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STATUTORY INSTRUMENTS

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**2009 No. 452**

**The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009**

**PART 1**

**Procedure for Householder Appeals**

**Notification of receipt of appeal**

**4.** The Secretary of State shall, as soon as practicable after a determination has been made under section 319A of the Act, advise the appellant and the local planning authority in writing—

- (a) of the reference number allocated to the appeal;
- (b) that the appeal will follow the procedures set out in Part 1 of these Regulations; and
- (c) of the address to which written communications to the Secretary of State about the appeal are to be sent.

**Questionnaire**

**5.** The local planning authority shall, within 5 working days of the starting date, send to the Secretary of State and copy to the appellant—

- (a) a completed questionnaire; and
- (b) a copy of each of the documents referred to in it.

**Notice to interested persons**

**6.—(1)** The local planning authority shall give written notice of the appeal within 5 working days of the starting date to—

- (a) any person notified or consulted in accordance with the Act or a development order about the application which has given rise to the appeal; and
- (b) any other person who made representations to the local planning authority about that application.

(2) A notice under paragraph (1) shall—

- (a) state the name of the appellant and the address of the site to which the appeal relates;
- (b) describe the application;
- (c) state the starting date;
- (d) set out the matters notified to the appellant and the local planning authority under regulation 4(a) and (b); and
- (e) state that any representations made to the local planning authority in relation to the application, before it was determined, will be sent to the Secretary of State and the appellant by the local planning authority and will be considered by the Secretary of State

when determining the appeal unless they are withdrawn in writing within 4 weeks of the starting date.

### **Representations**

7.—(1) The notice of appeal and the documents accompanying it shall comprise the appellant's representations in relation to the appeal.

(2) The completed questionnaire and documents sent with it shall comprise the local planning authority's representations in relation to the appeal.

(3) The Secretary of State shall, as soon as practicable after receipt, send a copy of the representations made by the local planning authority to the appellant and shall send a copy of the representations made by the appellant to the local planning authority.

### **Further information**

8.—(1) The Secretary of State may in writing require the appellant, local planning authority and other interested persons, to provide such further information relevant to the appeal as may be specified.

(2) Such information must be provided in writing within such period as the Secretary of State may specify.

(3) The Secretary of State may disregard any further information unless that information has been requested pursuant to paragraph (1).

### **Transfer of appeal from Part 1**

9.—(1) At any time before an appeal is determined, the Secretary of State may determine that the procedures set out in this Part are no longer suitable for that appeal.

(2) Where such a determination is made the Secretary of State shall notify the appellant and the local planning authority in writing that—

- (a) the appeal is to be transferred from the procedures set out in Part 1 of these Regulations; and
- (b) the appeal will proceed in accordance with Part 2 of these Regulations to such extent as the Secretary of State may specify having regard to any steps already taken in relation to those proceedings.

### **Decision on householder appeal under Part 1**

10.—(1) The Secretary of State may, after giving the appellant and the local planning authority written notice of the intention to do so, proceed to a decision on an appeal taking into account only those representations which have been sent within the relevant time limits, where it appears that there is sufficient material to enable a decision to be reached.

(2) In paragraph (1) "relevant time limits" means the time limits prescribed by these Regulations, or where the Secretary of State has exercised the power under regulation 17, any later time limit.