



Planning (Wales) Act 2015

2015 anaw 4

PART 7

ENFORCEMENT, APPEALS ETC

Appeals

46 Restrictions on right to appeal against enforcement notice

In section 174 of TCPA 1990 (appeal against enforcement notice), after subsection (2C) insert—

“(2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2) (a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—

- (a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;

Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Section 46. (See end of Document for details)

(b) an appeal has been dismissed under section 79(6A).”

Commencement Information

- I1** S. 46 partly in force; s. 46 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I2** S. 46 in force at 16.3.2016 in so far as not already in force by S.I. 2016/52, art. 5(c) (with art. 14)

Changes to legislation:

There are currently no known outstanding effects for the Planning (Wales) Act 2015, Section 46.