2011 CHAPTER 25

Part 4

Additional planning control

Chapter 1

Listed buildings and conservation areas

Power to decline to determine application for listed building consent

Appeal against decision

96.—(1) Where an application is made to a council—

(a) for listed building consent; or

(b) for any approval of the council required by a condition imposed on a grant of listed building consent,

then, if that consent or approval is refused or is granted subject to conditions, the applicant may by notice in writing under this subsection appeal to the planning appeals commission.

(2) Subsection (1) does not apply to any application referred to the Department under section 88.

(3) Any notice under this section must be served on the planning appeals commission within 4 months from the date of notification of the decision to which it relates or such other period as may be prescribed.

(4) Where an appeal is brought under this section from a decision of a council, the planning appeals commission, subject to subsections (5) and (6), may allow or dismiss the appeal or may reverse or vary any part of the decision whether the

appeal relates to that part of the decision or not and may deal with the application as if it had been made to it in the first instance.

(5) Before determining an appeal under this section, the planning appeals commission must, if either the applicant or the council so wishes, afford to each of them an opportunity of appearing before and being heard by the commission.

(6) Sections 87 and 95 and any provisions made under regulations made in accordance with section 86(4)(a) shall apply, with any necessary modifications, in relation to an appeal to the planning appeals commission under this subsection as they apply to an application for listed building consent.

Modifications etc. (not altering text)

C1 Pt. 4 chapter 1 (except ss. 92-93 102) applied with modification(s) (1.4.2015) by The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015 (S.R. 2015/107), regs. 1, **11**

C2 Pt. 4 (except chpts. 1, 2) applied with modification(s) (1.4.2015) by The Planning General Regulations (Northern Ireland) 2015 (S.R. 2015/39), regs. 1(1), **2** (with regs. 3-10)

C3 Ss. 92-101 applied with modification(s) (1.4.2015) by The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015 (S.R. 2015/107), regs. 1, 15, **Sch. 2**

C4 Ss. 86-103: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

C5 S. 96(6) applied (1.4.2015) by The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 (S.R. 2015/108), regs. 1(1), 5, **Sch. 1**

C6 S. 96(6) applied (1.4.2015) by The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015 (S.R. 2015/107), regs. 1, 5, **Sch. 1**

Commencement Information

I1 S. 96 in operation at 13.2.2015 for specified purposes by S.R. 2015/49, art. 2, **Sch. 1**

I2 S. 96 in operation at 1.4.2015 in so far as not already in operation by S.R. 2015/49, art. 3, **Sch. 1** (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Changes to legislation:
There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 96.