(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of Section 79(1), in relation to an appeal made under subsection (1) (d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

(1) On an appeal under Section 78 the Secretary of State may

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under Section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) Subject to subsection (2), the provisions of section 70 (1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under Section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

(7) Schedule 6 applies to appeals under Section 78.



TREE PRESERVATION ORDER

13.53 / 2/ 06 /L

Land rear of 6-16 Fairview Road, 69 & 77 Mill Road, Lancing
A1: Hatched area - all Ash, Sycamore and Hawthorn

ADUR
DISTRICT COUNCIL

CHIEF EXECUTIVES DEPARTMENT

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