

---

STATUTORY INSTRUMENTS

---

**1991 No. 2804**

**The Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991**

**PART III  
APPEALS**

**Statement by appellant**

5. A person who makes an appeal to the Secretary of State under section 174(3) of the principal Act or section 39(2)(1) of the Listed Buildings Act against an enforcement notice and who does not include with it a statement in writing specifying the grounds on which he is appealing against the notice and stating briefly the facts on which he proposes to rely in support of each of those grounds, shall deliver such a statement to the Secretary of State not later than 14 days from the date on which the Secretary of State sends him a notice so requiring him.

**Local planning authority to send copy of notice to Secretary of State**

6. Where an appeal has been made to the Secretary of State against an enforcement notice the local planning authority who issued the notice shall if so required by the Secretary of State send to him, not later than 14 days from the date on which the Secretary of State gives them notice that the appeal has been made, a copy of the enforcement notice and a list of the names and addresses of the persons on whom a copy of the notice was served under section 172(2) of the principal Act or section 38(4) of the Listed Buildings Act, as the case may be.

**Statement by local planning authority**

7.—(1) Where an appeal has been made to the Secretary of State against an enforcement notice issued by a local planning authority, the authority shall submit to the Secretary of State and serve on the appellant a statement indicating the submissions which they propose to put forward on the appeal, including the following matters—

- (a) a summary of the authority's response to each ground of appeal pleaded by the appellant;
- (b) a statement whether the authority would be prepared to grant planning permission for the matters alleged in the enforcement notice to constitute the breach of planning control, or to grant listed building consent or conservation area consent for the works to which the listed building enforcement notice or conservation area enforcement notice relates, as the case may be, and, if so, particulars of the conditions, if any, which they would wish to impose on such permission or consent.

(2) Any statement which is required to be served by paragraph (1) of this regulation shall be served—

- (a) where a local inquiry is to be held, not later than 28 days before the date of the inquiry, or such later date as may be agreed in writing by the Secretary of State, the appellant and the local planning authority,
- (b) in any other case, not later than 28 days from the date on which the Secretary of State sends to the authority a notice requesting the statement.

**Public notice of appeal**

8.—(1) Where an appeal has been made to the Secretary of State against an enforcement notice issued by a local planning authority and he proposes not to hold a local inquiry, the authority shall give notice of the appeal to occupiers of properties in the locality of the site to which the enforcement notice relates and to any other persons who in the opinion of the authority are affected by the breach of planning control or contravention of listed building or conservation area control which is alleged in the enforcement notice.

- (2) Any notice given under paragraph (1) of this regulation shall include—
  - (a) a description of the alleged breach of control;
  - (b) in the case of an appeal against an enforcement notice issued under section 172 of the principal Act, a statement of the reasons specified in the notice under regulation 3(a) of these Regulations;
  - (c) the grounds on which the appellant appealed against the enforcement notice; and
  - (d) a statement inviting interested persons to submit comments in writing to the local planning authority within such time as may be specified in the notice.