



New Planning Application Call-In Direction

A new call-in direction has been issued which simplifies the circumstances when planning applications must be referred to the Secretary of State for a potential call-in

The direction came into force on 20 April 2009 and cancels all previous directions. The direction is accompanied by circular guidance from the Department for Communities and Local Government.

In respect of all applications for planning permission in England on or after 20 April 2009, local authorities are required to consult the Secretary of State before granting permission for the following types of development

- Inappropriate development on land allocated as **Green Belt** consisting of a building or buildings with floor space of 1000 square metres or more or any other development which by reason of its scale or location would have an impact on the openness of the Green Belt;
- **Development outside town centres** (i.e. retail, leisure or office development which is proposed on land in an edge of centre, out of centre or out of town location) which does not accord with the provisions of the development plan and which consists of or includes the provision of a building or buildings with floor space of more than 5,000 square metres or extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres. The direction contains further rules as to the taking into account of other development;
- **World Heritage Site development** being that which would have an adverse impact on the value, integrity, authenticity and significance of a World Heritage site and being development to which English Heritage has objected and has not withdrawn that objection;
- **Playing field development** in respect of land owned by a local authority or land which is or has within the last 5 years been used by an educational institution as a playing field and in respect of which Sport England has objected on the grounds of

there being a deficiency of playing fields in the area, that the carrying out of development would result in there being a deficiency or a proposed alternative replacement does not match that which would be lost

- **Flood risk area development** meaning major development (i.e. for residential development more than 10 dwellings or a site area of 0.5 hectares or more; for non-residential development floor space of 1000 square metres or more or a site area of 1 hectare or more) of floor space in a flood risk area to which the Environment Agency has objected and has not withdrawn that objection.

Where a local authority wishes to grant planning permission for any type of development covered by the direction they must send details of the application to the appropriate Government Office. The Secretary of State will notify the authority of the date when she has received the information and the authority may not determine the application until 21 days have expired unless within that period the Secretary of State confirms that she does not intend to call-in the application. The Secretary of State also has the option of issuing a holding direction, thereby gaining more time to consider the matter.

Further Information

For further information on this topic or any local government law related matter please contact:

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This briefing note is intended merely to provide a summary of the law in this area and is not a comprehensive guide. It is not intended to provide legal advice for specific cases.