

Application for a New Planning Permission to replace an Extant Planning Permission, in Order to Extend the Time Limit for Implementation

Town and Country Planning Act 1990

Application for Replacement of Associated Listed Building and/or Conservation Area Consents in Order to Extend the Time Limit for Implementation

Planning (Listed Buildings and Conservation Areas) Act 1990

1. Applicant Name and Address

Please enter the Applicant Details, including full name and title. Please also enter the house/flat number and/or name (if applicable) and street name in the Street address field. The town, county, country and full postcode should also be entered.

If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf) all correspondence, including the decision letter, will be sent to him/her.

2. Agent Name and Address

Please enter the Agent Details, including full name and title. Please also enter the house/flat number and/or name (if applicable) and street name in the Street address field. The town, county, country and full postcode should also be entered.

If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf) all correspondence, including the decision letter, will be sent to him/her.

3. Site Address Details

Please enter the full postal address of the site. Enter the house/flat number and / or name (if appropriate) and street name in the Street address field. The town, county and full postcode should also be entered. If the application relates to open ground describe its location as clearly as possible (e.g. 'Land to rear of 12 to 18 High Street' or provide a grid reference).

4. Pre-application Advice

The local authority may be able to offer (possibly for a fee) pre-application discussions before a formal application is submitted in order to guide applicants through the process. This can minimise delays later in processing the application.

The advice and guidance given to you at the pre-application stage is given in good faith. However, it does not guarantee or supply a definitive undertaking as to whether your proposal is likely to be acceptable.

If you have received pre-application advice from the planning service please indicate the reference/date of any correspondence or discussion and the name of the officer. If you do not know these details then please state 'Unknown'.

This will assist the Council in dealing with your application as quickly as possible.

5. Eligibility

It is only possible to apply to replace a planning permission in order to extend the time limit for implementation if the permission is extant at the time of this application, was extant on 1 October 2009, and if the development has not already commenced.

Outline permissions can be extended under this power, provided the relevant time limit has not expired both on 1 October 2009 and at the date of application, and the development has not yet commenced (see note below). This means either:

- The time limit for submission of reserved matters has not yet expired; or
- Reserved matters applications were all submitted in accordance with the time limit for submission of reserved matters, and the time limit for commencement has not yet expired.

You can only apply to replace a listed building or conservation area consent in order to extend the time limit for implementation if the consent is extant at the time of this application, was extant on 1 October 2009, and if it is associated with a planning permission which you are also applying to replace.

You cannot apply to replace planning permissions or consents in order to extend the time limits for implementation if they have already expired. In those cases a new application would be needed.

Note: *From October 2010 there are certain circumstances where it is possible to extend an outline planning permission, where development has already commenced. These circumstances are set out in paragraph 20 of the Communities and Local Government publication: Greater Flexibility for Planning Permissions: Guidance (October 2010).*

6. Description of Your Proposal

Please describe the development or works as shown on the original decision letter. The original application type will be one of the following:

- Householder planning application
- Householder and conservation area consent
- Householder and listed building consent
- Full planning application
- Outline application some matters reserved
- Outline application all matters reserved
- Full and conservation area
- Full and listed building
- Full and advertisement

The statutory definitions for major development and householder appear in article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. Since October 2009, these are as follows:

Major development is defined as

“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 hectare or more and it is not known whether the development falls within 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.”

A Householder application is:

- (a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, but does not include—
 - (i) an application for change of use, or
 - (ii) an application to change the number of dwellings in a building

If you are also seeking as part of this application to replace an associated listed building consent or conservation area consent, please also provide describe these developments, as shown on the original decision letter(s).

7. Council Employee / Member

You must declare whether the applicant or agent is a member of the council's staff, an elected member of the Council or related to a member of staff or elected member of the Council.

Serving elected members or planning officers who submit their own planning applications should play no part in their determination and such applications should be determined by the planning committee rather than by planning officers under delegated powers.

For the purposes of this question, 'related to' means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias on the part of the decision-maker in the local planning authority.

8. Ownership Certificates

An ownership certificate must be completed stating the current ownership of the land to which the application relates under Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

It is an offence, knowingly or recklessly, to complete a false or misleading certificate.

• Certificate A - Sole Ownership

Certificate A should only be completed if the applicant is the sole owner of the land to which the application relates (i.e. the applicant is the freeholder and there are no leaseholders with seven years or more remaining on their leases).

If the application involves a leasehold flat then certificate A does not apply as the applicant is not the sole owner. Therefore, in this circumstance, the applicant should complete certificate B,C or D (see details below).

• Certificate B - Shared Ownership (All other owners known)

Certificate B should be completed if the applicant is not the sole owner but knows the names and addresses of all the other owners (e.g. this certificate will need to be served if the proposals encroach onto adjoining land).

If the original permission related to a householder development - The Householder Notice to Owners ([Householder Application Notice](#)) must also be completed and sent to all known owners.

For all other development types - The Notice to Owners ([Notice 1](#)) must also be completed and sent to all known owners.

A copy of the notice must also be sent with the application to the local authority.

• Certificate C - Shared Ownership (Some other owners known)

Certificate C should be completed if the applicant does not own all of the land to which the application relates and does not know the name and address of all of the owners.

If the original permission related to a householder development - The Householder Notice to Owners ([Householder Application Notice](#)) must also be completed and sent to all known owners, or where the owner is unknown needs to be published in a local newspaper.

For all other development types - The Notice to Owners ([Notice 1](#)) must also be completed and sent to all known owners. Where the owner is unknown the Notice to Unknown Owners ([Notice 2](#)) needs to be published in a local newspaper.

A copy of the notice must also be sent with the application to the local authority.

• Certificate D - Shared Ownership (All other owners unknown)

Certificate D should be completed if the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners.

If the original permission related to a householder development - The Householder Notice to Owners ([Householder Application Notice](#)) needs to be published in a local newspaper.

For all other development types - The Notice to Unknown Owners ([Notice 2](#)) needs to be published in a local newspaper.

A copy of the notice must also be sent with the application to the local authority.

9. Agricultural Holdings

All applications to extend the time limit for implementation must include the appropriate agricultural holdings certificate to be considered by the local authority.

It is an offence, knowingly or recklessly, to complete a false or misleading certificate.

If the land to which the application relates forms an agricultural holding or part of an agricultural holding as defined by the *Agricultural Holdings Act 1986* and comprises land subject to an Agricultural Tenancy all agricultural tenants must be notified prior to the submission of an application.

You must either

- confirm that none of the land to which the application relates is, or is part of, an agricultural holding, or
- give notice to all tenants on the agricultural holding using either:
 - The Householder Notice to Agricultural Tenants ([Householder Application Notice](#)) if the original permission related to a householder development.
 - The Notice to Agricultural Tenants ([Notice 1](#)) for all other development types.

A copy of the notice must also be sent with the application to the local authority.

If you are the sole tenant of the Agricultural Holding, insert 'sole tenant - not applicable' in the table under option (B).

10. Planning Application Requirements

Use the checklist to ensure that the forms have been correctly completed and that all relevant information is submitted.

Failure to complete the form correctly may result in your application being returned as invalid.

11. Declaration

Please sign and date your application.

12. Applicant Contact Details

Please provide contact information for the applicant.

13. Agent Contact Details

Please provide contact information for the agent.

14. Site Visit

Access to the site (i.e. where the works are proposed to take place) may be required by the case officer. Please provide contact details in the event that an appointment needs to be made. This will assist the Council in dealing with your application as quickly as possible.