



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

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

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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.