2011 CHAPTER 25

Part 3

Planning control

Appeals

Appeals

58.—(1) Where an application is made to a council—

(a) for planning permission to develop land; or

(b) for any consent, agreement or approval of the council required by a condition imposed on a grant of planning permission; or

(c) for any approval of the council required under a development order;

then if that permission, consent, agreement or approval is refused or is granted subject to conditions, the applicant may by notice in writing appeal to the planning appeals commission.

(2) Subsection (1) shall not apply to any application referred to the Department under section 29.

(3) Any notice under this section must be served on the planning appeals commission within 4 months from the date of notification of the decision to which it relates or such other period as may be specified by development order.

(4) Where an appeal is brought under this section from a decision of a council, the planning appeals commission, subject to subsections (5) to (7), may allow or dismiss the appeal or may reverse or vary any part of the decision whether the appeal relates to that part thereof or not and may deal with the application as if it had been made to it in the first instance.

(5) Before determining an appeal under this section, the planning appeals commission must, if either the applicant or the council so desires, afford to each of them an opportunity of appearing before and being heard by the commission.

(6) If at any time before or during the determination of an appeal under this section it appears to the planning appeals commission that the appellant is responsible for undue delay in the progress of the appeal, it may—

(a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and

(b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

(7) Subject to subsection (5), sections 41, 42, 45, 52, 53, 54 and 55 shall apply, with any necessary modifications, in relation to an appeal to the planning appeals commission under this section as they apply to an application for planning permission.

Modifications etc. (not altering text)

C1 Pt. 3 applied with modification(s) (1.4.2015) by The Planning General Regulations (Northern Ireland) 2015 (S.R. 2015/39), regs. 1(1), **2** (with regs. 3-10)

C2 S. 58 applied with modification(s) (1.4.2015) by The Planning (Trees) Regulations (Northern Ireland) 2015 (S.R. 2015/84), regs. 1(1), 2, **Sch.** (with reg. 11(7))

C3 S. 58 applied with modification(s) (1.4.2015) by The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 (S.R. 2015/66), regs. 1, 15, **Sch. 4 Pts. 1**, **2**

Commencement Information

I1 S. 58 in operation at 1.2.2015 for specified purposes by S.R. 2015/25, **art. 2**

I2 S. 58 in operation at 1.4.2015 in so far as not already in operation by S.R. 2015/25, **art. 3**

Changes to legislation:
There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 58.