



The Planning Inspectorate

PINS NOTE 14/2013

To: All Inspectors

Date of Issue: 2 July 2013

Currency: review at 6 months after issue

Further Town and Country Planning (Development Management Procedure) (England) Order 2010 Changes – Design and Access statements and Local Lists

Action

1. The Town and Country Planning (Development Management Procedure) (England) Order 2010 is amended by [The Town and Country Planning \(Development Management Procedure\) \(England\) \(Amendment\) Order 2013 \(SI 2013 No. 1238\)](#).
2. Inspectors should be aware that the amendment order reduces the number of types of planning applications which are required to be accompanied by a Design and Access Statement. For applications submitted on or after **25 June 2013** a design and access statement is only required with applications for major development (subject to specific exceptions). They do not apply retrospectively to applications already submitted to the LPA. An advice note has been prepared for Casework staff.
3. The order also makes amendments with regard to the 'local list' - the list of information required by authorities to be submitted with applications. The amendment order introduces a formal 'validation dispute' process at application stage which effectively gives the right for the applicant to appeal against non-determination if there is a dispute over the necessity or relevance of the local list requirements. Such appeals will follow the 'normal' s78 non determination route.
4. The order also removes the requirement to provide reasons for approval and a summary of relevant policies and proposals on written decision notices where a planning permission is approved.

Background

5. A consultation paper "Streamlining information requirements for planning applications" was published in July 2012 and proposed greater scrutiny of local lists, changes to outline planning applications and amendments to the standard application form. The legislative changes associated with the July 2012 consultation came into force on 31 January 2013 ([SI 2012/3109](#)) (see PINS Note 02/2013)
6. On 21 January 2013, the Government consulted on a further package of measures to streamline the planning application process. The three main proposals related to:
 - (a) design and access statements.
 - (b) improvements to the validation stage.
 - (c) reasons for approval on decision notices.

The central purpose of the Order is to bring into force the changes that were proposed in the January 2013 consultation, which can be viewed [here](#).

7. A design and access statement is only required with applications for major development (subject to specific exceptions) see Annexe A. Applications for **listed buildings consent** still require a Design and Access Statement.
8. LPAs are required to publish a Local List of information requirements. The Local Lists can be a very useful guide, helping applicants establish the information the local planning authority will require to validate a planning application. However, concern has been expressed that some LPAs require information that is not necessarily relevant to the planning application which can cause validation disputes. Through the addition of Article 10A in the DMPO, the amendment Order introduces a formal 'validation dispute' process at application stage which, if correctly followed, gives the right for the applicant to appeal against the LPA failure to give notice of its decision within the appropriate determination period.
9. Please contact XXXX if you have any queries on this Note.

XXXX

Director of Technical Services

Annexe A

Major development means development involving any one or more of the following-

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where –
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

The exceptions

Design and access statements will be required where any part of the proposed development is within a conservation area or World Heritage Site (designated area) and the development consists of:

- one or more dwellinghouse; or
- a building or buildings where the floorspace created by the development is 100 square metres or more.