
STATUTORY INSTRUMENTS

2012 No. 605

**The Town and Country Planning (Tree
Preservation)(England) Regulations 2012**

PART 5

APPEALS

Determination

23.—(1) Where an appeal is made under regulation 19 the Secretary of State may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the Secretary of State in the first instance.

(2) Before determining an appeal under regulation 19 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by an appointed person.

(3) Where under regulation 22, information is required to be provided within a specified period, the Secretary of State or the appointed person (as the case may be) may proceed to a decision on an appeal taking into account only such information as has been submitted within the specified period.

(4) Subject to paragraph (2), the provisions of regulations 17(1) and 17(3) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under regulation 19 as they apply in relation to an application for consent under regulation 17 which falls to be determined by the authority.

(5) The decision of the Secretary of State on an appeal shall be final.

(6) For the purposes of the application of paragraph (1) in relation to an appeal made under paragraph 19(1)(c), it shall be assumed that the authority decided to refuse the application in question.

(7) Where an appeal is made using electronic communications, the appellant shall be taken to have agreed—

- (a) to the use of such communications by the Secretary of State for the purposes of that appeal;
- (b) that the address for that purpose is the address incorporated into, or otherwise logically associated with, that appeal; and
- (c) that deemed agreement under this paragraph shall subsist until the appellant gives notice in writing—
 - (i) withdrawing any address notified to the Secretary of State for that purpose; or
 - (ii) revoking that deemed agreement,

and such withdrawal or revocation shall be final and shall take effect on the date specified by the person in the notice being not less than seven days after the date on which the notice is given.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Tree Preservation)(England) Regulations 2012, Section 23. (See end of Document for details)

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Commencement Information

II [Reg. 23](#) in force at 6.4.2012, see [reg. 1\(1\)](#)

Changes to legislation:

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