
STATUTORY INSTRUMENTS

1991 No. 1220

The Planning(Northern Ireland) Order 1991

PART IV

PLANNING CONTROL

Appeals

Appeals

32.—(1) Where an application is made to the Department—

- (a) for planning permission to develop land; or
- (b) for any consent, agreement or approval of the Department required by a condition imposed on a grant of planning permission; or
- (c) for any approval of the Department 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 under this Article appeal to the planning appeals commission.

(2) Paragraph (1) shall not apply to any application in relation to which the Department has served a notice under Article 31(1).

(3) Any notice under this Article shall be served on the planning appeals commission within six months from the date of notification of the decision to which it relates or such longer period as the commission may allow.

(4) Where an appeal is brought under this Article from a decision of the Department, the planning appeals commission, subject to paragraphs (5) and (6), 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 Article, the planning appeals commission shall, if either the applicant or the Department so desires, afford to each of them an opportunity of appearing before and being heard by the commission.

(6) Subject to paragraph (5), Articles 21 to 28 shall apply, with any necessary modifications, in relation to an appeal to the planning appeals commission under this Article as they apply to an application for planning permission.

Appeal in default of planning decision

33. Where any such application as is mentioned in Article 32(1) is made to the Department, then unless within such period as may be specified by a development order, or within such extended period as may be agreed upon in writing between the applicant and the Department, the Department either—

- (a) gives notice to the applicant of its decision on the application; or

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- (b) gives notice to him that the application is one to which Article 31 applies, Article 32 shall apply in relation to the application—
 - (i) as if the permission, consent, agreement or approval to which it relates had been refused by the Department; and
 - (ii) as if notification of the Department's decision had been received by the applicant at the end of the period so specified, or at the end of the said extended period, as the case may be.