



The Planning Inspectorate

## PINS NOTE 02/2013

To: All Inspectors; Planning Casework (G7/HEO)

Date of Issue: 28 February 2013

Currency: review at 6 months after issue

### **INFORMATION REQUIREMENTS FOR OUTLINE PLANNING APPLICATIONS – Amendments to The Town and Country Planning (Development Management Procedure) (England) Order 2010**

#### **Action**

1. The Town and Country Planning (Development Management Procedure) (England) Order 2010 has been amended by [The Town and Country Planning \(Development Management Procedure\) \(England\) \(Amendment No. 3\) Order 2012](#) (SI 2012/3109). Amendments include changes to the requirements for information to be supplied with Outline Planning applications.
2. Inspectors should note that the Order deletes paragraphs (3) and (4) of article 4 of the DMPO (applications for outline planning permission), removing the requirement to provide details of layout (approximate location of buildings, routes and open spaces) where this is a reserved matter, and scale (providing an upper and lower limit for the height, width and length of each building included in the development proposed) where this is a reserved matter.
3. There are no transitional provisions and the Order revoked these provisions with immediate effect from the **31 January 2013**. As from this date paragraphs (3) and (4) of the Development Management Procedure Order 2010 ceased to exist, and so cannot be relied upon in relation to any appeal or application, regardless of the time it was submitted.
5. Inspectors will be aware that planning applications and appeals must be determined in accordance with the law and policy in place at the date of determination. Casework teams should note that as requirements (3) and (4) no longer exist it follows that it will no longer be possible to require these details at appeal submission, even if it may have been

possible for the LPA to require them at the time that the application was submitted and / or determined.

6. Scale and layout may in some cases be fundamental issues in determining whether a proposal will ultimately be acceptable, thus still requiring to be considered at outline permission stage. The Secretary of State and Inspectors retain the power to request (subject to natural justice considerations) additional information if this is considered necessary to reach an informed decision (though an appeal could equally be dismissed if the lack of information / details was not considered "correctable" at that stage).
7. If sufficient detail has not been forthcoming at outline permission stage, Inspectors dealing with reserved matters appeals should consider the potential need for conditions to be introduced at this later stage. At the reserved matters stage, an Inspector may impose further conditions provided they arise directly from the reserved matters application and do not materially derogate from the outline permission. See *R v Newbury DC ex parte Stevens & Partridge* [1992] JPL 1057.
8. Proposals in the recent Streamlining the Planning Application Process - Consultation (January 2013) would enable appeals for non-determination where disputes arise between an applicant and the LPA as to whether information on any particular matter is required (this extends beyond the matter of outline applications to include all such information requests from an LPA). This will involve an amendment of article 29 of the Development Management Procedure Order. No right of appeal currently exists.

## **Background**

9. The Plan for Growth, issued alongside the 2011 Budget, announced a programme of measures to simplify and streamline the arrangements for making and determining planning applications in England. This reflects the Government's wider ambition to make the planning system more efficient and positive in outlook and operation.
10. It is recognised that, depending on the size of the development, and on local circumstances, it may be beneficial for applicants to provide an indicative layout, to enable the local planning authority to gauge the appropriateness of the scale of development proposed. However, given the powers available to local authorities to request additional information, it is not considered necessary to continue to mandate this at the national level. LPAs still retain the power to specify that certain reserved matters should not be dealt with separately from the outline application.
11. The changes are likely to have limited impact on schemes requiring environmental impact assessment, where it will still be necessary to specify such details as maximum dimensions and floorspace.

12. The LPA does, generally retain its wide powers of discretion under s.62 TCPA to require that an application for planning permission must include such particulars as they think necessary; and such evidence in support of anything in or relating to the application as they think necessary. However, the Order amends the Development Management Procedure Order to include a stipulation that a local list (of information an LPA may request for an application) must have been published less than 2 years ago and any information which LPAs ask for must be relevant, necessary, and material to the application in question (see also Para 193 NPPF). It should furthermore be noted that the Growth and Infrastructure Bill contains a provision to restrict the LPA powers under s.62
13. Please contact XXXX if you have any queries on this Note.

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Chief Planning Inspector