



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART IV

ENFORCEMENT OF PLANNING CONTROL

Enforcement of control in respect of listed buildings

53 Appeal to Minister against notice under s.52

- (1) A person on whom a notice under the last preceding section is served, or any other person having an interest in the building to which such a notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on any of the following grounds, that is to say—
- (a) that the works to which the notice relates were not, or were not wholly, works in contravention of subsection (1) of section thirty-three of this Act;
 - (b) that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works to which the notice relates were carried out;
 - (c) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed ;
 - (d) that any of the steps required by the notice to be taken would not serve the purpose of restoring the character of the building to what it was before the works to which the notice relates were carried out, and that, if and so far as those works constituted the carrying out of development in contravention of Part III of this Act, planning permission ought to be granted for the retention of those works.
- (2) Any appeal under this section shall be made by notice in writing to the Minister, which shall indicate the grounds of the appeal; and on any such appeal the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them

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an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

- (3) Where an appeal is brought under this section, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On an appeal under this section the Minister may correct any informality, defect or error in the notice to which the appeal relates if he is satisfied that the informality, defect or error is not a material one.
- (5) On the determination of an appeal under this section the Minister shall give directions for giving effect to his determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.