



Town and Country Planning Act 1971

1971 CHAPTER 78

PART III

GENERAL PLANNING CONTROL

Secretary of State's powers in relation to planning applications and decisions

39 Provisions supplementary to s.38

- (1) Before giving a direction under section 38 of this Act the Secretary of State shall give notice in writing of his proposed direction to the local planning authority to whose decision that direction relates, and to any person who made, and has not since withdrawn, a claim for compensation in respect of that decision; and, if so required by the local planning authority or by any such person, shall afford to each of them an opportunity to appear before, and be heard by, a person appointed by the Secretary of State for the purpose.
- (2) In giving any direction under section 38 of this Act, the Secretary of State shall have regard to the provisions of the development plan for the area in which the land in question is situated, in so far as those provisions are material to the development of that land, and shall also have regard to the local circumstances affecting the proposed development, including the use which prevails generally in the case of contiguous or adjacent land, and to any other material considerations.
- (3) Where the Secretary of State gives a direction under section 38 of this Act, he shall give notice of the direction to the local planning authority to whose decision the direction relates, and to every person (if any) who made, and has not since withdrawn, a claim for compensation in respect of that decision.