



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 5

#### CORRECTION OF ERRORS

#### 58 Effect of correction

- (1) If a correction is made in pursuance of section 56—
  - (a) the original decision is taken not to have been made;
  - (b) the decision is taken for all purposes to have been made on the date the correction notice is issued.
- (2) If a correction is not made—
  - (a) the original decision continues to have full force and effect;
  - (b) nothing in this Part affects anything done in pursuance of or in respect of the decision.
- (3) Section 288 of the principal Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were an action on the part of the Secretary of State to which that section applies, if the decision document in respect of which the correction notice is given records a decision mentioned in—
  - (a) paragraph (a) of section 59(4) below, or
  - (b) paragraph (b) of that section, if it is a decision mentioned in section 177 of the principal Act (grant or modification of planning permission on appeal against enforcement notice).
- (4) Section 289 of the principal Act (appeals to the High Court relating to enforcement notices and notices under section 207 of that Act) applies to the correction notice as if it were a decision of the Secretary of State mentioned in—
  - (a) subsection (1) of that section, if the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (b)

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*Status: This is the original version (as it was originally enacted).*

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- of section 59(4) below (not being a decision mentioned in section 177 of the principal Act), or
- (b) subsection (2) of that section, if the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (c) of section 59(4) below.
- (5) Section 63 of the listed buildings Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were a decision of the Secretary of State to which that section applies, if the decision document in respect of which the correction notice is given records a decision mentioned in any of paragraphs (d) to (f) of section 59(4) below.
- (6) Section 22 of the hazardous substances Act (proceedings for questioning the validity of certain decisions) applies to the correction notice as if it were a decision of the Secretary of State under section 20 or 21 of that Act, if the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (g) of section 59(4) below.
- (7) If the decision document in respect of which the correction notice is given records a decision mentioned in paragraph (h) of section 59(4) the Secretary of State must by order make provision for questioning the validity of the notice which corresponds to the provisions of the planning Acts mentioned in subsections (3) to (6) above.
- (8) Except to the extent provided for by virtue of this section a correction notice must not be questioned in any legal proceedings.