



# Planning (Listed Buildings and Conservation Areas) Act 1990

## 1990 CHAPTER 9

### PART III

#### GENERAL

#### *[<sup>F1</sup>Power to decline to determine application*

#### **[<sup>F1</sup>81A Power to decline to determine subsequent application**

- (1) A local planning authority may decline to determine an application for a relevant consent if—
  - (a) one or more of the conditions in subsections (2) to (4) is satisfied, and
  - (b) the authority think there has been no significant change in any material 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 Secretary of State has refused a similar application referred to him under section 12.
- (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 20(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 [<sup>F2</sup>or, if there has been such an appeal, it has been withdrawn].
- (5) Relevant consent is—
  - (a) listed building consent, or

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*Status: Point in time view as at 06/04/2009. This version of this provision has been superseded.*

*Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 81A is up to date with all changes known to be in force on or before 22 April 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)*

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- (b) conservation area consent.
- (6) The relevant event is—
- (a) for the purposes of subsections (2) and (4) the refusal of the similar application;
  - (b) for the purposes of subsection (3) the dismissal of the appeal.
- (7) An application for relevant consent is similar to another application if (and only if) the local planning authority think that the building and works to which the applications relate are the same or substantially the same.
- (8) For the purposes of an application for conservation area consent a reference to a provision of this Act is a reference to that provision as excepted or modified by regulations under section 74.]

#### Textual Amendments

- F1** Ss. 81A, 81B and cross-heading inserted (24.8.2005 for E. except so far as relates to the insertion of s. 81B, 6.4.2009 for E. for that excepted purpose, otherwise prosp.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 43\(3\), 121\(1\)](#) (with [ss. 43\(5\), 111](#)); [S.I. 2005/2081](#), [art 2\(a\)\(iii\)](#); [S.I. 2009/384](#), [art. 2\(c\)](#)
- F2** Words in s. 81A(4)(b) inserted (6.4.2009 for E., otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), [ss. 187, 241\(8\)](#), [Sch 7 para. 5](#) (with [s. 226](#)); [S.I. 2009/400](#), [art. 5\(b\)](#)

**Status:**

Point in time view as at 06/04/2009. This version of this provision has been superseded.

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 81A is up to date with all changes known to be in force on or before 22 April 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.