



# Town and Country Planning Act 1968

## 1968 CHAPTER 72

### PART III

#### APPEALS

#### **22 Determination of appeals by the Minister.**

- (1) The Minister may, if he thinks fit, direct that an appeal which, by virtue of section 21 above and apart from this subsection, falls to be determined by a person appointed by the Minister shall instead be determined by the Minister.
- (2) A direction under this section shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the applicant or appellant, the local planning authority and any person who has made representations relating to the subject matter of the appeal which the authority are required to take into account under section 17(3) (a) of the principal Act (representations by owners and agricultural tenants).
- (3) Where in consequence of a direction under this section an appeal to which section 21 above applies falls to be determined by the Minister, whichever of the following provisions are relevant, that is to say those of—
  - the principal Act;
  - section 16 of this Act;
  - section 18(2) to (5) of this Act;
  - Part I of Schedule 5 to this Act; and
  - section 14 of the Civic Amenities Act 1967,shall, subject to the following provisions of this section, apply to the appeal as if section 21 above had never applied thereto.
- (4) Where in consequence of a direction under this section the Minister determines an appeal himself, he shall afford to the applicant or appellant, the local planning authority and any person who has made any such representations as aforesaid an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose either—

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (a) if the reasons for the direction raise matters with respect to which either the applicant or appellant, or the local planning authority or any such person, have not made representations; or
  - (b) if the applicant or appellant or the local planning authority had not been asked in pursuance of section 21(6) above whether they wished to appear before and be heard by a person appointed to hear the appeal, or had been asked that question and had expressed no wish in answer thereto, or had expressed a wish to appear and be heard as aforesaid, but had not been afforded an opportunity of doing so.
- (5) Except as provided by subsection (4) above, where the Minister determines an appeal in consequence of a direction under this section, he shall not be obliged to afford any person an opportunity of appearing before and being heard by a person appointed for the purpose, or of making fresh representations or making or withdrawing any representations already made; and in determining the appeal the Minister may take into account any report made to him by any person previously appointed to determine it.