

Use of extensions of time for planning applications

Legal requirements

Planning authorities are required by law to determine valid applications within set timescales, generally 13 weeks for a major application and 8 weeks for non-major and most other applications.¹ Where these timescales are missed, applicants have a legal right to appeal to the Secretary of State. This removes the planning decision for that application from the local authority's control, as well as having potential cost implications if costs are awarded.

Local authorities are also subject to minimum performance standards for speed of determining both major and non-major applications. Currently, at least 60% of applications should be determined 'in time'. Authorities which fall below this threshold may be 'designated', losing the right to determine planning applications.²

While statutory timescales are considered long enough for most applications, it is recognised that applications may vary in complexity, and provision is made for an extended period to be agreed with the applicant. Applications are considered 'in time' if determined within the agreed period, in terms of both designation and the right of appeal.

- **Planning Performance Agreements** allow bespoke timescales for complex applications which may not be adequately considered within the statutory timescales. They are agreed before the application is submitted, and are primarily intended to assure the quality of outcomes.³
- **Extensions of Time** are agreed after the application has been submitted, but before the statutory period has expired. They allow for an agreed path (and extra time) for dealing with issues and obstacles that emerge while the application is being considered.
- **Environmental Impact Assessments** are required for certain applications likely to have a significant impact on the environmental. Examples include building major transport infrastructure, chemicals manufacture, quarries or new large-scale agriculture developments. Where an Environmental Impact Assessment is necessary, a timescale of 16 weeks is allowed.⁴

While these provisions extend the time available for planning applications to be considered, they are principally intended to maintain the quality of the planning system. For this reason, the Planning Advisory Service notes that "timeliness in dealing with applications is not the whole measure of a successful development management service."⁵ However, "untimely decisions are certainly an indicator of failure" and "for the overall credibility of the planning system, extensions of time should really be the exception and efforts made to meet the statutory timescale wherever possible."⁶

¹ Town and Country Planning (Development Management Procedure) (England) Order 2015

² <https://www.gov.uk/government/publications/improving-planning-performance-criteria-for-designation>

³ <https://www.gov.uk/guidance/before-submitting-an-application#planning-performance-agreements>

⁴ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

⁵ <https://www.local.gov.uk/pas-topics/planning-applications/positive-planning-agreements-extension-time-applications>

⁶ <https://www.local.gov.uk/pas-topics/planning-applications/decisions-positive-planning-agreements-extension-time>

Use of extension of time by Horsham District Council

Extensions of time by application type

Horsham District Council made over 3,200 planning decisions during 2018. Of these, over 2,500 related to application types which have a legal basis for agreeing an extension of time.⁷ Most of these applications were in three categories: householder consent, full planning applications and discharge of conditions.

Across all application types, an extension of time was requested in just over a quarter. This was most likely for full and outline applications, Listed Building Consents and Reserved Matters. Just 5% of applications for discharge of conditions had an extension of time.

Table 1) Applications using extensions of time by application type (January – December 2018)		
	Applications determined	% with extension of time request made
Householder	881	26%
Full	495	52%
Discharge of Conditions	419	5%
Listed Building Consent	156	41%
Non-material Amendment	132	5%
Certificate of Proposed Lawful Use	126	2%
Prior Approval (all types)	119	11%
Removal of Condition	109	37%
Advertising consent	48	23%
Certificate of Existing Lawful Use	36	28%
Outline	19	58%
Reserved Matters	12	75%
Change of use	5	40%
Cert. Lawfulness Proposed Works (Listed Building)	1	0%
Total	2,558	26%

Source: Horsham District Council planning system (Uniform)

⁷ Applications where extensions of time are not relevant include pre-application advice, neighbouring authority consultations, notifications and consents relating to trees and hedges. Figures also exclude applications which were withdrawn, returned or invalid.

Extensions of time by development type

Planning applications are also classified according to their development type.

- **Major developments** are those which either:
 - provide 10 or more dwellinghouses, or dwellinghouses on a site of 0.5 hectares or more;
 - provide a building or buildings with floor space created of at least 1,000m², or on a site with area of 1 hectare or more; or
 - involve extracting minerals or waste development
- **Non-major developments** are those below these thresholds. This also includes applications for change of use⁸ and householder applications.⁹
- **Non-designated categories** is a term used in this report to cover other types of application where an extension of time may be agreed.¹⁰ These are consents for advertisements, listed buildings (both alteration and demolition), and lawful development certificates.

Extensions of time were twice as prevalent on major applications as on non-major (being used in two thirds and one thirds of cases respectively). Relatively few were used for non-designated categories.

	Applications determined	% with extension of time request made
Major	54	67%
Non-major	1,465	35%
Non-designated categories	1,039	12%
Total	2,558	26%

Source: Horsham District Council planning system (Uniform)

Comparison with other local authorities

Table 3 compares the use of extensions of time¹¹ with a 'comparator group' of twenty other district authorities. These have a similar make-up and performance to Horsham across a range of outputs, factors and conditions relevant to development management; in particular, all handle relatively large volumes of planning applications.¹²

⁸ Some examples of different use classes include shops, financial/professional services, business, general industry, hotels, dwellinghouses, assembly/leisure and sui generis.

⁹ such as smaller extensions, conservatories and loft conversions

¹⁰ 'Designated' refers to the same criteria mentioned on page 1 of this report.

¹¹ including Planning Performance Agreements and Environmental Impact Assessments. These are a relatively rare for non-major applications, but more common for major applications.

¹² The comparator group was selected in a Productivity Review of Development management carried out in 2018. For details of the selection criteria, see 2018, Horsham District Council. Future Horsham Productivity Review: Strategic Planning and Development Management.

Among the comparator group, Horsham District Council had the 7th highest usage of extensions of time for major applications, and 6th highest for non-major applications – above average in both cases.

Out of the 201 local district authorities in England, Horsham District Council usage of extensions of time was the 57th highest for major applications, and 50th highest for non-major applications.

Table 3) % of determined applications which have a Planning Performance Agreement, Extension of Time or Environmental Impact Assessment (January – December 2018)			
Major applications		Non-major applications	
Aylesbury Vale	87%	Winchester	44%
Winchester	81%	Huntingdonshire	44%
Stratford-on-Avon	80%	Aylesbury Vale	39%
Huntingdonshire	77%	Stratford-on-Avon	37%
Chichester	76%	Chichester	36%
Basingstoke and Deane	76%	Horsham	35%
Horsham	72%	Epping Forest	33%
Canterbury	72%	Canterbury	31%
Mid Sussex	71%	Harrogate	30%
Vale of White Horse	69%	Vale of White Horse	29%
Maidstone	63%	South Oxfordshire	26%
Harrogate	63%	Mid Sussex	23%
Test Valley	61%	Test Valley	23%
Guildford	60%	West Oxfordshire	22%
Cherwell	58%	Basingstoke & Deane	20%
South Oxfordshire	58%	Cherwell	17%
South Norfolk	57%	South Norfolk	17%
Epping Forest	56%	Maidstone	13%
Sevenoaks	54%	Chelmsford	13%
West Oxfordshire	49%	Sevenoaks	13%
Chelmsford	48%	Guildford	13%
Comparator group	66%	Comparator group	27%
All district authorities	64%	All district authorities	28%

Source: MHCLG Live Tables P151, P153