



# Planning (Wales) Act 2015

2015 anaw 4

## PART 7

### ENFORCEMENT, APPEALS ETC

#### *Appeals*

#### **48 Appeal against notice in respect of land adversely affecting amenity**

- (1) Section 217 of TCPA 1990 (the title of which becomes “ Appeal against a section 215 notice ”) is amended as follows.
- (2) In subsection (2), after “made” insert “—
  - (a) in the case of a notice relating to land in Wales, to the Welsh Ministers;
  - (b) in the case of a notice relating to land in England,”.
- (3) In subsection (4), after “appeal” insert “ the Welsh Ministers or (as the case may be) ”.
- (4) In subsection (5) after “appeal” insert “ the Welsh Ministers or (as the case may be) ”.
- (5) In subsection (6), omit “to a magistrates' court”.
- (6) After subsection (6) insert—
  - “(7) The Welsh Ministers may by regulations make provision, in respect of appeals made to them under this section—
    - (a) as to steps to be taken in connection with bringing an appeal (including as to the form and content of any notice required to be given, and persons to whom copies of it are to be provided);
    - (b) about information to be provided to the Welsh Ministers in connection with an appeal;
    - (c) as to the procedure by which an appeal under this section is to be considered (including provision about circumstances in which the appellant or the local planning authority must be given the

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*Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Section 48. (See end of Document for details)*

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opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for the purpose).”

- (7) In section 218 of TCPA 1990 (the title of which becomes “ Further appeal to the Crown Court: England ”), after “been brought” insert “to a magistrates' court”.
- (8) In section 289 of TCPA 1990 (the title of which becomes “ Appeals to High Court relating to enforcement notices and notices under sections 207 and 215 ”)—
- (a) after subsection (2) insert—
- “(2A) Where the Welsh Ministers give a decision in proceedings on an appeal under Part 8 against a notice under section 215, the appellant or the local planning authority or any other person having an interest in the land to which the notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Welsh Ministers to sign and state a case for the opinion of the High Court.”;
- (b) in subsection (4B), after “207” insert “ or 215 ”;
- (c) in subsection (5), after “the Secretary of State”, in each place where those words occur, insert “ or the Welsh Ministers ”.

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**Commencement Information**

- I1** S. 48 partly in force; s. 48 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I2** S. 48 in force at 5.5.2017 in so far as not already in force by S.I. 2017/546, art. 3(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Planning (Wales) Act 2015, Section 48.