

Status: Point in time view as at 28/09/2004.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Paragraph 9 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

AMENDMENTS OF THE PLANNING ACTS

Town and Country Planning Act 1990 (c. 8)

- 9 (1) Section 287 (procedure for questioning the validity of certain matters) is amended as follows.
- (2) For subsections (1) to (3) there are substituted the following subsections—
- “(1) This section applies to—
- (a) a simplified planning zone scheme or an alteration of such a scheme;
 - (b) an order under section 247, 248, 249, 251, 257, 258 or 277,
- and anything falling within paragraphs (a) and (b) is referred to in this section as a relevant document.
- (2) A person aggrieved by a relevant document may make an application to the High Court on the ground that—
- (a) it is not within the appropriate power, or
 - (b) a procedural requirement has not been complied with.
- (3) The High Court may make an interim order suspending the operation of the relevant document—
- (a) wholly or in part;
 - (b) generally or as it affects the property of the applicant.
- (3A) Subsection (3B) applies if the High Court is satisfied—
- (a) that a relevant document is to any extent outside the appropriate power;
 - (b) that the interests of the applicant have been substantially prejudiced by a failure to comply with a procedural requirement.
- (3B) The High Court may quash the relevant document—
- (a) wholly or in part;
 - (b) generally or as it affects the property of the applicant.
- (3C) An interim order has effect until the proceedings are finally determined.
- (3D) The appropriate power is—
- (a) in the case of a simplified planning zone scheme or an alteration of the scheme, Part III;
 - (b) in the case of an order under section 247, 248, 249, 251, 257, 258 or 277, the section under which the order is made.”
- (3) In subsection (5)—

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- (a) paragraph (a) is omitted;
- (b) in each of paragraphs (b) to (e) the words “by virtue of subsection (3)” are omitted.

(4) Subsection (6) is omitted.

Commencement Information

II Sch. 6 para. 9 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(h\)](#) (with [art. 4](#), [Sch. 2](#))

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