
WELSH STATUTORY INSTRUMENTS

2012 No. 801

**The Town and Country Planning (Development
Management Procedure) (Wales) Order 2012**

PART 5

Appeals

Appeals

26.—(1) An applicant who wishes to appeal to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) must give notice of appeal to the Welsh Ministers by—

- (a) serving on the Welsh Ministers, within the time limit specified in paragraph (2), a form obtained from the Welsh Ministers, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and
- (b) serving on the local planning authority a copy of the form mentioned in paragraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (3)(e).

(2) The time limit mentioned in paragraph (1) is six months from—

- (a) the date of the notice of the decision or determination giving rise to the appeal;
- (b) in a case where there has been no notice of decision or determination, the expiry of the period specified in article 22(2) or, as the case may be, article 23; or
- (c) in a case in which the local planning authority have served a notice on the applicant in accordance with article 3(2) that they require further information and the applicant has not provided the information, the date of service of that notice,

or such longer period as the Welsh Ministers may at any time allow.

(3) The documents mentioned in paragraph (1) are—

- (a) the application made to the local planning authority which has occasioned the appeal;
- (b) all plans, drawings and documents sent to the authority in connection with the application;
- (c) all correspondence with the authority relating to the application;
- (d) any certificate provided to the authority under article 11;
- (e) any other plans, documents or drawings relating to the application which were not sent to the authority;
- (f) the notice of the decision or determination, if any;
- (g) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.

(4) The Welsh Ministers may refuse to accept a notice of appeal from an applicant if the documents required under paragraphs (1) and (3) are not served on the Welsh Ministers within the time limit specified in paragraph (2).

(5) The Welsh Ministers may provide, or arrange for the provision of, a website for use for such purposes as the Welsh Ministers think fit which—

- (a) relate to appeals under section 78 of the 1990 Act and this article, and
- (b) are capable of being carried out electronically.

(6) Where a person gives notice of appeal to the Welsh Ministers using electronic communications, the provisions of article 32 apply.