



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 5

CORRECTION OF ERRORS

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- (1) This section applies for the purposes of this Part.
- (2) An inspector is a person appointed under any of the planning Acts to determine appeals instead of the Secretary of State.
- (3) In the case of a decision document issued by an inspector any other inspector may act under this Part.
- (4) A decision document is a document which records any of the following decisions—
 - (a) a decision of any description which constitutes action on the part of the Secretary of State under section 284(3) of the principal Act (decisions which are not to be questioned in legal proceedings);
 - (b) a decision in proceedings on an appeal under Part 7 of that Act (enforcement notices);
 - (c) a decision in proceedings on an appeal under section 208 of that Act (appeals against enforcement notices relating to trees);
 - (d) a decision mentioned in section 62(2) of the listed buildings Act (decisions which are not to be questioned in legal proceedings);
 - (e) a decision on an appeal under section 39 of that Act (appeals against listed building enforcement notices);
 - (f) a decision relating to conservation area consent within the meaning of section 74(1) of that Act (consent required for demolition of certain buildings);

Status: This is the original version (as it was originally enacted).

- (g) a decision under section 20 or 21 of the hazardous substances Act (certain applications referred to and appeals determined by the Secretary of State);
 - (h) a decision under any of the planning Acts which is of a description specified by the Secretary of State by order.
- (5) A correctable error is an error—
- (a) which is contained in any part of the decision document which records the decision, but
 - (b) which is not part of any reasons given for the decision.
- (6) The applicant is—
- (a) in the case of a decision made on an application under any of the planning Acts, the person who made the application;
 - (b) in the case of a decision made on an appeal under any of those Acts, the appellant.
- (7) The owner in relation to land is a person who—
- (a) is the estate owner in respect of the fee simple;
 - (b) is entitled to a tenancy granted or extended for a term of years simple of which not less than seven years remain unexpired;
 - (c) is entitled to an interest in any mineral prescribed by a development order, in the case of such applications under the principal Act as are so prescribed.
- (8) Error includes omission.
- (9) For the purposes of the exercise of any function under this Part in relation to Wales references to the Secretary of State must be construed as references to the National Assembly for Wales.