



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART IV

ENFORCEMENT OF PLANNING CONTROL

Enforcement where planning permission required

46 Appeal to Minister against enforcement notice

- (1) A person on whom an enforcement notice is served, or any other person having an interest in the land, may, at any time within the period specified; in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on any of the following grounds, that is to say—
- (a) that planning permission ought to be granted for the development to which the enforcement notice relates;
 - (b) that planning permission has been granted for that development;
 - (c) that no planning permission was required in respect of that development, or, as the case may be, that the conditions or limitations subject to which planning permission for that development was granted have been complied with;
 - (d) that what is assumed in the enforcement notice to be development did not constitute or involve development;
 - (e) that the enforcement notice was not served on the owner or occupier of the land within the relevant period of four years specified in subsection (2) of the last preceding section;
 - (f) that the requirements of the enforcement notice exceed what is necessary for restoring the land to its condition before the development in question took place, or, as the case may be, for securing compliance with the conditions or limitations to which the enforcement notice relates ;
 - (g) that the period specified in the enforcement notice as the period within which any steps required by that notice are to be taken falls short of what should reasonably be allowed.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) Any appeal under this section shall be made by notice in writing to the Minister, which shall indicate the grounds of the appeal; and on any such appeal the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (3) Where an appeal is brought under this section, the enforcement notice shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On an appeal under this section the Minister may correct any informality, defect or error in the enforcement notice if he is satisfied that the informality, defect or error is not a material one.
- (5) On the determination of an appeal under this section the Minister shall give directions for giving effect to his determination, including, where appropriate, directions for quashing the enforcement notice or for varying the terms of the enforcement notice in favour of the appellant.