



Planning Act 2008

2008 CHAPTER 29

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 8

GRANT OR REFUSAL

114 Grant or refusal of development consent

- (1) When [^{F1}the Secretary of State] has decided an application for an order granting development consent, the [^{F2}Secretary of State] must either—
 - (a) make an order granting development consent, or
 - (b) refuse development consent.
- (2) The Secretary of State may by regulations make provision regulating the procedure to be followed if the [^{F3}Secretary of State] proposes to make an order granting development consent on terms which are materially different from those proposed in the application.

Textual Amendments

- F1** Words in s. 114(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 55\(2\)\(a\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F2** Words in s. 114(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 55\(2\)\(b\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F3** Words in s. 114(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 55\(3\)](#); [S.I. 2012/628, art. 7\(a\)](#)

Commencement Information

- I1** S. 114 partly in force; s. 114 in force for certain purposes at Royal Assent see s. 241

Changes to legislation: There are currently no known outstanding effects for the Planning Act 2008, Chapter 8. (See end of Document for details)

I2 S. 114 in force at 1.3.2010 in so far as not already in force by [S.I. 2010/101](#), **art. 3(d)** (with **art. 6**)

115 Development for which development consent may be granted

- (1) Development consent may be granted for development which is—
- (a) development for which development consent is required, or
 - (b) associated development^[F4], or
 - (c) related housing development.]
- (2) “Associated development” means development which—
- (a) is associated with the development within subsection (1)(a) (or any part of it),
 - (b) ^[F5]does not consist of or include] the construction or extension of one or more dwellings, and
 - , or
 - (c) is within subsection (3) ^[F6], (4) or (4A)].
- (3) Development is within this subsection if it is to be carried out wholly in one or more of the following areas—
- (a) England;
 - (b) waters adjacent to England up to the seaward limits of the territorial sea;
 - (c) in the case of development in the field of energy, a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.
- (4) Development is within this subsection if—
- (a) it is to be carried out wholly in Wales,
 - (b) it is the carrying out or construction of surface works, boreholes or pipes, and
 - (c) the development within subsection (1)(a) with which it is associated is development within section 17(3).

^[F7](4A) Development is within this subsection if the development within subsection (1)(a) with which it is associated is—

- (a) the construction or extension of a generating station that is or (when constructed or extended) is expected to be within section 15(3A) or (3B), or
- (b) the installation of an electric line that is or (when installed) is expected to be within section 14(1)(b).]

^[F8](4B) “Related housing development” means development which—

- (a) consists of or includes the construction or extension of one or more dwellings,
- (b) is on the same site as, or is next to or close to, any part of the development within subsection (1)(a), or is otherwise associated with that development (or any part of it),
- (c) is to be carried out wholly in England, and
- (d) meets the condition in subsection (4C).

(4C) Development meets the condition in this subsection if the development within subsection (1)(a) to which it is related is to be carried out in one or more of the following areas—

- (a) England;
- (b) waters adjacent to England up to the seaward limits of the territorial sea.]

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(5) To the extent that development consent is granted for associated development [^{F9}or related housing development], section 33 applies to the development as it applies to development for which development consent is required.

^{F10}(6)

[^{F11}(7) The Secretary of State, in deciding an application for an order granting development consent for development that includes related housing development, must take into account any matters set out in guidance published by the Secretary of State.]

