



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART V

#### ENFORCEMENT OF CONTROL UNDER PARTS III AND IV

##### *Waste land*

#### **105 Appeal to magistrates' court against notice as to waste land**

- (1) A person on whom a notice under section 65 of this Act is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds—
- (a) that the condition of the land to which the notice relates does not seriously injure the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
  - (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III of this Act;
  - (c) that the land to which the notice relates does not constitute a garden, vacant site or other open land in the area of the local planning authority who served the notice;
  - (d) that the requirements of the notice exceed what is necessary for preventing the condition of the land from seriously injuring the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
  - (e) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) Any appeal under this section shall be made to a magistrates' court acting for the petty sessions area in which the land in question is situated.

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*Status: This is the original version (as it was originally enacted).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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- (3) Where an appeal is brought under this section, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On an appeal under this section the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.
- (5) On the determination of an appeal under this section the magistrates' court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.