
WELSH STATUTORY INSTRUMENTS

2017 No. 542

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2017

Appeals under section 195 of the 1990 Act

6. After article 26A insert—

“Appeals under section 195 of the 1990 Act

26B.—(1) An applicant who wishes to appeal to the Welsh Ministers under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application for a certificate of lawfulness of existing or proposed use or development) must give notice of appeal to the Welsh Ministers by—

- (a) serving on the Welsh Ministers a form obtained from the Welsh Ministers, together with—
 - (i) such of the documents specified in paragraph (2) as are relevant to the appeal; and
 - (ii) a full statement of case;
- (b) serving on the local planning authority a copy of the form mentioned in subparagraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (2)(d) and a copy of the full statement of case.

(2) The documents mentioned in paragraph (1)(a)(i) are—

- (a) the application made to the local planning authority which occasioned the appeal;
- (b) all plans, drawings and documents sent to the authority in connection with the application;
- (c) all correspondence with the authority relating to the application;
- (d) any other plans, documents or drawings relating to the application which were not sent to the authority;
- (e) the notice of the decision or determination, if any.

(3) For the purposes of section 195(1B) of the 1990 Act the prescribed time within which an appeal must be made under section 195(1)(a) of that Act is 6 months from the date of the notice of the decision or determination giving rise to the appeal.

(4) The Welsh Ministers may refuse to accept a notice of appeal—

- (a) under section 195(1)(a) of the 1990 Act if the documents required under paragraphs (1) and (2) are not served on the Welsh Ministers within the time prescribed in paragraph (3);
- (b) under section 195(1)(b) of the 1990 Act if the documents required under paragraphs (1) and (2) are not served on the Welsh Ministers.

Status: This is the original version (as it was originally made).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

- (5) The Welsh Ministers may provide, or arrange for the provision of, a website for use for such purposes as the Welsh Ministers think fit which—
- (a) relate to appeals under section 195 of the 1990 Act and this article, and
 - (b) are capable of being carried out electronically.
- (6) Where a person gives notice of appeal to the Welsh Ministers using electronic communications, the provisions of article 32 apply.”