



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Established use certificates

195 Appeals against refusal or failure to give decision on application

- (1) Where an application is made to a local planning authority for an established use certificate and—
 - (a) the application is refused or is refused in part, or
 - (b) the authority do not give notice to the applicant of their decision on the application within such period as may be prescribed by a development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority,the applicant may by notice appeal to the Secretary of State.
- (2) On any such appeal, if and so far as the Secretary of State is satisfied—
 - (a) in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or
 - (b) in the case of an appeal under subsection (1)(b), that if the authority had refused the application their refusal would not have been well-founded,he shall grant the appellant an established use certificate accordingly or, in the case of a refusal in part, modify the certificate granted by the authority on the application.
- (3) If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, he shall dismiss the appeal.
- (4) In section 193(2) and (6) references to applications for established use certificates include references to appeals arising out of such applications.

Status: This is the original version (as it was originally enacted).

- (5) For the purposes of the application of section 288(10)(b) in relation to an appeal in a case within subsection (1)(b) it shall be assumed that the authority decided to refuse the application in question.
- (6) Schedule 6 applies to appeals under this section.