; and
 - (b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) in the development plan, so far as material to the application, or in any other material considerations.
 - (2) For the purposes of this section an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the local planning authority the same or substantially the same.
 - (3) The reference in subsection (1)(a) to an appeal against the refusal of an application includes an appeal under section 78(2) in respect of an application.
- [^{F2}(1) A local planning authority may decline to determine a relevant application if—
- (a) any of the conditions in subsections (2) to (4) is satisfied, and
 - (b) the authority think there has been no significant change in the relevant considerations since the relevant event.

Status: Point in time view as at 13/07/2016.

Changes to legislation: Town and Country Planning Act 1990, Section 70A is up to date with all changes known to be in force on or before 21 May 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)

- (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 Secretary of State has refused a similar application [^{F4}made to the Secretary of State under section 62A or] referred to him under section 76A or 77.
- (3) The condition is that in that period the Secretary of State has dismissed an appeal—
- (a) against the refusal of a similar application, or
 - (b) under section 78(2) in respect of a similar application.
- (4) The condition is that—
- (a) in that period the local planning authority have refused more than one similar application, and
 - (b) there has been no appeal to the Secretary of State against any such refusal [^{F5}or, if there has been such an appeal, it has been withdrawn].
- [^{F6}(4A) A local planning authority in England may also decline to determine a relevant application if—
- (a) the condition in subsection (4B) is satisfied, and
 - (b) the authority think there has been no significant change in the relevant considerations since the relevant event.
- (4B) The condition is that—
- (a) in the period of two years ending with the date on which the application mentioned in subsection (4A) is received the Secretary of State has refused a similar application,
 - (b) the similar application was an application deemed to have been made by section 177(5), and
 - (c) the land to which the application mentioned in subsection (4A) and the similar application relate is in England.]
- (5) A relevant application is—
- (a) an application for planning permission for the development of any land;
 - [^{F7}(aa) an application for permission in principle for the development of any land;]
 - (b) an application for approval in pursuance of [^{F8}section 60(1A), (2)] [^{F9}, (2A) or (2B)].
- (6) The relevant considerations are—
- (a) the development plan so far as material to the application;
 - (b) any other material considerations.
- (7) The relevant event is—
- (a) for the purposes of subsections (2) [^{F10}, (4) and (4B)] the refusal of the similar application;
 - (b) for the purposes of subsection (3) the dismissal of the appeal.
- (8) [^{F11}Subject to subsection (9), an application is similar] to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.]
- [^{F12}(9) An application within subsection (5)(a) or (b) is not similar to an earlier application within subsection (5)(aa).]

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Textual Amendments

- F1** Ss. 70A, 70B substituted (24.8.2005 for E. in so far as relates to s. 70A, 6.4.2009 for E. in so far as relates to s. 70B, and not in force for W.) for s. 70A by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 43\(1\)](#), [121](#) (with [s. 111](#)); [S.I. 2005/2081](#), [art. 2](#) (subject to savings in [art. 4](#)); [S.I. 2009/384](#), [art. 2\(a\)](#)
- F2** Ss. 70A, 70B substituted (24.8.2005 for E. in so far as relates to s. 70A, 6.4.2009 for E. in so far as relates to s. 70B, and not in force for W.) for s. 70A by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 43\(1\)](#), [121](#) (with [s. 111](#)); [S.I. 2005/2081](#), [art. 2](#) (subject to savings in [art. 4](#)); [S.I. 2009/384](#), [art. 2\(a\)](#)
- F3** Words in s. 70A(1)(a) substituted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [s. 58\(2\)\(b\)\(4\)\(b\)](#), [Sch. 4 para. 6](#); [S.I. 2016/52](#), [art. 3\(e\)](#)
- F4** Words in s. 70A(2) inserted (9.5.2013 for E. for specified purposes, 1.10.2013 for specified purposes, 1.10.2014 in so far as not already in force) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [s. 35\(1\)](#), [Sch. 1 para. 6](#); [S.I. 2013/1124](#), [art. 2](#); [S.I. 2013/2143](#), [art. 2\(1\)\(a\)](#); [S.I. 2014/1531](#), [art. 2](#)
- F5** Words in s. 70A(4)(b) inserted (6.4.2009 for E. and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), [ss. 187](#), [241](#), [Sch. 7 para. 2\(2\)](#) (with [s. 226](#)); [S.I. 2009/400](#), [art. 5](#)
- F6** S. 70A(4A)(4B) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 187](#), [241](#), [Sch. 7 para. 2\(3\)](#) (with [s. 226](#)); [S.I. 2009/400](#), [art. 3](#)
- F7** S. 70A(5)(aa) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 12 para. 12\(2\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F8** Words in s. 70A(5)(b) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 152\(4\)](#), [216\(3\)](#); [S.I. 2016/733](#), [reg. 3\(e\)](#)
- F9** Words in s. 70A(5) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 4\(2\)](#), [35\(2\)](#)
- F10** Words in s. 70A(7)(a) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 187](#), [241](#), [Sch. 7 para. 2\(4\)](#) (with [s. 226](#)); [S.I. 2009/400](#), [art. 3](#)
- F11** Words in s. 70A(8) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 12 para. 12\(3\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)
- F12** S. 70A(9) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [s. 216\(3\)](#), [Sch. 12 para. 12\(4\)](#); [S.I. 2016/733](#), [reg. 3\(d\)](#)

Modifications etc. (not altering text)

- C1** S. 70A applied (with modifications) (6.4.1992) by [S.I. 1992/666](#), [art. 13\(1\)\(c\)](#), [Sch. 4 Pts. I, II](#)
S. 70A applied (with modifications) (6.4.2007) by [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007 \(S.I. 2004/783\)](#), [reg. 14\(3\)](#), [Sch. 4](#) (as amended by [S.I. 2007/1739](#), [reg. 2\(b\)](#))
- C2** S. 70A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)
- C3** S. 70A(1)(2) applied (W.) (with modifications) (1.3.2016) by [The Developments of National Significance \(Application of Enactments\) \(Wales\) Order 2016 \(S.I. 2016/54\)](#), [arts. 1](#), [3\(1\)\(f\)\(g\)](#)
- C4** S. 70A(1) applied (with modifications) (W.) (1.3.2016) by [The Developments of National Significance \(Wales\) Regulations 2016 \(S.I. 2016/56\)](#), [reg. 1\(2\)](#), [Sch. 7 para. 1\(1\)\(f\)](#) (with [regs. 1\(3\)](#), [47](#))
- C5** S. 70A(2) applied (with modifications) (W.) (1.3.2016) by [The Developments of National Significance \(Wales\) Regulations 2016 \(S.I. 2016/56\)](#), [reg. 1\(2\)](#), [Sch. 7 para. 1\(1\)\(g\)](#) (with [regs. 1\(3\)](#), [47](#))

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