Textual Amendments

- F4** S. 115(1)(c) and word inserted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 160(2)**, 216(3); [S.I. 2017/281](#), [reg. 4\(i\)](#) (with [reg. 7](#))
- F5** Words in s. 115(2)(b) substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 160(3)**, 216(3); [S.I. 2017/281](#), [reg. 4\(i\)](#) (with [reg. 7](#))
- F6** Words in s. 115(2)(c) substituted (31.3.2017) by [Wales Act 2017 \(c. 4\)](#), **ss. 43(2)**, 71(2)(e) (with [Sch. 7 paras. 1, 6](#))
- F7** S. 115(4A) inserted (31.3.2017) by [Wales Act 2017 \(c. 4\)](#), **ss. 43(3)**, 71(2)(e) (with [Sch. 7 paras. 1, 6](#))
- F8** S. 115(4B)(4C) inserted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 160(4)**, 216(3); [S.I. 2017/281](#), [reg. 4\(i\)](#) (with [reg. 7](#))
- F9** Words in s. 115(5) inserted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 160(5)**, 216(3); [S.I. 2017/281](#), [reg. 4\(i\)](#) (with [reg. 7](#))
- F10** S. 115(6) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 56](#), **Sch. 25 Pt. 20**; [S.I. 2012/628](#), [art. 7](#)
- F11** S. 115(7) inserted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 160(6)**, 216(3); [S.I. 2017/281](#), [reg. 4\(i\)](#) (with [reg. 7](#))

Commencement Information

- I3** S. 115 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(d\)](#) (with [art. 6](#))

116 Reasons for decision to grant or refuse development consent

(1) The [^{F12}Secretary of State] must prepare a statement of [^{F13}the Secretary of State's] reasons for deciding to—

- (a) make an order granting development consent, or
- (b) refuse development consent.

(2) The [^{F14}Secretary of State] must provide a copy of the statement to each person who is an interested party in relation to the application for the purposes of Chapter 4 (see section 102).

(3) The [^{F15}Secretary of State] must publish the statement in such manner as [^{F16}the Secretary of State] thinks appropriate.

^{F17}(4)

Textual Amendments

- F12** Words in s. 116(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 57(2)(a)**; [S.I. 2012/628](#), [art. 7\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Planning Act 2008, Chapter 8. (See end of Document for details)

- F13** Words in s. 116(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 57\(2\)\(b\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F14** Words in s. 116(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 57\(3\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F15** Words in s. 116(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 57\(4\)\(a\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F16** Words in s. 116(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 57\(4\)\(b\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F17** S. 116(4) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 57\(5\), Sch. 25 Pt. 20](#); [S.I. 2012/628, art. 7](#)

Commencement Information

- I4** S. 116 in force at 1.3.2010 by [S.I. 2010/101, art. 3\(d\)](#) (with art. 6)

117 Orders granting development consent: formalities

- (1) This section applies in relation to an order granting development consent.
- ^{F18}(2)
- (3) Except in a case within subsection (4), the [^{F19}Secretary of State] must publish the order in such manner as [^{F20}the Secretary of State] thinks appropriate.
- [^{F21}(4) If the order includes provision—
- (a) made under section 120(3) for or relating to any of the matters listed in paragraphs 32A and 32B of Schedule 5, or
- (b) made in the exercise of any of the powers conferred by section 120(5)(a) or (b),
- the order must be contained in a statutory instrument.]
- ^{F22}(5)
- (6) As soon as practicable after the instrument [^{F23}containing the order is made, the Secretary of State] must deposit in the office of the Clerk of the Parliaments a copy of—
- (a) the instrument,
- (b) the latest version of any plan supplied by the applicant in connection with the application for the order contained in the instrument, and
- (c) the statement of reasons prepared under section 116(1).
- ^{F24}(7)

Textual Amendments

- F18** S. 117(2) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 58\(2\), Sch. 25 Pt. 20](#); [S.I. 2012/628, art. 7](#)
- F19** Words in s. 117(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 58\(3\)\(a\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F20** Words in s. 117(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 58\(3\)\(b\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F21** S. 117(4) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 58\(4\)](#); [S.I. 2012/628, art. 7\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Planning Act 2008, Chapter 8. (See end of Document for details)

F22 S. 117(5) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 58(2), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7

F23 Words in s. 117(6) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 58(5)**; S.I. 2012/628, art. 7(a)

F24 S. 117(7) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 13 para. 58(6), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7

Commencement Information

I5 S. 117 in force at 1.3.2010 by S.I. 2010/101, **art. 3(d)** (with art. 6)

Changes to legislation:

There are currently no known outstanding effects for the Planning Act 2008, Chapter 8.