



Planning (Wales) Act 2015

2015 anaw 4

PART 7

ENFORCEMENT, APPEALS ETC

Appeals

47 No variation of application after service of notice of appeal against planning decision etc

(1) In section 78 of TCPA 1990 (right to appeal against planning decisions and failure to take such decisions), after subsection (4B) insert—

“(4BA) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied, except in such circumstances as may be prescribed by a development order.

(4BB) A development order which makes provision under subsection (4BA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate.”

(2) In section 195 of TCPA 1990 (appeals against refusal or failure to give decision on application for certificate of lawfulness), after subsection (1D) insert—

“(1DA) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied, except in such circumstances as may be prescribed by a development order.

(1DB) A development order which makes provision under subsection (1DA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate.”

(3) In section 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) (appeals against listed buildings decisions or failure to take such decisions), after subsection (4) insert—

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Section 47. (See end of Document for details)

“(4A) Once notice of an appeal under section 20 to the Welsh Ministers has been served, the application to which it relates may not be varied, except in such circumstances as may be prescribed.

(4B) Regulations which make provision under subsection (4A) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate.”

(4) In section 21 of the Planning (Hazardous Substances) Act 1990 (c. 10) (appeals against decisions or failure to take decisions relating to hazardous substances), after subsection (3D) insert—

“(3E) Once notice of an appeal under this section to the Welsh Ministers has been served, the application to which it relates may not be varied, except in such circumstances as may be prescribed.

(3F) Regulations which make provision under subsection (3E) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate.”

Annotations:

Commencement Information

- I1** [S. 47](#) partly in force; [s. 47](#) in force for specified purposes at 6.9.2015, see [s. 58\(2\)\(b\)\(4\)\(b\)](#)
I2 [S. 47](#) in force at 5.5.2017 in so far as not already in force by [S.I. 2017/546](#), [art. 3\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Planning (Wales) Act 2015, Section 47.