



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XII

VALIDITY

287 Proceedings for questioning validity of development plans and certain schemes and orders.

[^{F1}(1) This section applies to—

- (a) a simplified planning zone scheme or an alteration of such a scheme;
- (b) an order under section 247, 248, 249, 251, 257, 258 or 277,

and anything falling within paragraphs (a) and (b) is referred to in this section as a relevant document.

(2) A person aggrieved by a relevant document may make an application to the High Court on the ground that—

- (a) it is not within the appropriate power, or
- (b) a procedural requirement has not been complied with.

(3) The High Court may make an interim order suspending the operation of the relevant document—

- (a) wholly or in part;
- (b) generally or as it affects the property of the applicant.

(3A) Subsection (3B) applies if the High Court is satisfied—

- (a) that a relevant document is to any extent outside the appropriate power;
- (b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.

(3B) The High Court may quash the relevant document—

- (a) wholly or in part;
- (b) generally or as it affects the property of the applicant.

(3C) An interim order has effect until the proceedings are finally determined.

Status: Point in time view as at 28/09/2004. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 287 is up to date with all changes known to be in force on or before 26 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)

- (3D) The appropriate power is—
- (a) in the case of a simplified planning zone scheme or an alteration of the scheme, Part III;
 - (b) in the case of an order under section 247, 248, 249, 251, 257, 258 or 277, the section under which the order is made.]
- (4) An application under this section must be made within six weeks from the relevant date.
- (5) For the purposes of subsection (4) the relevant date is—
- (a) ^{F2}
 - (b) in the case of an application ^{F3} . . . in respect of a simplified planning zone scheme or an alteration of such a scheme, the date of the publication of the first notice of the approval or adoption of the scheme or alteration required by regulations under paragraph 13 of Schedule 7,
 - (c) in the case of an application ^{F3} . . . in respect of an order under section 247, 248, 249, or 251, the date on which the notice required by section 252(10) is first published,
 - (d) in the case of an application ^{F3} . . . in respect of an order under section 257 or 258, the date on which the notice required by paragraph 7 of Schedule 14 is first published in accordance with that paragraph,
 - (e) in the case of an application ^{F3} . . . in respect of an order under section 277, the date on which the notice required by subsection (6) of that section is first published;
- but subject, in the case of those orders mentioned in paragraphs (c) and (e) to which section 292 applies, to that section.
- (6) ^{F4}

Textual Amendments

- F1** S. 287(1)-(3D) substituted for s. 287(1)-(3) (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 121, [Sch. 6 para. 9\(2\)](#) (with s. 111); S.I. 2004/2202, [art. 2\(h\)](#) (subject to transitional provisions and savings in [art. 4](#)); S.I. 2005/2847, [art. 2](#) (subject to transitional provisions and savings in [art. 3](#))
- F2** S. 287(5)(a) repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 9\(3\)\(a\)](#), [Sch. 9](#) (with s. 111); S.I. 2004/2202, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 4](#)); S.I. 2005/2847, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 3](#))
- F3** Words in s. 287(5)(b)-(e) repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 9\(3\)\(b\)](#), [Sch. 9](#) (with s. 111); S.I. 2004/2202, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 4](#)); S.I. 2005/2847, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 3](#))
- F4** Words in s. 287(6) repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 118, 120, 121, [Sch. 6 para. 9\(4\)](#), [Sch. 9](#) (with s. 111); S.I. 2004/2202, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 4](#)); S.I. 2005/2847, [art. 2](#), [Sch. 1](#) (subject to transitional provisions and savings in [art. 3](#))

Modifications etc. (not altering text)

- C1** Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, [Sch. 13 para. 16\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1995/2765, [art. 2](#)

Status: Point in time view as at 28/09/2004. This version of this provision has been superseded.

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Ss. 284-288 modified (1.11.1995) by 1995 c. 25, s. 96, **Sch. 14 para. 9(4)** (with ss. 7(6), 115, 117); S.I. 1995/2765, **art. 2**

S. 287 applied (with modifications) (1.4.1996) by 1994 c. 19, **s. 66(7)**, Sch. 17 Pt. II para. 16(2)(5) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4, Sch. 2**

C2 S. 287, as it continues to have effect by virtue of S.I. 2005/2847 art. 3(3), amended (prosp.) by Planning Act 2008 (c. 29), **ss. 186, 241**

Status:

Point in time view as at 28/09/2004. This version of this provision has been superseded.

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