
STATUTORY INSTRUMENTS

2002 No. 2682

The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

PART 3

APPEALS

Statement of appeal

6. A person who makes an appeal to the Secretary of State under section 174(3) of the Planning Act or section 39(2) of the Listed Buildings Act against an enforcement notice shall submit to the Secretary of State, a statement in writing—

- (i) specifying the grounds on which he is appealing against the notice; and
- (ii) setting out briefly the facts on which he proposes to rely in support of each of those grounds,

and if such a statement is not included with the appeal he shall deliver it to the Secretary of State not later than 14 days from the date on which the Secretary of State sends him a notice requiring him to do so.

Notification of appeal to the local planning authority

7. Upon receipt of the statement under regulation 6 the Secretary of State shall notify the local planning authority in writing that an appeal has been made and copy to them the appeal and the statement made under regulation 6.

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

8. Where the local planning authority receives notification under regulation 7 that an appeal has been made to the Secretary of State, the local planning authority shall send to the Secretary of State, not later than 14 days from the date of that notification, a certified copy of the enforcement notice and a list of names and addresses of the persons on whom a copy of the notice has been served under section 172(2) of the Planning Act or section 38(4) of the Listed Buildings Act, as the case may be.

Statement by local planning authority

9.—(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 any person on whom a copy of the enforcement notice has been served, a statement indicating the submissions which they propose to put forward on the appeal, including—

- (a) a summary of the authority's response to each of the grounds on which the appeal is brought 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

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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 the permission or consent.

(2) Any statement which is required to be submitted under paragraph (1) shall be submitted within 6 weeks of the starting date.

(3) In paragraph (2) “starting date” means the date of—

- (a) the Secretary of State’s written notice under regulation 10; or
- (b) the Secretary of State’s written notice under rule 4 of the Hearings Rules, rule 4 of the Inspectors Inquiries Rules or rule 4 of the Inquiries Rules, informing the appellant and the local planning authority that an inquiry or hearing, as the case may be, is to be held,

whichever is the later.

Notice of receipt of all required documents

10. When the Secretary of State considers that he has received all the documents required to enable him to entertain the appeal he shall send a notice to this effect to the appellant and the local planning authority.