



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 5

#### ENFORCEMENT OF PLANNING CONTROLS

#### **119 Undue delays in appeals**

- (1) TCPA 1990 is amended as follows.
- (2) In section 176 (determination of appeals relating to enforcement notices), at the end insert—
  - “(6) If at any time before or during the determination of an appeal against an enforcement notice issued by a local planning authority in England it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—
    - (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and
    - (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.”
- (3) In section 195 (appeals relating to certificates of lawfulness), after subsection (3) insert—
  - “(3A) Where the local planning authority referred to in subsection (1) is in England, if at any time before or during the determination of an appeal under subsection (1)(a) or (b) it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

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*Status: Point in time view as at 25/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 119. (See end of Document for details)*

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- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and
  - (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.”
- (4) In Schedule 6 (determination of certain appeals by person appointed by Secretary of State), in paragraph 2 (powers and duties of appointed person)—
- (a) in sub-paragraph (1)(b) for “and (5)” substitute “, (5) and (6)”;
  - (b) in sub-paragraph (1)(c), for “and (3)” substitute “, (3) and (3A)”.

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**Commencement Information**

**I1** S. 119 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

**I2** [S. 119](#) in force at 25.4.2024 by [S.I. 2024/452](#), [reg. 3\(f\)](#) (with [reg. 8](#))

**Status:**

Point in time view as at 25/04/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 119.