



Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy him/herself that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise a Principal or Assistant Chief Reporter so issues emerging can be considered for future case work.

Guidance note:	Time limits on planning permissions
Relating to:	Planning permission in principle
Background/ legislative and policy framework:	<p>Section 59 of the Town and Country Planning (Scotland) Act 1997 relates to the duration of planning permission in principle (previously known as outline planning permission). From 3 August 2009, the standard duration of any permission is imposed by the Act. It is therefore unnecessary to impose conditions setting the standard time limits.</p> <p>However, the reporter may <u>direct</u> that the standard time limits, for either or both (i) the submission of further applications and (ii) beginning development, are not to apply and replace them with longer or shorter periods (section 59(5)).</p>
DPEA practice:	<p>Although it is no longer appropriate to set the standard time limits by condition, a condition (see below) requiring further application(s) to be submitted is required. This should include a cross-reference to section 59 in order to draw attention to the standard statutory timescales and where to find them.</p> <p>Where the reporter determines that any alternative period is appropriate, they will instead include a <u>direction</u> to this effect in the 'decision' part of the decision notice (and not in a condition).</p>
Process:	<p>Grant of planning permission in principle: standard time limits</p> <p>Where the reporter considers the standard time periods are appropriate, the following condition should be attached to any grant of planning permission in principle:</p> <p style="padding-left: 40px;">Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.</p> <p><i>Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.</i></p>

Grant of planning permission in principle: non-standard time limits

Where non-standard time limits are appropriate, the reporter should indicate this in the 'decision' part of the decision notice, as below:

I allow the appeal and grant planning permission in principle subject to the [x] conditions listed at the end of this notice.

Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) sets timescales and other limitations relevant to this permission, but these are subject to the following direction:

The period of 3 years referred to in section 59(2)(a)(i) and (3) is substituted with a period of [y];[and/or] the period of 2 years referred to in section 59(4) is substituted with a period of [z].

The reasons for the variation from the standard time limits will need to be explained in the 'reasoning' part of the decision notice.

It will also be necessary to include a condition listing what has to be submitted for consideration by the planning authority, as follows:

Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval:

Reason: to ensure that the matters referred to are given full consideration.
