

Changes to legislation: Planning Act 2008, SCHEDULE 11 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 11

Section 197

APPEALS: MISCELLANEOUS AMENDMENTS

Town and Country Planning Act 1990 (c. 8)

1 TCPA 1990 is amended as follows.

Commencement Information

- I1** Sch. 11 para. 1 in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(d)
I2 Sch. 11 para. 1 in force at 30.4.2012 for W. by S.I. 2012/802, art. 2(b)

2 In section 78 (appeals against planning decisions and failure to take planning decisions) after subsection (4) insert—

“(4A) A notice of appeal under this section must be accompanied by such information as may be prescribed by a development order.

(4B) The power to make a development order under subsection (4A) is exercisable by—

- (a) the Secretary of State, in relation to England;
- (b) the Welsh Ministers, in relation to Wales.

(4C) Section 333(5) does not apply in relation to a development order under subsection (4A) made by the Welsh Ministers.

(4D) A development order under subsection (4A) made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

Commencement Information

- I3** Sch. 11 para. 2 in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(d)
I4 Sch. 11 para. 2 in force at 30.4.2012 for W. by S.I. 2012/802, art. 2(b)

3 In section 195 (appeals against refusal or failure to give decision on application under section 191 or 192) before subsection (2) insert—

“(1B) A notice of appeal under this section must be—

- (a) served within such time and in such manner as may be prescribed by a development order;
- (b) accompanied by such information as may be prescribed by such an order.

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- (1C) The time prescribed for the service of a notice of appeal under this section must not be less than—
- (a) 28 days from the date of notification of the decision on the application; or
 - (b) in the case of an appeal under subsection (1)(b), 28 days from—
 - (i) the end of the period prescribed as mentioned in subsection (1)(b), or
 - (ii) as the case may be, the extended period mentioned in subsection (1)(b).
- (1D) The power to make a development order under subsection (1B) is exercisable by—
- (a) the Secretary of State, in relation to England;
 - (b) the Welsh Ministers, in relation to Wales.
- (1E) Section 333(5) does not apply in relation to a development order under subsection (1B) made by the Welsh Ministers.
- (1F) A development order under subsection (1B) made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

Commencement Information

- I5** Sch. 11 para. 3 in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(d)
I6 Sch. 11 para. 3 in force at 30.4.2012 for W. by S.I. 2012/802, art. 2(b)

- 4 (1) Section 208 (appeals against notices under section 207) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) The notice shall—
- (a) indicate the grounds of the appeal,
 - (b) state the facts on which the appeal is based, and
 - (c) be accompanied by such information as may be prescribed.
- (4A) The power to make regulations under subsection (4)(c) is exercisable by—
- (a) the Secretary of State, in relation to England;
 - (b) the Welsh Ministers, in relation to Wales.
- (4B) Section 333(3) does not apply in relation to regulations under subsection (4)(c) made by the Welsh Ministers.
- (4C) Regulations under subsection (4)(c) made by the Welsh Ministers are subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (3) In subsection (5) for “any such appeal” substitute “an appeal under subsection (1)”.

Commencement Information

- I7** Sch. 11 para. 4 in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(d)

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18 Sch. 11 para. 4 in force at 30.4.2012 for W. by S.I. 2012/802, art. 2(b)

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

5 In section 21 of the Listed Buildings Act (appeals: supplementary provisions) after subsection (7) insert—

“(8) Regulations under this Act may provide for an appeal under section 20 to be accompanied by such other information as may be prescribed.

(9) The power to make regulations under subsection (8) is exercisable by—

- (a) the Secretary of State, in relation to England;
- (b) the Welsh Ministers, in relation to Wales.

(10) Section 93(3) does not apply in relation to regulations under subsection (8) made by the Welsh Ministers.

(11) Regulations under subsection (8) made by the Welsh Ministers are subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

Commencement Information

19 Sch. 11 para. 5 in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(d)

110 Sch. 11 para. 5 in force at 30.4.2012 for W. by S.I. 2012/802, art. 2(b)

Planning (Hazardous Substances) Act 1990 (c. 10)

6 In section 21 of the Hazardous Substances Act (appeals against decisions and failure to take decisions relating to hazardous substances) after subsection (3) insert—

“(3A) A notice of appeal under this section must be accompanied by such information as may be prescribed.

(3B) The power to make regulations under subsection (3A) is exercisable by—

- (a) the Secretary of State, in relation to England;
- (b) the Welsh Ministers, in relation to Wales.

(3C) Section 40(3) does not apply in relation to regulations under subsection (3A) made by the Welsh Ministers.

(3D) Regulations under subsection (3A) made by the Welsh Ministers are subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

Commencement Information

111 Sch. 11 para. 6 in force at 6.4.2009 for E. by S.I. 2009/400, art. 5(d)

112 Sch. 11 para. 6 in force at 30.4.2012 for W. by S.I. 2012/802, art. 2(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)