



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.

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- (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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Changes and effects yet to be applied to :

- s. 70A(6) words inserted by 2023 c. 55 Sch. 6 para. 4(b)
- s. 70A(8) words substituted by 2023 c. 55 s. 110(4)(a)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62(2A)(za) inserted by 2023 c. 55 s. 124(2)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)

- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 171A(2)(za) inserted by 2023 c. 55 s. 117(2)(a)
- s. 171B(1)(a)(b) substituted for words by 2023 c. 55 s. 115(1)
- s. 171B(2)(a)(b) substituted for words by 2023 c. 55 s. 115(2)
- s. 171E(8) inserted by 2023 c. 55 s. 116(3)
- s. 172ZA inserted by 2023 c. 55 s. 117(3)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 176(6) inserted by 2023 c. 55 s. 119(2)
- s. 188(1)(zb) inserted by 2023 c. 55 s. 117(4)(a)
- s. 195(3A) inserted by 2023 c. 55 s. 119(3)
- s. 196(1A) inserted by 2008 c. 29 Sch. 10 para. 8(2)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 216(2)(a)(b) substituted for words by 2023 c. 55 s. 120(2)(a)
- s. 216(6A) inserted by 2023 c. 55 s. 120(2)(c)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 327ZA applied (with modifications) by 1990 c. 10, s. 37 (as amended) by 2023 c. 55 s. 124(7)(a)
- s. 327ZA applied by 1990 c. 9, s. 89(1) (as amended) by 2023 c. 55 s. 124(5)(a)
- s. 327ZA inserted by 2023 c. 55 s. 124(1)
- s. 327ZA modified by 1990 c. 9, s. 89(1ZC) (as inserted) by 2023 c. 55 s. 124(5)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 7A para. 14(4) inserted by 2023 c. 55 s. 124(3)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)