



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART XI

### VALIDITY OF PLANNING INSTRUMENTS AND DECISIONS, AND PROCEEDINGS RELATING THERETO

#### **178 Proceedings for questioning validity of development plans and of orders under ss.153 and 168**

- (1) If any person aggrieved by a development plan, or by an amendment of a development plan, desires to question the validity thereof or of any provision contained therein on the grounds that it is not within the powers of this Act, or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the approval or making of the plan, or, as the case may be, in relation to the making of the amendment, he may, within six weeks from the date on which the notice required by subsection (1) of section eleven of this Act is first published, make an application to the High Court under this section.
- (2) On any application under this section the High Court—
  - (a) may by interim order suspend the operation of the plan or amendment, as the case may be, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
  - (b) if satisfied that the plan or amendment, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act or of any regulation made thereunder, may quash the plan or amendment or any provision contained therein, either generally or in so far as it affects any property of the applicant.
- (3) The preceding provisions of this section shall apply to an order under section one hundred and fifty-three of this Act as they apply to a development plan, as if, in subsection (1) of this section, for the reference to the notice therein mentioned, there

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were substituted a reference to the notice required by subsection (6) of section one hundred and fifty-four of this Act.

- (4) Subsections (1) and (2) of this section shall apply, subject to any necessary modifications, to an order under section one hundred and sixty-eight of this Act as they apply in relation to a development plan.