

# Planning (Appeals) Bill

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**B I L L**

TO

Limit the grounds of appeal against decisions on planning applications consistent with a neighbourhood development plan or local plan; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Appeals against decisions consistent with a neighbourhood development plan or local plan**

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) After section 106C (legal challenges relating to development consent obligations) insert—

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*“Appeals and neighbourhood development or local plans*

**106D Appeals against decisions consistent with a neighbourhood development plan or local plan**

- (1) An appeal to the Secretary of State under any of the sections listed in subsection (2) may not be brought or continued against the refusal of an application for planning permission if the conditions in subsection (3) are met.
- (2) The relevant sections for subsection (1) are—
  - (a) section 78 (right to appeal against planning decisions and failure to take such decisions);
  - (b) section 106B (appeals in relation to applications under section 106A);
  - (c) section 174 (appeal against enforcement notice);
  - (d) section 195 (appeals against refusal or failure to give decision on application);
  - (e) section 208 (appeals against section 207 notices).

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- (3) The conditions are –
- (a) that the appeal relates to land in England, and
  - (b) that the appeal is against a decision consistent with –
    - (i) a neighbourhood development plan; or
    - (ii) a local plan, and
  - (c) such other conditions as may be prescribed by the Secretary of State in regulations.
- (4) The Secretary of State may by regulations specify how a local planning authority should determine and signify that a planning decision is consistent with –
- (a) a neighbourhood development plan; or
  - (b) a local plan.
- (5) In this section –
- “neighbourhood development plan” has the same meaning as in section 38A(2) of the Planning and Compulsory Purchase Act 2004;
  - “local plan” has the same meaning as in regulation 6 of the Town and Country Planning (England) Regulations 2012 (S.I. 2012/767).”

## **2 Extent, commencement and short title**

- (1) This Act extends to England and Wales only.
- (2) This Act (other than this section) comes into force on such day as the Secretary of State may by regulations exercisable by statutory instrument appoint.
- (3) This Act may be cited as the Planning (Appeals) Act 2019.

# Planning (Appeals) Bill

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## B I L L

To limit the grounds of appeal against decisions on planning applications consistent with a neighbourhood development plan or local plan; and for connected purposes.

*Ordered to be brought in by John Howell,  
Sir Oliver Letwin, Sir Nicholas Soames,  
Sir David Evennett, Nick Herbert,  
Sir Geoffrey Clifton-Brown, David Hanson,  
Kevin Hollinrake, Gillian Keegan,  
Victoria Prentis, Damien Moore  
and Stephen Lloyd.*

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*Ordered, by The House of Commons,  
to be Printed, 4th December 2018.*

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