



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER I

TREES

Consequences of tree removal, etc.

208 Appeals against s. 207 notices.

- (1) A person on whom a notice under section 207(1) is served may appeal to the Secretary of State against the notice on any of the following grounds—
- (a) that the provisions of section 206 or, as the case may be, the conditions mentioned in section 207(1)(b) are not applicable or have been complied with;
 - ^{F1}[(aa) that in all the circumstances of the case the duty imposed by section 206(1) should be dispensed with in relation to any tree;]
 - (b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it;
 - (c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
 - (d) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose.
- ^{F2}[(2) An appeal under subsection (1) shall be made either—
- (a) by giving written notice of the appeal to the Secretary of State before the end of the period specified in accordance with section 207(3); or

Status: Point in time view as at 06/04/2013. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 208 is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before the end of that period.]

^{F3}(4) The notice shall—

- (a) indicate the grounds of the appeal,
 (b) state the facts on which the appeal is based, and
 (c) be accompanied by such information as may be prescribed.

(4A) The power to make regulations under subsection (4)(c) is exercisable by—

- (a) the Secretary of State, in relation to England;
 (b) the Welsh Ministers, in relation to Wales.

(4B) Section 333(3) does not apply in relation to regulations under subsection (4)(c) made by the Welsh Ministers.

(4C) Regulations under subsection (4)(c) made by the Welsh Ministers are subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

(5) On ^{F4}an appeal under subsection (1)] the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(6) Where such an appeal is brought, the notice under section 207(1) shall be of no effect pending the final determination or the withdrawal of the appeal.

^{F5}(7) On such an appeal the Secretary of State may—

- (a) correct any defect, error or misdescription in the notice; or
 (b) vary any of its requirements,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

^{F5}(8) Where the Secretary of State determines to allow the appeal, he may quash the notice.

^{F5}(8A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]

(9) Schedule 6 applies to appeals under this section.

(10) Where any person has appealed to the Secretary of State under this section 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.

^{F6}[(11) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister 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 Secretary of State on an appeal under this section as if those proceedings were an inquiry held by the Secretary of State under section 250.]

Textual Amendments

F1 S. 208(1)(aa) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 23(2)** (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), **art.3** (subject to [art. 5](#))

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- F2** S. 208(2) substituted (2.1.1992) for s. 208(2)(3) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(3)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)
- F3** S. 208(4)-(4C) substituted for s. 208(4) (6.4.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 11 para. 4(2)** (with s. 226); S.I. 2009/400, art. 5(d); S.I. 2012/802, art. 2(b)
- F4** Words in s. 208(5) substituted (6.4.2009 for E., 30.4.2012 for W.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 11 para. 4(3)** (with s. 226); S.I. 2009/400, art. 5(d); S.I. 2012/802, art. 2(b)
- F5** S. 208(7)(8)(8A) substituted (2.1.1992) for s. 208(7)(8) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 23(4)** (with s. 84(5)); S.I. 1991/2905, **art.3** (subject to art. 5)
- F6** S. 208(11) inserted (temp.) by virtue of Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 6, **Sch. 4 paras. 1, 5** (which temp. insertion falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of S.I. 1991/2698, **art. 3** and S.I. 2009/849, **art. 2** (with art. 3))

Modifications etc. (not altering text)

- C1** S. 208: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
- C2** S. 208: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1**

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