

**Changes to the  
General Development  
Procedure Order  
(GDPO) 1995**

**DLP BRIEFING NOTE 27**

Prepared by  
**DLP Planning Ltd**

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## **DLP Planning Ltd**

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## **CONSOLIDATION OF THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE ORDER) 1995 (GDPO)**

The Department for Communities and Local Government have recently announced changes to the GDPO. A consolidated version of the Order has been laid before Parliament and will come into force on October 1<sup>st</sup> 2010. This consolidated Order will include the original Order and all amendments made to it up until 6 April 2010, and is considered to result in more usable and updated legislation.

### **Key Changes**

This new Order has also been renamed the ***Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO)***. The Order has been renamed to avoid confusion with the General Permitted Development Order (GPDO).

Since the GDPO was made in 1995, it has been amended on 16 occasions. Consolidation has essentially merged the original Order and subsequent amending orders in to one – this consolidation therefore does not reflect a change in policy or change the material effect of the law itself.

The Order has also been restructured to form a more accurate reflection of the actual stages applicants go through when submitting a planning application.

### **Amendments – Changes to Flexibility for Planning Permissions**

The measures brought forward in 2009 to allow extensions to the time limits for implementing existing planning permissions did not apply in the case of outline planning permissions that are implemented in phases, and where one or more phases have already commenced. The DMPO has amended legislation to account for these circumstances, ***but only*** where the development was required or expressly permitted at the outline stage to be implemented in phases.

The proposed change will allow an LPA to grant a replacement outline planning permission to revise the timetable for the submission of reserved matters and implementation of such unimplemented phases, without the need for the submission of a full new planning application.

As with the 2009 legislation covering other types of planning application, the new procedures do not apply to applications where the deadline for the submission of reserved matters has already expired, so it is important to ensure that applications are made in plenty of time.

This type of application will be subject to a fee equivalent to a new outline planning permission.

### **Amendments – Appeal Rights for an Application for a Non-Material Amendment**

The 2009 guidance indicated that there is a right of appeal against applications submitted for non-material amendments to planning permissions. However, DCLG have given this more scrutiny and have concluded that the Planning Inspectorate do not have jurisdiction to determine such appeals. Under the new guidance, therefore, there will no longer be a right of appeal for this type of application.

Should you have any questions about these changes or wish to speak to us about the possibility of DLP Planning applying for an extension to an extant outline planning permission on your behalf, please do not hesitate to get in touch.

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