



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VII

#### ENFORCEMENT

#### *[<sup>F1</sup> Certificate of lawful use or development]*

#### **195 Appeals against refusal or failure to give decision on application.**

- (1) Where an application is made to a local planning authority for an established use certificate and—
  - (a) the application is refused or is refused in part, or
  - (b) the authority do not give notice to the applicant of their decision on the application within such period as may be prescribed by a development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority,the applicant may by notice appeal to the Secretary of State.
- (2) On any such appeal, if and so far as the Secretary of State is satisfied—
  - (a) in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or
  - (b) in the case of an appeal under subsection (1)(b), that if the authority had refused the application their refusal would not have been well-founded,he shall grant the appellant an established use certificate accordingly or, in the case of a refusal in part, modify the certificate granted by the authority on the application.
- (3) If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, he shall dismiss the appeal.
- (4) In section 193(2) and (6) references to applications for established use certificates include references to appeals arising out of such applications.

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*Status: Point in time view as at 25/11/1991. This version of this provision has been superseded.*

**Changes to legislation:** Town and Country Planning Act 1990, Section 195 is up to date with all changes known to be in force on or before 15 July 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)

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- (5) For the purposes of the application of section 288(10)(b) in relation to an appeal in a case within subsection (1)(b) it shall be assumed that the authority decided to refuse the application in question.
- (6) Schedule 6 applies to appeals under this section.

**Status:**

Point in time view as at 25/11/1991. This version of this provision has been superseded.

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