



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART III

PLANNING CONTROL

Supplementary provisions

43 Applications to determine whether planning permission required

- (1) If any person who proposes to carry out any operations on land, or to make any change in the use of land, wishes to have it determined whether the carrying out of those operations, or the making of that change, would constitute or involve development of the land, and, if so, whether an application for planning permission in respect thereof is required under this Part of this Act, having regard to the provisions of the development order, he may, either as part of an application for planning permission, or without any such application, apply to the local planning authority to determine that question.
- (2) The provisions of section fourteen, subsection (1) of section seventeen, subsections (2), (4) and (5) of section nineteen, and sections twenty-two to twenty-four of this Act shall, subject to any necessary modifications, apply in relation to any application under this section, and to the determination thereof, as they apply in relation to applications for planning permission and to the determination of such applications.

44 Appeal to independent tribunal

- (1) Provision may be made by a development order for securing that, in the case of decisions of a local planning authority of such classes as may be prescribed by the order, being decisions relating to the design or external appearance of buildings or other similar matters, any appeal under section twenty-three of this Act shall lie to an independent tribunal constituted in accordance with the provisions of that order, instead of being an appeal to the Minister; and in relation to any such appeal the provisions of that section (except, in subsection (6) thereof, the references to section sixteen and to subsection (3) of section seventeen of this Act) and the provisions of section twenty-four of this Act shall apply, subject to such adaptations

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and modifications as may be specified in the order, as they apply in relation to appeals to the Minister under the said section twenty-three.

- (2) Without prejudice to the generality of the powers conferred by section thirty-four of this Act, regulations made for the purposes of that section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall lie to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Minister.
- (3) If any tribunal is constituted in accordance with the preceding provisions of this section, the Minister may pay to the chairman and members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.