

*These notes refer to the Planning (Wales) Act 2015
(c.4) which received Royal Assent on 6 July 2015*

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 Enforcement Appeals etc

Section 46 – Restrictions on right to appeal against enforcement notice

173. This section amends section 174 of the TCPA 1990. It deals with the converse situation to that addressed by section 45. The amendment prevents appeals against enforcement notices being brought on the ground that planning permission ought to be granted, where the enforcement notice is issued after the Welsh Ministers on appeal have already upheld a decision to refuse planning permission for matters specified in the enforcement notice as constituting a breach of planning control. Similarly, an enforcement appeal cannot be brought on the grounds that a condition ought to be discharged if a decision to grant planning permission subject to the condition was upheld on a previous appeal.