



Planning and Compensation Act 1991

1991 CHAPTER 34

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

Control over development

17 Power of local planning authority to decline to determine applications.

(1) After section 70 of the principal Act there is inserted—

“70A Power of local planning authority to decline to determine applications.

- (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 Secretary of State has refused a similar application referred to him under section 77 or has 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.”

Changes to legislation: Planning and Compensation Act 1991, Section 17 is up to date with all changes known to be in force on or before 29 February 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) [View outstanding changes](#)

- (2) In section 78(2) of that Act (right to appeal to Secretary of State where local planning authority have failed to take a decision on an application) for “neither” there is substituted “done none of the following” and for “nor” there is substituted—
- “(aa) given notice to the applicant that they have exercised their power under section 70A to decline to determine the application;”.

Modifications etc. (not altering text)

C1 S.17(1) restricted (9.9.1991) by [S.I. 1991/2067](#), art. 4, [Sch. 2 Pt. II para. 1](#)

Commencement Information

I1 S. 17 wholly in force at 25.09.1991 see s. 84(2)(3) and [S.I. 1991/2067](#), [art. 3](#)

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Changes and effects yet to be applied to :

- s. 17(1) repealed by [2004 c. 5 Sch. 9](#)