

Planning permission procedure: process, decision and means of defence

Abstract

The topic of the thesis is the planning permission procedure, which is regulated in Act No. 183/2006 Coll., on town and country planning and building code (Building Act) and its goal is to issue one of the types of planning permission. Planning permission procedure follows town and country planning and at the same time other administrative procedures follow planning permission procedure. In many cases successful planning permission procedure is an indispensable and key precondition of the realization of applicant's intention.

The thesis deals with the procedure itself, specifically elements of application for planning permission, commence procedure, types of delivery of written instruments, defining of participants of procedure, applying the principle of concentration, conditions and content of binding assessments for issuance of the decision, objections and remarks. Also the thesis focuses on planning permission itself (its elements and content), types of planning permissions, time-limit for issuing of the decision and methods how application should be considered.

The thesis deals with issues which are related with supervising and remedial measures. In particular review of binding assessments for issuance of the decision, adjudication of suspensory effect of a motion in administrative judiciary, local jurisdiction in administrative judiciary, actions in public interest, an action against administrative act connected with a motion to cancel the plan or its part, renewal of proceedings after the cancellation the plan or its part by administrative court and regulation which can be found in civil law.

The thesis also reflects the research of the case law of Metropolitan Court in Prague and Supreme Administrative Court and presents short review of the role planning permission procedure in the draft of the new Building Act.

Key words: planning permission procedure; planning permission; administrative judiciary; remedial measures