

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Modifications etc. (not altering text)

- C1 Sch. 6 excluded (27.5.1997) by 1997 c. 8, ss. 70(4), 278(2), **Sch. 7 para. 7** (with s. 64)
- C1 Sch. 6 applied (E.) (6.4.2012) by **The Town and Country Planning (Tree Preservation)(England) Regulations 2012 (S.I. 2012/605)**, regs. 1(1), **19(5)**

Powers and duties of appointed person

- 2 (1) An appointed person shall have the same powers and duties—
- (a) in relation to an appeal under section 78, as the Secretary of State has under [F¹subsections (1), (4) and (6A)] of section 79;
 - [F²(zaa) in relation to an appeal under section 93I, as the Secretary of State has under that section;]
 - [F³(aa) in relation to an appeal under section 106B [F⁴or 106BC], as he has under that section]
 - (b) in relation to an appeal under section 174, as he has under sections 176(1), (2) [F⁵to (2A)] and (5) and 177(1) to (4);
 - (c) in relation to an appeal under section 195, as he has under subsections (2) and (3) of that section F⁶ ...;
 - (d) in relation to an appeal under section 208, as he has under subsections (7) [F⁷to (8A)] of that section.
 - [F⁸(e) in relation to an appeal under paragraph 5 of Schedule 2 to the Planning and Compensation Act 1991, as the Secretary of State has under paragraph 6(1) and (3) of that Schedule.]
- (2) Sections 79(2) [F⁹106B(4)], 175(3), 196(1) and 208(5) [F¹⁰of this Act and paragraph 6(2) of Schedule 2 to the Planning and Compensation Act 1991] shall not apply to an appeal which falls to be determined by an appointed person, but before it is determined the Secretary of State shall ask the appellant and the local planning authority whether they wish to appear before and be heard by the appointed person.
- (3) If both the parties express a wish not to appear and be heard the appeal may be determined without their being heard.
- (4) If either of the parties expresses a wish to appear and be heard, the appointed person shall give them both an opportunity of doing so.
- [F¹¹(5) Sub-paragraph (2) does not apply—
- (a) in the case of an appeal to which section 319A applies; or

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- (b) in the case of an appeal under section 78 if the appeal is referred to a Planning Inquiry Commission under section 101.]
- [^{F12}(5A) Sub-paragraph (2) does not apply in the case of an appeal to which section 319B applies.]
- (6) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.
- (7) Except as provided by Part XII, the validity of that decision shall not be questioned in any proceedings whatsoever.
- (8) It shall not be a ground of application to the High Court under section 288, or of appeal to the High Court under section 289 ^{F13} ..., that an appeal ought to have been determined by the Secretary of State and not by an appointed person, unless the appellant or the local planning authority challenge the appointed person's power to determine the appeal before his decision on the appeal is given.
- (9) Where in any enactment (including this Act) there is a reference to the Secretary of State in a context relating or capable of relating to an appeal to which this Schedule applies or to anything done or authorised or required to be done by, to or before the Secretary of State on or in connection with any such appeal, then so far as the context permits it shall be construed, in relation to an appeal determined or falling to be determined by an appointed person, as a reference to him.
- [^{F14}(10) Sub-paragraph (9) [^{F15}applies] to references to the Secretary of State in section 319A (powers and duties of the Secretary of State in relation to the determination of procedure for certain proceedings) [^{F16}only for the purposes of subsection (4) of that section].]
- [^{F17}(10A) Sub-paragraph (9) does not apply to references to the Welsh Ministers in section 319B (determination of procedure for certain proceedings: Wales).]
- [^{F18}(11) The Secretary of State may, if he thinks fit, direct that anything in connection with an appeal in England to which this Schedule applies which would otherwise fall to be done by an appointed person shall instead be done by the Secretary of State.]

