



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART IV

### ENFORCEMENT OF PLANNING CONTROL

#### *Supplementary provisions*

#### **64 Supplementary provisions as to appeals to Minister under Part IV**

- (1) Subsection (5) of section two hundred and ninety of the Local Government Act, 1933 (which authorises a government department holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Minister on an appeal under this Part of this Act as if those proceedings were an inquiry held by the Minister under the said section two hundred and ninety.
- (2) Where an appeal to the Minister against an enforcement notice, or against a notice under section fifty-two of this Act, is brought under this Part of this Act, the appellant shall be deemed to have made an application—
  - (a) in the case of an enforcement notice, for planning permission to retain on the land the buildings or works, or, as the case may be, to continue the use of the land, to which the notice relates, or
  - (b) in the case of a notice under section fifty-two of this Act, for planning permission for the development (if any) involved in the works to which the notice relates.
- (3) Any application for planning permission deemed to have been made by virtue of the last preceding subsection shall be treated as having been referred to the Minister under section twenty-two of this Act, and the provisions of that section shall apply accordingly:

Provided that subsection (4) of that section shall apply as if the reference therein to sections fifteen and sixteen of this Act were omitted and the reference to subsections

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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(1) to (3) of section seventeen of this Act were a reference only to subsection (1) of the said section seventeen.

- (3) Where under this Part of this Act any person has appealed to the Minister or (in accordance with section fifty-seven of this Act) to a magistrates' court against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.