

*Status: This is the original version (as it was originally made).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

SCHEDULE 3

PART 1

TOWN AND COUNTRY PLANNING ACT 1971

**Letter to be sent by a local planning authority when it receives an application for planning permission or for an established use certificate**

Thank you for your application dated ..... which I received on .....

I am still examining your application form and the accompanying plans and documents to see whether they comply with the law.\*

If I find that your application is invalid because it does not comply with the statutory requirements then I shall write to you again as soon as I can.\*

As this application relates to a county matter, I have sent it to the county planning authority for its decision.\*

I am now considering whether this application relates to a county matter. If it does, I shall write to you again when I send it to the county planning authority for its decision.\*

As the land which is the subject of your application lies within (insert name) .....\* National Park, I have sent your application to (insert name) ..... County Council/Planning Board\* for its decision.\*

If, by (insert date at end of period of eight weeks beginning with the date when the application was received) .....

- you have not been told that your application is invalid; or
- \*• you have not been told that your fee cheque has been dishonoured; or
- you have not been given a decision in writing; or
- you have not agreed in writing to extend the period in which the decision may be given.

then you can appeal to the Secretary of State for the Environment/Wales\* under sections 36 and 37/section 95(2)\* of the Town and Country Planning Act 1971. You must appeal within six months and you must use a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ/Welsh Office at Planning Division, Cathays Park, Cardiff CF1 3NQ\*. This does not apply if your application has already been referred to the Secretary of State for the Environment/Wales\*.

PART 2

TOWN AND COUNTRY PLANNING ACT 1971

**Notice to be sent to an applicant when a local planning authority refuses planning permission or grants it subject to conditions(To be endorsed on notices of decision)**

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#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment/Wales\* under section 36 of the Town and Country Planning Act 1971.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ/Welsh Office at Planning Division, Cathays Park, Cardiff CF1 3NQ\*
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Environment/Wales\* refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

#### **Compensation**

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 169 and related provisions of the Town and Country Planning Act 1971.

\*delete where inappropriate