



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART III

#### GENERAL PLANNING CONTROL

##### *Secretary of State's powers in relation to planning applications and decisions*

#### **35 Reference of applications to Secretary of State**

- (1) The Secretary of State may give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to him instead of being dealt with by local planning authorities.
- (2) A direction under this section—
  - (a) may be given either to a particular local planning authority or to local planning authorities generally; and
  - (b) may relate either to a particular application or to applications of a class specified in the direction.
- (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.
- (4) Subject to subsection (5) of this section, where an application for planning permission is referred to the Secretary of State under this section, the following provisions of this Act, that is to say, sections 26(2) and (7), 27, 29(1) to (3) and 30(1), shall apply, with any necessary modifications, as they apply to an application for planning permission which falls to be determined by the local planning authority.
- (5) Before determining an application referred to him under this section, other than an application for planning permission referred to a Planning Inquiry Commission under section 48 of this Act, the Secretary of State shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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*Status: This is the original version (as it was originally enacted).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

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- (6) The decision of the Secretary of State on any application referred to him under this section shall be final.