
STATUTORY INSTRUMENTS

2017 No. 402

TOWN AND COUNTRY PLANNING, ENGLAND

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

<i>Made</i>	- - - -	<i>20th March 2017</i>
<i>Laid before Parliament</i>		<i>23rd March 2017</i>
<i>Coming into force</i>	- -	<i>15th April 2017</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 59A, 61(1), 62, 65, 70(2ZZC), 71, 71A, 74, 78 and 107(4A) of the Town and Country Planning Act 1990⁽¹⁾, makes the following Order.

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Town and Country Planning (Permission in Principle) Order 2017 and comes into force on 15th April 2017.

Interpretation

2. In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990;

(1) 1990 c. 8; section 59A was inserted by section 150(2) of the Housing and Planning Act 2016 (c. 22) (“the 2016 Act”); section 62 was substituted by section 42(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”) and amended by paragraphs 7 and 8 of Schedule 12 to the 2016 Act; section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) (“the 1991 Act”) and relevant amendments are made by paragraph 9 of Schedule 12 to the 2016 Act; section 70(2ZZC) was inserted by section 150(3) of the 2016 Act; section 71 was amended by section 16 of, and paragraph 15 of Schedule 7 to, the 1991 Act and by paragraph 15 of Schedule 12 to the 2016 Act; section 71A was inserted by section 15 of the 1991 Act and amended by paragraph 16 of Schedule 12 to the 2016 Act; section 74 was amended by sections 19(1) and 84(6) of, and paragraph 17 of Schedule 7 and Part 1 of Schedule 19 to, the 1991 Act, paragraph 9 of Schedule 12 to the Localism Act 2011 (c. 20) (“the 2011 Act”) and paragraph 17 of Schedule 12 to the 2016 Act; section 78 was amended by section 17(2) of the 1991 Act, section 43(2) of the 2004 Act, paragraph 7 of Schedule 7 and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 Act (c. 29), section 123 of the 2011 Act and paragraph 8 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27) and by paragraph 21 of Schedule 12 to the 2016 Act; and section 107(4A) was inserted by paragraph 28 of Schedule 12 to the 2016 Act.

“brownfield land register” means a register kept under regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017⁽²⁾;

“dwelling” includes a flat contained within a building of one or more flats;

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“housing development” means development for the provision of dwellings⁽³⁾; and

“non-housing development” means development other than housing development.

PART 2

Permission in principle: brownfield land register

Prescribed particulars for land allocated in a brownfield land register

3. For the purposes of section 59A(2)(c) of the 1990 Act, to allocate land for development in a brownfield land register an entry in the register for the land (in addition to including an indication that the land is allocated for development for the purposes of section 59A of the 1990 Act) must include the information required by regulation 15 of, and Schedule 2 to, the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Permission in principle on allocation of land in a brownfield land register

4. Permission in principle is hereby granted for development of land allocated in Part 2 of a brownfield land register consisting of—

- (a) housing development for the provision of a number of dwellings falling within the range specified in the relevant entry in the brownfield land register; and
- (b) where the relevant entry in the brownfield land register specifies non-housing development of the land, non-housing development of a description falling within the description in that entry.

Direction by local planning authority as to when permission in principle takes effect

5. A local planning authority may direct that permission in principle granted pursuant to article 4 takes effect on a date specified in the direction instead of the date provided for in section 59A(4) (a) or (b) of the 1990 Act.

PART 3

Permission in principle: general

Planning register: permission in principle

6.—(1) The planning register kept by each local planning register authority must also include, as Part 2A, a part relating to permission in principle.

(2) [S.I. 2017/403](#).

(3) Development is defined in section 55 of the 1990 Act and includes material change of use of buildings.

(2) In respect of every permission in principle granted pursuant to article 4 in relation to land in the local planning register authority's area, Part 2A of the planning register must contain—

- (a) a copy (which may be photographic or in electronic form) of the entry in the brownfield land register which relates to the land;
- (b) the date the permission in principle takes effect and the date it expires; and
- (c) the name of the local planning authority which allocated the land in the brownfield land register.

(3) Every entry in Part 2A of the planning register must be made by the local planning register authority within 14 days of the land being entered in Part 2 of the brownfield land register.

(4) In this article—

“local planning register authority” has the same meaning as in article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015⁽⁴⁾; and

“planning register” means the register kept by a local planning register authority under article 40 of that Order.

Prescribed period for the purposes of section 70(2ZZC) of the 1990 Act

7. For the purposes of section 70(2ZZC) of the 1990 Act the prescribed period for a permission in principle granted pursuant to article 4 is 5 years.

PART 4

Miscellaneous

Amendments to secondary legislation in relation to permission in principle

8. The Schedule, which contains amendments to secondary legislation, has effect.

Review

9.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in this Order; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published by 15th April 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015⁽⁵⁾ requires that a report published under this article must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

⁽⁴⁾ S.I. 2015/595.

⁽⁵⁾ 2015 c. 26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) In this article, “regulatory provision” has the same meaning as given by sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State
Department for Communities and Local
Government

20th March 2017