

*These notes refer to the Planning (Wales) Act 2015
(c.4) which received Royal Assent on 6 July 2015*

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 Enforcement Appeals etc

Section 44 – Appeal against enforcement notice: deemed application for planning permission

169. Where an appeal is made to the Welsh Ministers against an enforcement notice, section 177(1) of the TCPA 1990 allows the Welsh Ministers to grant planning permission as an alternative to upholding the enforcement notice, and section 177(5) provides that the appellant is deemed to have applied for planning permission.
170. **Section 44** of the Act amends section 177 to provide that the Welsh Ministers may only grant planning permission following an enforcement appeal if the appeal was made on ground (a) set out in section 174(2), i.e. on the ground that planning permission ought to be granted. Section 177(5) is also amended so that only ground (a) appeals result in a deemed application for planning permission.