
STATUTORY INSTRUMENTS

2015 No. 595

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Part 5

Applications made under a planning condition

Deemed discharge notice

29.—(1) In order for a planning condition to be deemed discharged under article 28, the applicant must give a notice (“the deemed discharge notice”) to the local planning authority.

(2) A deemed discharge notice may not be given unless—

- (a) at least 6 weeks have elapsed beginning with the day immediately following that on which the application under article 27 is received by the local planning authority; or
- (b) such shorter period as may be agreed in writing between the applicant and the local planning authority for serving a deemed discharge notice has elapsed.

(3) The deemed discharge notice must—

- (a) provide details of the application submitted under article 27 and identify the planning condition to which it relates;
- (b) where the period referred to in article 27 has elapsed, confirm that no appeal has been made under section 78 of the 1990 Act⁽¹⁾; and
- (c) specify the date on which deemed discharge is to take effect.

(4) The date specified under paragraph (3)(c) must be no earlier than—

- (a) the date the period referred to in article 27 elapses, or
- (b) 14 days after the day immediately following that on which the deemed discharge notice is received by the local planning authority,

whichever is later.

⁽¹⁾ Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, section 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* S.I. 2009/400) and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 29).