

1977 No. 477

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (Determination  
of appeals by appointed persons) (Prescribed  
Classes) (Amendment) Regulations 1977**

<i>Made - - - -</i>	<i>14th March 1977</i>
<i>Laid before Parliament</i>	<i>22nd March 1977</i>
<i>Coming into Operation</i>	<i>12th April 1977</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 287 of and paragraph 1 of Schedule 9 to the Town and Country Planning Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited at the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) (Amendment) Regulations 1977 and the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972(b) and these regulations may be cited together as the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972 to 1977.

(2) These regulations shall come into operation on 12th April 1977.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. The Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972 are hereby amended as follows:—

(a) In regulation 2(1) for the definition of “local planning authority” there shall be substituted the following definition—

“ ‘local planning authority’, except in regulation 5, means—

- (a) the county planning authority or the district planning authority (within the meaning of section 1 of the Act) for the area in which the land is situate; or
- (b) in relation to appeals affecting land within Greater London, the authority which, by virtue of Schedule 3 to the Act or of regulations made under paragraph 3 of that Schedule is the local planning authority in relation to the class of development concerned in the area of Greater London where the land is;”.

(a) 1971 c. 78.

(b) S.I. 1972/1652 (1972 III, p. 4852).

(c) 1889 c. 63.

(b) For regulation 3 there shall be substituted the following regulation—

“3. Subject to the next following regulation, the Secretary of State hereby prescribes the following classes of appeal to be determined by a person appointed for the purpose by the Secretary of State instead of by the Secretary of State, namely:—

(a) appeals under section 36 of the Act (appeals against planning decisions), as originally enacted or as applied by section 37 of the Act (appeals in default of planning decision), where the appeal relates to an application for planning permission to carry out development of land or for approval of matters reserved by a planning permission for development of land, being in either case development wholly within any one or more of the descriptions in the classes of appeal specified in Schedule 1 to these regulations;

(b) appeals under section 88 of the Act (appeals against enforcement notices) where the breach of planning control alleged in the enforcement notice consists in—

(i) the carrying out of development wholly within any one or more of the descriptions in the classes of appeal specified in paragraphs 1 to 5 of Schedule 1 to these regulations; or

(ii) the making of a material change in the use of any land for any purpose other than an excepted purpose; or

(iii) the carrying out of development wholly within two or more of any of the above descriptions,

or failure to comply with a condition or limitation on a grant of planning permission for any such development.”.

(c) For regulation 4 there shall be substituted the following regulation—

“4. The foregoing regulation shall not apply to any such appeal as mentioned therein if it relates to an application in respect of development falling within any one or more of the classes of case specified in Schedule 2 to these regulations, or to an enforcement notice alleging a breach of planning control in respect of development falling within any one or more of the classes of case specified in the said Schedule.”.

14th March 1977.

*Peter Shore,*  
Secretary of State for the Environment.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Town and Country Planning (Determination of appeals by appointed persons) (Prescribed Classes) Regulations 1972, which prescribe certain classes of appeals under sections 36 and 37 of the Town and Country Planning Act 1971 and certain classes of enforcement appeals as classes of appeal which are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State. By virtue of the amendments, a greater number of classes of enforcement appeals are now prescribed to be determined by appointed persons.

Regulation 3 (which sets out the prescribed classes of appeals) formerly provided, in relation to enforcement appeals, that only those appeals which concerned operations or a use of land which came within one or more of the descriptions set out in Schedule 1 to the regulations should be dealt with by an appointed person, with the result that certain limitations on the number or size of buildings or the area of land involved which are set out in Schedule 1 applied. Under the regulation as amended, those limitations are removed so far as enforcement appeals relating to uses of land are concerned. (The limitations remain in respect of other enforcement appeals and in respect of appeals under sections 36 and 37 of the Act of 1971.)

Regulation 4 (which provides that certain specified classes of appeal are reserved for determination by the Secretary of State) is amended by the deletion of all reference to enforcement appeals: formerly, enforcement appeals which were made on any of the grounds set out in paragraphs (b) to (e) of section 88(1) of the Act of 1971 were reserved for determination by the Secretary of State.

In addition, the definition of "local planning authority" in the regulations has been amended to take account of the Act of 1971 and the changes made by the Local Government Act 1972 (1972 c. 70).

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