

# **Objections in planning permission proceeding and building permit proceeding**

## **Abstract**

The thesis focuses on objections as a key institute by which participants can defend their rights in the planning permission proceedings and building permit proceedings – the objections. The aim of the thesis is to map this institute both in terms of its procedural use and in terms of the facts that the participants in the proceedings apply in these objections. The author of the thesis does so due to the fact that no professional literature deals directly with this topic. The thesis is divided into several parts. The first part briefly describes the basic principles and mechanisms of planning permission proceeding and building permit proceeding, which are key for a proper understanding of the meaning of objections. The second part briefly describes the history of objections in the legislation from the second half of the nineteenth century to the present and the third part explains the concept of objections from the perspective of administrative law and construction law. The main content of the thesis is then in the fourth and fifth part. In these parts, the institute of objections is described first in the planning permission proceedings and then in the building permit proceedings. It describes in detail who is entitled to file objections, how to proceed with their submission and how the building office should deal with them. The facts against which the party to the proceedings is entitled to defend itself within the framework of its objections are also described in detail.

The thesis also describes the possibilities of subjects to defend their rights in alternative procedures to planning permission and building permit proceedings, which are Summary planning permission proceedings, planning and building consent, replacement of planning permission and building permit by a public law contract and summary building permit proceedings. Attention is also paid to objections in joint proceedings. The last part of the thesis describes in general terms the current legislation against the proposed legislation, which as of the date of conclusion of this thesis is the subject of a legislative process in the Chamber of Deputies.

The thesis first tries to describe the individual aspects of the institute of objections in planning permission and building permit proceedings from the available professional literature, with special emphasis placed on commentary literature. It then tries to answer specific questions from relatively extensive case law, especially the case law of the Supreme

Administrative Court. The thesis managed to map the key aspects of the institute of objections and the thesis can serve as an orientation in the case of exercising one's rights in proceedings before the building office.