

TIME LIMITS AND AMENDMENTS TO PLANNING PERMISSIONS

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of recent changes in planning legislation in respect of:-

1. Extensions to the time limits for implementing existing planning permissions, and
2. Non-material amendments following a grant of planning permission.

Recommendation: That the report be noted.

Resource Implications: A modest increase in planning fee income is likely to accrue.

1.0 Extension of Time Limits for Implementing Existing Planning Permissions

- 1.1 Before the Planning and Compulsory Purchase Act 2004 time limits on implementation of planning permissions could be extended under Section 73 of the Town and Country Planning Act 1990. The 2004 Act removed this mechanism, obliging developers to submit a new planning application following expiry of the original permission. The aim was to encourage developers to implement consents promptly to assist economic regeneration .
- 1.2 Amendments to the General Development Procedure Order (GDPO) 1995 which came into effect on 1 October 2009 allow planning permissions which are about to lapse to be kept alive via a simplified application procedure. The amendments also cover listed building and conservation area consents.
- 1.3 The new provisions relate only to permissions which were extant on 1 October 2009 and have not yet commenced. Extensions to the time limits will not be allowed after this date on the basis that Councils and developers will be able to negotiate terms longer than the default three year period which was introduced in 2005.
- 1.4 Fees are payable to extend the time limit for implementation of an existing permission. The fee is as if it were a wholly new application. However, it is proposed to change the fee regulations later this year whereby different fees would apply as follows:-

major developments	£500
householder developments	£50
all other developments	170

It should be noted, however, that these fees are not finalised until they are agreed by Parliament.

2.0 Non-material Amendments Following A Grant of Planning Permission

- 2.1 From 1 October 2009 it will also be possible to apply to make non-material amendments to existing planning permissions under Section 96A of the Town and Country Planning Act 1990 (introduced by Section 190 of the Planning Act 2008). This amendment, however, does not cover listed building and conservation area consents. Applicants must apply on a standard form, must notify other owners and notice of a decision must be given within 28 days.
- 2.2 Unfortunately, the Government does not intend to provide a statutory definition of “minor material change” but endorses the view that this would comprise any change “whose scale and nature results in a development that is not substantially different from the one that has been approved”. Interpretation, therefore, is left to the discretion of the individual local planning authority.
- 2.3 The amendment forms part of the Government's commitment to streamline the planning system as quickly as possible and should have a positive impact on developments.
- 2.4 No fee will be payable until the fee regulations are amended at a later date.

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Background Papers: The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009