



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Secretary of State's powers as respects planning applications and decisions

[^{F1}78A Appeal made: functions of local planning authorities

- (1) This section applies if a person who has made an application mentioned in section 78(1)(a) [^{F2}or (aa)] appeals to the Secretary of State under section 78(2).
- (2) At any time before the end of the additional period the local planning authority may give the notice referred to in section 78(2).
- (3) If the local planning authority give notice as mentioned in subsection (2) that their decision is to refuse the application—
 - (a) the appeal must be treated as an appeal under section 78(1) against the refusal;
 - (b) the Secretary of State must give the person making the appeal an opportunity to revise the grounds of the appeal;
 - (c) the Secretary of State must give such a person an opportunity to change any option the person has chosen relating to the procedure for the appeal.
- (4) If the local planning authority give notice as mentioned in subsection (2) that their decision is [^{F3}to grant an application mentioned in section 78(1)(a)] subject to conditions the Secretary of State must give the person making the appeal the opportunity—
 - (a) to proceed with the appeal as an appeal under section 78(1) against the grant of the application subject to conditions;
 - (b) to revise the grounds of the appeal;
 - (c) to change any option the person has chosen relating to the procedure for the appeal.

Status: Point in time view as at 07/05/2024.

Changes to legislation: Town and Country Planning Act 1990, Section 78A is up to date with all changes known to be in force on or before 18 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)

- (5) The Secretary of State must not issue his decision on the appeal before the end of the additional period.
- (6) The additional period is the period prescribed by development order for the purposes of this section and which starts on the day on which the person appeals under section 78(2).]

Textual Amendments

- F1** S. 78A inserted (6.8.2004 for specified purposes, 22.6.2015 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), s. 50(1), s. 121(1)-(3) (with ss. 50(3), 111); S.I. 2004/2097, art. 2; S.I. 2015/340, art. 2(b)
- F2** Words in s. 78A(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 22(2)**; S.I. 2016/733, reg. 3(d)
- F3** Words in s. 78A(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 22(3)**; S.I. 2016/733, reg. 3(d)

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