

SCHEDULE 1

Article 8

**Schedule 1**  
**Notices**

**Acknowledgement to be sent to applicant on receipt of application for permission in principle**

Thank you for your application dated..... which I received on.....

I am still examining your application form and accompanying plan to see whether they comply with the law\*

If I find your application is invalid because it does not comply with the statutory requirements then I will write to you again as soon as I can\*

If, by *[insert date at end of period of 5 weeks beginning with the day immediately following the date when the application was received]*..... you have not been given a decision in writing and:

- you have not been told that your application is invalid; or
- \*you have not been told that your fee cheque has been dishonoured; or
- you have not agreed in writing to extend the period in which the decision may be given,

then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You cannot appeal if your application has already been referred to the Secretary of State. To make an appeal you must use a form which you can get online from [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. If you wish to appeal you must do so within 6 months from *[insert date at end of period of 5 weeks beginning with the day immediately following the date when the application was received]*.

\* delete if not relevant

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**Publicity for applications for permission in principle – requisite notice**

**Town and Country Planning (Permission in Principle) Order 2017**

**NOTICE UNDER ARTICLE 5G\* OR 5H OF APPLICATION FOR PERMISSION IN PRINCIPLE**

(\*to be displayed by site display on or near the site [OR to be served on infrastructure manager])

Proposed development (a) .....

I give notice that (b) ..... is applying to the (c) ..... Council for permission in principle to (d).....

\*The proposed development to which the application relates is situated within 10 metres of relevant railway land

Members of the public may inspect copies of-

- the application
- the plan
- and any other documents submitted with it

at (e) ..... during all reasonable hours until (f) .....

Anyone who wishes to make representations about this application should write to the Council at (g) ..... by (f) .....

Signed.....(Council’s authorised officer)

On behalf of (c).....Council

Date.....

\* delete as appropriate

Insert:

(a) address or location of proposed development

(b) applicant’s name

(c) name of the Council

(d) description of the propose development

(e) address at which the documents may be inspected

(f) date giving a period of at least 14 days, beginning with the date when the notice is first displayed where visible or accessible on or near the site or served on the infrastructure manager (as the case may be)

(g) address of the Council

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**Notification of decision where permission in principle refused**

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PERMISSION IN PRINCIPLE

*[the following is to be endorsed on notices of decision]*

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission in principle for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this decision notice.
- Appeals must be made using a form which you can obtain online from [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for making an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in making an appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission in principle for the proposed development having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

SCHEDULE 2

Article 9

Amendments to secondary legislation

**Amendment of the Town and Country Planning General Regulations 1992**

1.—(1) The Town and Country Planning General Regulations 1992<sup>(1)</sup> are amended as follows.

(2) In regulation 1, in the definition of “planning permission” for “, except in regulations 7 to 9, includes” substitute “includes permission in principle and, except in regulations 7 to 9, also includes”.

(3) In Schedule 3—

(a) in Part 1, for “Planning permission for” to “(e)]\*.” substitute—

“[Planning permission / Permission in principle]\* for.....

(a) at.....

(b) WE GIVE NOTICE THAT THE .....(c) Council have

<sup>(1)</sup> S.I. 1992/1492 to which there are amendments not relevant to this Order.

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made an order under section 97 of the Town and Country Planning Act 1990 to [revoke the above planning permission] [to the following extent .....(d)] [revoke the above permission in principle][to the following extent .....(d)] [modify the above planning permission as follows .....(e)] [modify the above permission in principle as follows .....(e)]\*.”

(b) in Part 2, for “Planning permission for” to “(e)\*.” substitute—

“[Planning permission / Permission in principle]\* for.....(b)  
(a) at.....(b)  
TAKE NOTICE THAT THE .....(c) Council have made an order under section 97 of the Town and Country Planning Act 1990 to [revoke the above planning permission] [to the following extent .....(d)] [revoke the above permission in principle] [to the following extent .....(d)] [modify the above planning permission as follows .....(e)] [modify the above permission in principle as follows .....(e)]\*.”

**Amendment of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000**

2.—(1) The Town and Country Planning (Inquiries Procedure) (England) Rules 2000(2) are amended as follows.

(2) In rules 3(1) and 4(2), after “planning permission” insert “or permission in principle”.

(3) In the modified text in rule 23(2)(b) and (h), after “planning permission” insert “or permission in principle”.

