



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART III

### PLANNING CONTROL

#### *Minister's powers in relation to planning applications and decisions*

#### **22 Reference of planning applications to Minister**

- (1) The Minister may give directions requiring applications for planning permission 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 Minister accordingly.
- (4) Subject to the next following subsection, where an application for planning permission is referred to the Minister under this section, the following provisions of this Act, that is to say, subsection (1) of section fifteen, section sixteen, subsections (1) to (3) of section seventeen and subsection (1) of section eighteen, 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 the Minister 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 Minister for the purpose.
- (6) The decision of the Minister on any application referred to him under this section shall be final.

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## **23 Appeals against planning decisions**

- (1) Where an application is made to a local planning authority for planning permission to develop land, or for any approval of that authority required under a development order, and that permission or approval is refused by that authority or is granted by them subject to conditions, the applicant, if he is aggrieved by their decision, may by notice under this section appeal to the Minister.
- (2) Any notice under this section shall be served within such time (not being less than twenty-eight days from the date of notification of the decision to which it relates) and in such manner as may be prescribed by a development order.
- (3) The Minister shall not be required to entertain an appeal under this section in respect of an application for planning permission to develop land if it appears to him that planning permission for that development could not have been granted by the local planning authority, or could not have been granted by them otherwise than subject to the conditions imposed by them, having regard to the provisions of subsection (1) of section seventeen, of subsection (1) of section eighteen and of section thirty-eight of this Act, and of the development order, and to any directions given under that order.
- (4) Where an appeal is brought under this section from a decision of a local planning authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the local planning authority, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance.
- (5) Before determining an appeal under this section, the Minister 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 Minister for the purpose.
- (6) Subject to the last preceding subsection, the following provisions of this Act, that is to say, section sixteen, subsections (1) and (3) of section seventeen, and subsection (1) of section eighteen, shall apply, with any necessary modifications, in relation to an appeal to the Minister under this section as they apply in relation to an application for planning permission which falls to be determined by the local planning authority.
- (7) The decision of the Minister on any appeal under this section shall be final.

## **24 Appeal in default of planning decision**

Where an application is made to a local planning authority for planning permission, or for any approval of that authority required under a development order, then unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority either—

- (a) give notice to the applicant of their decision on the application, or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under section twenty-two of this Act,

the provisions of the last preceding section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority, and as if notification of their decision had been received by the applicant at the end of the period prescribed by the development order, or at the end of the said extended period, as the case may be.

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## **25 Review of planning decisions where compensation claimed**

- (1) The provisions of this and the next following section shall have effect where, in accordance with the provisions of Part VI of this Act, one or more claims for compensation in respect of a planning decision have been transmitted to the Minister, and the claim, or (if there is more than one) one or more of the claims, has not been withdrawn.
- (2) If, in the case of a planning decision of the local planning authority, it appears to the Minister that, if the application for permission to develop the land in question had been referred to him for determination, he would have made a decision more favourable to the applicant, the Minister may give a direction substituting that decision for the decision of the local planning authority.
- (3) If, in any case, it appears to the Minister that planning permission could properly be granted (either unconditionally or subject to certain conditions) for some development of the land in question other than the development to which the application for planning permission related, the Minister may give a direction that the provisions of this Act shall have effect in relation to that application and to the planning decision—
  - (a) as if the application had included an application for permission for that other development, and the decision had included the grant of planning permission (unconditionally or subject to the said conditions, as the case may be) for that development, or
  - (b) as if the decision had been a decision of the Minister and had included an undertaking to grant planning permission (unconditionally or subject to the said conditions, as the case may be) for that development,as may be specified in the direction.
- (4) The reference in subsection (2) of this section to a decision more favourable to the applicant shall be construed—
  - (a) in relation to a refusal of permission, as a reference to a decision granting the permission, either unconditionally or subject to conditions, and either in respect of the whole of the land to which the application for permission related or in respect of part of that land, and
  - (b) in relation to a grant of permission subject to conditions, as a reference to a decision granting the permission applied for unconditionally or subject to less stringent conditions.

## **26 Supplementary provisions as to review of planning decisions**

- (1) Before giving a direction under the last preceding section, the Minister shall give notice in writing of his proposed direction to the local planning authority to whose decision that direction relates, and to any person who made, and has not since withdrawn, a claim for compensation in respect of that decision; and, if so required by the local planning authority or by any such person, shall afford to each of them an opportunity to appear before, and be heard by, a person appointed by the Minister for the purpose.
- (2) In giving any direction under the last preceding section, the Minister shall have regard to the provisions of the development plan for the area in which the land in question is situated, in so far as those provisions are material to the development of that land, and shall also have regard to the local circumstances affecting the proposed development,

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including the use which prevails generally in the case of contiguous or adjacent land, and to any other material considerations.

- (3) Where the Minister gives a direction under the last preceding section, he shall give notice of the direction to the local planning authority to whose decision the direction relates, and to every person (if any) who made, and has not since withdrawn, a claim for compensation in respect of that decision.