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STATUTORY INSTRUMENTS

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**1986 No. 420**

**TRIBUNALS AND INQUIRIES**

**The Town and Country Planning (Various  
Inquiries) (Procedure) (Amendment) Rules 1986**

<i>Made</i>	- - - -	<i>27th February 1986</i>
<i>Laid before Parliament</i>		<i>11th March 1986</i>
<i>Coming into Operation</i>		<i>1st April 1986</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 11 of the Tribunals and Inquiries Act 1971 and by that section as applied by paragraph 7 of Schedule 9 to the Town and Country Planning Act 1971 and after consultation with the Council on Tribunals, hereby makes the following Rules:—

**1.** These Rules may be cited as the Town and Country Planning (Various Inquiries) (Procedure) (Amendment) Rules 1986 and shall come into operation on 1st April 1986.

**2.—(1)** The Town and Country Planning (Inquiries Procedure) Rules 1974 shall have effect subject to the amendments set out in Schedule 1.

(2) The Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 shall have effect subject to the amendments set out in Schedule 2.

(3) The Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1981 shall have effect subject to the amendments set out in Schedule 3.

Dated 27th February 1986

*Hailsham of St. Marylebone, C*

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## SCHEDULE 1

### AMENDMENT OF THE TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) RULES 1974

In rule 2,—

- (a) in paragraph 1(c) for “section 8 of and Schedule 2 to the Town and Country Planning (Amendment) Act 1972” there shall be substituted “section 277A of that Act”(1); and (b) paragraph (2) shall be omitted.

In rule 3(1),—

- (a) after the definition of “appointed person” the following definition shall be inserted:—  
““the Commission” means the Historic Buildings and Monuments Commission for England;”;
- (b) the definition of “county planning authority” and “district planning authority” shall be omitted;
- (c) in the definition of “listed building consent” for “section 8 of the Town and Country Planning (Amendment) Act 1972” there shall be substituted “section 277A of the Act”; and
- (d) there shall be substituted for the definition of “local planning authority” the following:—  
““local planning authority” means—
  - (i) in relation to an application referred to the Secretary of State, the local planning authority, or any local authority or committee acting pursuant to section 101 of the Act of 1972, who would otherwise have dealt with the application; and
  - (ii) in relation to an appeal, the local planning authority, or any such local authority or committee, who were responsible for dealing with the application.”.

There shall be added as rule 4(3) the following paragraph:—

“(3) Where, in a case relating to listed building consent, the Commission has given a direction to the local planning authority pursuant to paragraph 6(2)(b) of Schedule 11 to the Act as to how the application is to be determined, the Commission shall at the request of that authority forthwith provide them with a statement in writing of the reasons for the direction.”.

There shall be added as rule 6(3A) the following paragraph:—

“(3A) In a case where any such direction as is mentioned in rule 4(3) has been given, the local planning authority shall include in their statement the terms of the direction and of any statement of reasons for the direction provided by the Commission.”.

In rule 7(1),—

- (a) there shall be inserted after “Greater London” in paragraph (c) the words “or a metropolitan county”; and
- (b) there shall be added after sub-paragraph (j) the following sub-paragraph:—  
“(k) where the application was required to be notified to the Commission under paragraph 6 of Schedule 11 to the Act (listed building consent in Greater London), the Commission.”.

There shall be added as rule 9A:—

#### **“Representatives of the Commission at inquiry**

**9A.—**(1) In a case falling within rule 4(3), the applicant or the local planning authority may, not later than 14 days before the date of the inquiry, apply in writing to the Secretary of State for a representative of the Commission to be made available at the inquiry.

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(1) Section 277A of the Town and Country Planning Act 1971 was inserted by the Town and Country Amenities Act 1974 (c.32), section 1(1).

(2) The Secretary of State shall transmit any application made under paragraph (1) to the Commission who shall make a representative available to attend the inquiry.

(3) A representative of the Commission who, in pursuance of paragraph (2), attends the inquiry shall be called as a witness by the local planning authority and shall give evidence and be subject to cross-examination to the same extent as any other witness.”.

Rule 16 shall be omitted.

## SCHEDULE 2

### AMENDMENT OF THE TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION BY APPOINTED PERSONS) (INQUIRIES PROCEDURE) RULES 1974

In rule 2,—

- (a) in paragraph 1(c) for “section 8 of and Schedule 2 to the Town and Country Planning (Amendment) Act 1972” there shall be substituted “section 277A of that Act”; and
- (b) paragraph (2) shall be omitted.

