

SCHEDULES

SCHEDULE 17

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 1

CONDITIONS

Condition relating to building works

- 2 (1) To the extent that development consists of building works, it must be carried out in accordance with plans and specifications for the time being approved by the relevant planning authority.
- (2) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (3) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the building works to be submitted for approval.
- (4) Where the relevant planning authority exercises the power conferred under sub-paragraph (3), the plans and specifications referred to in sub-paragraph (1) must, as regards the specified respect, include a plan or specification showing the additional details.
- (5) If the relevant planning authority is a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—
- (a) the design or external appearance of the building works ought to be modified—
 - (i) to preserve the local environment or local amenity,
 - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) to preserve a site of archaeological or historic interest or nature conservation value,and is reasonably capable of being so modified, or
 - (b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.
- (6) If the relevant planning authority is not a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—

Status: This is the original version (as it was originally enacted).

- (a) the design or external appearance of the building works ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified, or
 - (b) the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.
- (7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground referred to in sub-paragraph (5) or (6) (as the case may be).
- (8) In this paragraph, "building works" means the erection, construction, alteration or extension of any building, other than a temporary building.
- (9) For these purposes, a building ancillary to a scheduled work is only a temporary building if it is intended to remain in place for no longer than two years after the date on which the scheduled work is brought into general use.
- (10) The requirements in this paragraph do not apply to building works to the extent that they are ancillary to development consisting of—
- (a) the disposal of waste or spoil, or
 - (b) the excavation of bulk materials from borrow pits,
- (and see paragraph 7 as to such development).