Textual Amendments

- F1** Words in Sch. 6 para. 2(1)(a) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#) (subject to art. 4)
- F2** [Sch. 6 para. 2\(1\)\(zaa\)](#) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), [Sch. 11 para. 14\(b\)](#) (with s. 247)
- F3** [Sch. 6 para. 2\(1\)\(aa\)](#) inserted (9.11.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(b\)](#); S.I. 1992/2831, [art. 2](#)
- F4** Words in [Sch. 6 para. 2\(1\)\(aa\)](#) inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 2 para. 9\(3\)](#)
- F5** Words in [Sch. 6 para. 2\(1\)\(b\)](#) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(c\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#), [Sch. 1](#) (subject to art. 5)
- F6** Words in [Sch. 6 para. 2\(1\)\(c\)](#) repealed (27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), [Sch. 7 para. 54\(3\)\(d\)](#), [Sch. 19 Pt. I](#); S.I. 1992/1630, [art. 2](#), [Schs. 1, 2](#) (with art. 3(1))
- F7** Words in [Sch. 6 para. 2\(1\)\(d\)](#) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 54\(3\)\(e\)](#) (with s. 84(5)); S.I. 1991/2905, [art. 3](#), [Sch. 1](#) (subject to art. 5)
- F8** [Sch. 6 para. 2\(1\)\(e\)](#) inserted (6.4.2009 for E., 28.11.2014 for W.) by [Planning Act 2008 \(c. 29\)](#), [ss. 198\(3\)\(a\)](#), 241 (with s. 226); S.I. 2009/400, [art. 5](#); S.I. 2014/2780, [art. 2](#)

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- F9** Words in Sch. 6 para. 2(2) inserted (9.11.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 54(3)(f)**; S.I. 1992/2831, **art. 2**
- F10** Words in Sch. 6 para. 2(2) inserted (6.4.2009 for E., 28.11.2014 for W.) by Planning Act 2008 (c. 29), **ss. 198(3)(b)**, 241 (with s. 226); S.I. 2009/400, **art. 5**; S.I. 2014/2780, **art. 2**
- F11** Sch. 6 para. 2(5) substituted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 14(2)** (with s. 226); S.I. 2009/400, **art. 3**
- F12** Sch. 6 para. 2(5A) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(2)(a)**
- F13** Words in Sch. 6 para. 2(8) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 54(3)(g), **Sch. 19 Pt. I**; S.I. 1992/1630, art. 2, Schs. 1, 2 (with art. 3(1))
- F14** Sch. 6 para. 2(10) inserted (6.4.2009 for certain purposes and otherwise prosp.) by Planning Act 2008 (c. 29), ss. 196, 241, **Sch. 10 para. 14(3)** (with s. 226); S.I. 2009/400, **art. 3**
- F15** Word in Sch. 6 para. 2(10) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 131(a)**, 255(3)(a) (with s. 247)
- F16** Words in Sch. 6 para. 2(10) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), **ss. 131(b)**, 255(3)(a) (with s. 247)
- F17** Sch. 6 para. 2(10A) inserted (11.11.2014) by The Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773), art. 1(2), **Sch. 1 para. 13(2)(b)**
- F18** Sch. 6 para. 2(11) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 2(7)**, 35(1); S.I. 2013/1488, art. 3(a)

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Changes and effects yet to be applied to :

- Sch. 6 para. 2(1)(b) words substituted by [2023 c. 55 s. 119\(4\)\(a\)](#)
- Sch. 6 para. 2(1)(c) words substituted by [2023 c. 55 s. 119\(4\)\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62(2A)(za) inserted by [2023 c. 55 s. 124\(2\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision [2016 c. 22, s. 5\(8\)](#) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision [2004 c. 5, s. 45\(2\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision [2004 c. 5, s. 45\(3\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)

- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 171A(2)(za) inserted by 2023 c. 55 s. 117(2)(a)
- s. 171B(1)(a)(b) substituted for words by 2023 c. 55 s. 115(1)
- s. 171B(2)(a)(b) substituted for words by 2023 c. 55 s. 115(2)
- s. 171E(8) inserted by 2023 c. 55 s. 116(3)
- s. 172ZA inserted by 2023 c. 55 s. 117(3)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 176(6) inserted by 2023 c. 55 s. 119(2)
- s. 188(1)(zb) inserted by 2023 c. 55 s. 117(4)(a)
- s. 195(3A) inserted by 2023 c. 55 s. 119(3)
- s. 196(1A) inserted by 2008 c. 29 Sch. 10 para. 8(2)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 216(2)(a)(b) substituted for words by 2023 c. 55 s. 120(2)(a)
- s. 216(6A) inserted by 2023 c. 55 s. 120(2)(c)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 327ZA applied (with modifications) by 1990 c. 10, s. 37 (as amended) by 2023 c. 55 s. 124(7)(a)
- s. 327ZA applied by 1990 c. 9, s. 89(1) (as amended) by 2023 c. 55 s. 124(5)(a)
- s. 327ZA inserted by 2023 c. 55 s. 124(1)
- s. 327ZA modified by 1990 c. 9, s. 89(1ZC) (as inserted) by 2023 c. 55 s. 124(5)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 7A para. 14(4) inserted by 2023 c. 55 s. 124(3)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)