



Planning Act 2008

2008 CHAPTER 29

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 9

LEGAL CHALLENGES

118 Legal challenges relating to applications for orders granting development consent

- (1) A court may entertain proceedings for questioning an order granting development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F1}before the end of] the period of 6 weeks beginning with [^{F2}the day after] —
 - (i) the day on which the order is published, or
 - (ii) if later, the day on which the statement of reasons for making the order is published.
- (2) A court may entertain proceedings for questioning a refusal of development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F3}before the end of] the period of 6 weeks beginning with [^{F4}the day after] the day on which the statement of reasons for the refusal is published.
- (3) A court may entertain proceedings for questioning a decision of the [^{F5}Secretary of State] under section 55 not to accept an application for an order granting development consent only if—
 - (a) the proceedings are brought by a claim for judicial review, and

Changes to legislation: *Planning Act 2008, Chapter 9 is up to date with all changes known to be in force on or before 22 January 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) the claim form is filed [^{F6}before the end of] the period of 6 weeks beginning with [^{F7}the day after] the day on which the [^{F5}Secretary of State] notifies the applicant as required by subsection (7) of that section.
- (4) A court may entertain proceedings for questioning a decision under paragraph 1 of Schedule 4 in relation to an error or omission in a decision document only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F8}before the end of] the period of 6 weeks beginning with the day [^{F9}after the day] on which a correction notice in respect of the error or omission is issued under paragraph 2 of that Schedule or, if the correction is required to be made by order contained in a statutory instrument, the day [^{F9}after the day] on which the order is published.
- (5) A court may entertain proceedings for questioning a decision under paragraph 2(1) of Schedule 6 to make a change to an order granting development consent only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F10}before the end of] the period of 6 weeks beginning with the day [^{F11}after the day] on which notice of the change is given under paragraph 2(12)(b) of that Schedule or, if the change to the order is required to be made by order contained in a statutory instrument, the day [^{F11}after the day] on which the order making the change is published.
- (6) A court may entertain proceedings for questioning a decision under paragraph 3(1) of Schedule 6 to make a change to, or revoke, an order granting development consent only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F12}before the end of] the period of 6 weeks beginning with the day [^{F13}after the day] on which notice of the change or revocation is given under paragraph 4(6) of that Schedule or, if the change or revocation is required to be made by order contained in a statutory instrument, the day [^{F13}after the day] on which the order making the change or revocation is published.
- (7) A court may entertain proceedings for questioning anything else done, or omitted to be done, by the Secretary of State ^{F14}... in relation to an application for an order granting development consent only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed [^{F15}before the end of] the period of 6 weeks beginning with [^{F16}the day after] the relevant day.
- (8) “The relevant day”, in relation to an application for an order granting development consent, means the day on which—
- (a) the application is withdrawn,
 - (b) the order granting development consent is published or (if later) the statement of reasons for making the order is published, or
 - (c) the statement of reasons for the refusal of development consent is published.
- (9) Subsections (7) and (8) do not apply in relation to—
- (a) a failure to decide an application for an order granting development consent, or
 - (b) anything which delays (or is likely to delay) the decision on such an application.

Changes to legislation: Planning Act 2008, Chapter 9 is up to date with all changes known to be in force on or before 22 January 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 118(1)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(a\)\(i\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F2** Words in s. 118(1)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(a\)\(ii\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F3** Words in s. 118(2)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(a\)\(i\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F4** Words in s. 118(2)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(a\)\(ii\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F5** Words in s. 118(3) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 59\(2\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F6** Words in s. 118(3)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(a\)\(i\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F7** Words in s. 118(3)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(a\)\(ii\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F8** Words in s. 118(4)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(b\)\(i\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F9** Words in s. 118(4)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(b\)\(ii\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F10** Words in s. 118(5)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(b\)\(i\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F11** Words in s. 118(5)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(b\)\(ii\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F12** Words in s. 118(6)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(b\)\(i\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F13** Words in s. 118(6)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(b\)\(ii\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F14** Words in s. 118(7) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 59\(3\), Sch. 25 Pt. 20](#); [S.I. 2012/628, art. 7](#)
- F15** Words in s. 118(7)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(c\)\(i\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)
- F16** Words in s. 118(7)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 92\(4\)\(c\)\(ii\), 95\(1\)](#); [S.I. 2015/778, art. 3, Sch. 1 para. 71](#)

Commencement Information

- I1** S. 118 in force at 1.3.2010 by [S.I. 2010/101, art. 4\(c\)](#) (with art. 6)
- I2** S. 118 in force at 1.3.2010 by [S.I. 2010/101, art. 3\(d\)](#) (with art. 6)

Changes to legislation:

Planning Act 2008, Chapter 9 is up to date with all changes known to be in force on or before 22 January 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)