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Revisions to the Call-in Procedures

On the 30th March 2009 the Government published a new Circular (Circular 02/2009) setting out, in a single document, the types of development on which local planning authorities in England are directed to consult the Secretary of State, under Section 77 of the Town & Country Planning Act 1990, before granting planning permission.

This Circular replaces a number of previous Circulars setting out call-in procedures for specific development such as shopping development, playing fields, Greenbelt land, areas prone to flooding, and development which is a departure from the development plan.

The revised direction applies to all planning applications received by a planning authority on or after 20 April 2009 for the following forms of development¹:

Development within the Green Belt

Development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted development plan. Subject development is that which consists of the provision of a building or buildings over 1,000 sq.m; or any other development which by reason of its scale, nature or location, would have a significant impact on the openness of the green Belt

Development Outside Town Centres

Development which consists of or includes retail, leisure or office use, and which:

- is to be carried out on land which is edge-of-centre, out-of-centre, or out-of-town;
- is not in accordance with a valid development plan; and
- consists of or includes the provision of a building or buildings over 5,000sq.m or more; or

¹ Definitions are summarised: please refer to the Circular for full definitions

- extensions or new development of 2,500 sq.m or more, which when aggregated with existing floorspace would exceed 5,000 sq.m (existing floorspace includes unimplemented floorspace with extant planning permission).

Note: Floorspace is measured as gross external floorspace.

World Heritage Site Development

Development that would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, and being development to which English Heritage has objected, that objection not having been withdrawn.

Playing Field Development

Development on any playing field where the land is owned by the local authority; or is currently used by an educational institution as a playing field; or has at any time in the five years before the application is received been used by an educational institution as a playing field; and has been the subject of an objection by Sport England on the grounds of deficiency of provision in the area (either existing or resulting); or on the grounds that any replacement provision does not match that which would be lost.

Flood Risk Area Development

Major development in a flood risk area to which the Environment Agency has made an objection that it has not been able to withdraw even after discussions with the local planning authority.

Note: "Major Development" means residential development providing 10 or more units or on a site of 0.5 hectares or more, or non residential development providing floorspace of 1,000 sq.m or more or on a site of 1 hectare or more.

"Flood Risk Area" means land within Flood Zones 2 or 3; or land within Flood Zone 1 which has critical drainage problems.

Timescales

Local Planning Authorities are directed to consult

the Secretary of State "as soon as practicable". The Secretary of State then has a 21 day period in which to direct refusal, after which, if no direction has been made, the Local Planning Authority can proceed to determine the application.

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