In rule 3(1),—

- (a) after the definition of “appointed person” the following definition shall be inserted:—  
““the Commission” means the Historic Buildings and Monuments Commission for England;”;
- (b) the definition of “county planning authority” and “district planning authority” shall be omitted;
- (c) in the definition of “listed building consent” for “section 8 of the Town and Country Planning (Amendment) Act 1972” there shall be substituted “section 277A of the Act”; and
- (d) there shall be substituted for the definition of “local planning authority” the following:—  
““local planning authority” means the local planning authority, or any local authority or committee acting pursuant to section 101 of the Act of 1972, who were responsible for dealing with the application.”.

There shall be added as rule 4(3) the following paragraph:—

“(3) Where, in a case relating to listed building consent, the Commission has given a direction to the local planning authority pursuant to paragraph 6(2)(b) of Schedule 11 to the Act as to how the application is to be determined, the Commission shall at the request of that authority forthwith provide them with a statement in writing of the reasons for the direction.”.

There shall be added as rule 7(2A) the following paragraph:—

“(2A) In a case where any such direction as is mentioned in rule 4(3) has been given, the local planning authority shall include in their statement the terms of the direction and of any statement of reasons for the direction provided by the Commission.”.

In rule 9(1),—

- (a) there shall be inserted after “Greater London” in paragraph (c) the words “or a metropolitan county”; and
- (b) there shall be added after sub-paragraph (j) the following sub-paragraph:—  
“(k) where the application was required to be notified to the Commission under paragraph 6 of Schedule 11 to the Act (listed building consent in Greater London), the Commission.”.

There shall be added as rule 11A:—

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**“Representatives of the Commission at inquiry**

**11A.**—(1) In a case falling within rule 4(3), the applicant or the local planning authority may, not later than 14 days before the date of the inquiry, apply in writing to the Secretary of State for a representative of the Commission to be made available at the inquiry.

(2) The Secretary of State shall transmit any application made under paragraph (1) to the Commission who shall make a representative available to attend the inquiry.

(3) A representative of the Commission who, in pursuance of paragraph (2), attends the inquiry shall be called as a witness by the local planning authority and shall give evidence and be subject to cross-examination to the same extent as any other witness.”.

Rule 19 shall be omitted.

SCHEDULE 3

AMENDMENT OF THE TOWN AND COUNTRY PLANNING  
(ENFORCEMENT) (INQUIRIES PROCEDURE) RULES 1981

In rule 2,—

(a) there shall be substituted for paragraph (1)(d):—

“(d) to local inquiries held by a person appointed by the Secretary of State under Schedule 9 to the Town and Country Planning Act 1971 to determine appeals under section 97 (listed building enforcement notices) or under that section as extended by section 277A (buildings in conservation areas); and

(e) to local inquiries caused by the Secretary of State to be held in connection with the determination by him of applications or appeals under section 95 of the Town and Country Planning Act 1971 (established use certificates).”;

and

(b) paragraph (2) shall be omitted.

In rule 3,—

(a) the definition of “county planning authority” and “district planning authority” shall be omitted; and

(b) for the definition of “local planning authority” there shall be substituted:—

““local planning authority” means the body who issued the relevant enforcement notice or listed building enforcement notice or the body to whom it fell to determine the relevant application for an established use certificate;”

For rule 8(1) there shall be substituted:—

“(1) The persons entitled to appear at the inquiry are—

(a) the appellant;

(b) the local planning authority;

(c) any person on whom the Secretary of State has required notice to be served under rule 4(2)(b);

(d) a body of any of the following descriptions where the relevant land is in the area in which that body has responsibilities and it is not otherwise entitled to appear—

(i) a county council,

(ii) a London borough council,

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- (iii) a district council,
  - (iv) a National Park Committee,
  - (v) a joint or special planning board,
  - (vi) a new town development corporation,
  - (vii) an urban development corporation,
  - (viii) an enterprise zone authority;
- (e) where the inquiry relates to a listed building enforcement notice concerning a building in Greater London and it is not otherwise entitled to appear, the Historic Buildings and Monuments Commission for England.

In this paragraph “London borough council” includes the Common Council of the City of London and “district council” includes the Council of the Isles of Scilly.”.

Rule 18 shall be omitted.

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#### EXPLANATORY NOTE

These rules amend—

the Town and Country Planning (Inquiries Procedure) Rules 1974;

the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974; and

the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1981.

The amendments are mainly minor and consequential upon the abolition of the Greater London Council and metropolitan county councils and the transfer of certain functions of the Greater London Council to the Historic Buildings and Monuments Commission for England (“English Heritage”). In addition, the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1981 are applied to inquiries held for the purpose of appeals under section 97 of the Town and Country Planning Act 1971 against listed building enforcement notices where such appeals fall to be determined by a person appointed by the Secretary of State.