



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Requirement for planning permission*

#### **57 Planning permission required for development.**

(1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.

[<sup>F1</sup>(1A) Subsection (1) is subject to section 33(1) of the Planning Act 2008 (exclusion of requirement for planning permission etc. for development for which development consent required).]

(2) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.

(3) Where by a development order [<sup>F2</sup>, a local development order or a neighbourhood development order] planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is its normal use.

(4) Where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.

(5) In determining for the purposes of subsections (2) and (3) what is or was the normal use of land, no account shall be taken of any use begun in contravention of this Part or of previous planning control.

*Status: Point in time view as at 06/04/2013.*

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Requirement for planning permission is up to date with all changes known to be in force on or before 12 May 2024. 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)*

- (6) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if it was begun in contravention of Part III of the 1947 Act, Part III of the 1962 Act or Part III of the 1971 Act.
- (7) Subsection (1) has effect subject to Schedule 4 (which makes special provision about use of land on 1st July 1948).

#### Textual Amendments

- F1** S. 57(1A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241, [Sch. 2 para. 35](#) (with s. 226); [S.I. 2010/101](#), [art. 2](#) (with [art. 6](#))
- F2** Words in s. 57(3) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 3](#); [S.I. 2012/57](#), [art. 4\(1\)\(h\)](#) (with [arts. 6, 7, 9-11](#)); [S.I. 2012/628](#), [art. 8\(a\)](#) (with [arts. 9, 12, 13, 16, 18-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029](#), [arts. 2, 4](#)); [S.I. 2012/2029](#), [arts. 2, 3\(a\)](#) (with [art. 5](#)) (as amended (6.4.2013) by [S.I. 2013/797](#), [art. 4](#))

## 58 Granting of planning permission: general.

- (1) Planning permission may be granted—
- (a) by a development order [<sup>F3</sup>, a local development order or a neighbourhood development order];
  - (b) by the local planning authority (or, in the cases provided in this Part, by the Secretary of State) on application to the authority in accordance with a development order;
  - (c) on the adoption or approval of a simplified planning zone scheme or alterations to such a scheme in accordance with section 82 or, as the case may be, section 86; or
  - (d) on the designation of an enterprise zone or the approval of a modified scheme under Schedule 32 to the <sup>M1</sup>Local Government, Planning and Land Act 1980 in accordance with section 88 of this Act.
- (2) Planning permission may also be deemed to be granted under section 90 (development with government authorisation).
- (3) This section is without prejudice to any other provisions of this Act providing for the granting of permission.

#### Textual Amendments

- F3** Words in s. 58(1)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 4](#); [S.I. 2012/57](#), [art. 4\(1\)\(h\)](#) (with [arts. 6, 7, 9-11](#)); [S.I. 2012/628](#), [art. 8\(a\)](#) (with [arts. 9, 12, 13, 16, 18-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029](#), [arts. 2, 4](#)); [S.I. 2012/2029](#), [arts. 2, 3\(a\)](#) (with [art. 5](#)) (as amended (6.4.2013) by [S.I. 2013/797](#), [art. 4](#)); [S.I. 2013/797](#), [arts. 1\(2\), 2](#)

#### Modifications etc. (not altering text)

- C1** S. 58(1)(b) excluded (17.12.1996) by [1996 c. ix](#), [s. 10\(d\)](#)

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**Marginal Citations**

**M1** 1980 c. 65.

**Status:**

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**Changes to legislation:**

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