

Status: This version of this provision is prospective.

Changes to legislation: Levelling-up and Regeneration Act 2023, Section 119 is up to date with all changes known to be in force on or before 22 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) View outstanding changes



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 5

ENFORCEMENT OF PLANNING CONTROLS

PROSPECTIVE

119 Undue delays in appeals

(1) TCPA 1990 is amended as follows.

(2) In section 176 (determination of appeals relating to enforcement notices), at the end insert—

“(6) If at any time before or during the determination of an appeal against an enforcement notice issued by a local planning authority in England it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.”

(3) In section 195 (appeals relating to certificates of lawfulness), after subsection (3) insert—

“(3A) Where the local planning authority referred to in subsection (1) is in England, if at any time before or during the determination of an appeal under

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subsection (1)(a) or (b) it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.”

(4) In Schedule 6 (determination of certain appeals by person appointed by Secretary of State), in paragraph 2 (powers and duties of appointed person)—

- (a) in sub-paragraph (1)(b) for “and (5)” substitute “, (5) and (6)”;
- (b) in sub-paragraph (1)(c), for “and (3)” substitute “, (3) and (3A)”.

Commencement Information

II S. 119 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

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Changes and effects yet to be applied to :

- s. 119 coming into force by [S.I. 2024/452 reg. 3\(f\)](#)