



# 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 [<sup>F1</sup>before the end of] the period of 6 weeks beginning with [<sup>F2</sup>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 [<sup>F3</sup>before the end of] the period of 6 weeks beginning with [<sup>F4</sup>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 [<sup>F5</sup>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, Section 118 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 [<sup>F6</sup>before the end of] the period of 6 weeks beginning with [<sup>F7</sup>the day after] the day on which the [<sup>F5</sup>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 [<sup>F8</sup>before the end of] the period of 6 weeks beginning with the day [<sup>F9</sup>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 [<sup>F9</sup>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 [<sup>F10</sup>before the end of] the period of 6 weeks beginning with the day [<sup>F11</sup>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 [<sup>F11</sup>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 [<sup>F12</sup>before the end of] the period of 6 weeks beginning with the day [<sup>F13</sup>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 [<sup>F13</sup>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 <sup>F14</sup>... 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 [<sup>F15</sup>before the end of] the period of 6 weeks beginning with [<sup>F16</sup>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, Section 118 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, Section 118 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](#)