(4) In rule 23B—

(a) before paragraph (3)(a) insert—

“(za) before the definition of “applicant” insert—

““the 2017 Order” means the Town and Country Planning (Permission in Principle) Order 2017;”;

(b) in the modified text in paragraphs (3)(a), (b) and (e) after “2010 Order” insert “, article 5V of the 2017 Order”; and

(c) in the modified text in paragraphs (5)(f)(ii), (h)(i), and (i), (6), (8)(b) and (9)(b) after “2010 Order,” insert “article 5V of the 2017 Order”.

(5) In the modified text in paragraph 2 of Part 2 of the Schedule, after “planning permission” insert “or permission in principle”.

**Amendment of the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000**

3.—(1) The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(3) are amended as follows.

(2) In rule 2(1)—

(a) in the appropriate place insert the following definition—

““the 2017 Order” means the Town and Country Planning (Permission in Principle) Order 2017;”;

(2) [S.I. 2000/1624](#). Rule 23B was inserted by [S.I. 2013/2137](#). There are other amendments not relevant to this Order.

(3) [S.I. 2000/1625](#) to which there are amendments not relevant to this Order.

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- (b) in the definition of “draft statement of common ground”, after “2010 Order” insert “, article 5V of the 2017 Order”; and
  - (c) in the definition of “full statement of case”, after “2010 Order” insert “, article 5V of the 2017 Order”.
- (3) In rules 3(1) and 4(2), after “planning permission” insert “or permission in principle”.
- (4) In rules 6(8), (12) and (13), 10(7), 16(10) and 22(1), after “2010 Order,” insert “article 5V of the 2017 Order”.
- (5) In the modified text in rule 24(2)(b), (f) and (g), after “planning permission” insert “or permission in principle”.

#### **Amendment of the Town and Country Planning (Hearings Procedure) (England) Rules 2000**

**4.—**(1) The Town and Country Planning (Hearings Procedure) (England) Rules 2000(4) are amended as follows.

- (2) In rule 2(1)—
  - (a) in the appropriate place insert the following definition—

““the 2017 Order” means the Town and Country Planning (Permission in Principle) Order 2017;”
  - (b) in the definition of “draft statement of common ground”, after “2010 Order” insert “, article 5V of the 2017 Order”; and
  - (c) in the definition of “full statement of case”, after “2010 Order” insert “, article 5V of the 2017 Order”.
- (3) In rules 6(6) and (7), 7(6), 11(9) and 18(2) after “2010 Order,” insert “article 5V of the 2017 Order”.

#### **Amendment of the Local Authorities (Functions and Responsibilities) (England) Order 2000**

**5.—**(1) The Local Authorities (Functions and Responsibilities) (England) Order 2000(5) is amended as follows.

- (2) In the table in Schedule 1—
  - (a) in item 5—
    - (i) in column (1), after “planning permission” insert “or permission in principle”;
    - (ii) in column (2), after “Sections” insert “59A(1)(b),”; and
  - (b) in items 8 and 10, in column (1), after “planning permission” insert “or permission in principle”.

#### **Amendment of the Planning (National Security Directions and Appointed Representatives) (England) Rules 2006**

**6.—**(1) The Planning (National Security Directions and Appointed Representatives) (England) Rules 2006(6) are amended as follows.

- (2) In rule 6(2) and (3), after “planning permission” insert “or permission in principle”.

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(4) [S.I. 2000/1626](#) to which there are amendments not relevant to this Order.

(5) [S.I. 2000/2853](#) to which there are amendments not relevant to this Order.

(6) [S.I. 2006/1284](#) to which there are amendments not relevant to this Order.

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### **Amendment of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009**

7.—(1) The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009(7) are amended as follows.

(2) In regulation 2, in the definition of “full statement of case”, after “Order 2010 (appeals)” insert “or article 5V of the Town and Country Planning (Permission in Principle) Order 2017”.

### **Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

8.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015(8) is amended as follows.

(2) In article 1 (application), at the end, insert—

“(5) Nothing in this Order applies to an application for permission in principle(9).”.

### **Amendment of the Planning (Hazardous Substances) Regulations 2015**

9.—(1) The Planning (Hazardous Substances) Regulations 2015(10) are amended as follows.

(2) In regulation 26(6), in sub-paragraphs (a), (b) and (c), after “planning permission”, in each place it occurs, insert “or permission in principle”.

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(7) [S.I. 2009/452](#) to which there are amendments not relevant to this Order.

(8) [S.I. 2015/595](#).

(9) Permission in principle and its effect are described in sections 58A, 59A and 70(2ZZA) to (2ZZC) of the 1990 Act, these provisions were inserted into that Act by section 150 of the Housing and Planning Act 2016.

(10) [S.I. 2015/627](#).