
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 which sets out the documents that must be submitted with a notice of appeal. These amendments apply to most appeals under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”). They do not apply if a national security direction is issued by the Secretary of State, or to urgent Crown development.

Applicants will be required to submit a greater amount of information with their appeal forms. They will have to submit their full statement of case, a statement of what procedure they think should be used to consider their appeal, and where relevant a draft statement of common ground. These terms are defined in new regulation 8(5). Applicants will have to send copies of these documents and the notice of appeal to the local planning authority as well as the Secretary of State.

If the appeal is to be determined by an inquiry, the procedure is set out in the Town and Country Planning (Inquiries Procedure) (England) Rules 2000(1) or the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(2), if the appeal is to be determined by inspectors appointed by the Secretary of State. If the appeal is to be determined by a hearing, the procedure is set out in the Town and Country Planning (Hearings Procedure) (England) Rules 2000(3).

We are amending these procedural instruments at the same time, to reflect the changes we are making in these Regulations. The amending instrument is the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 (“the Amendment Rules”).

We are making similar changes to the planning appeals system at the same time through the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 (“the DMPO Amendment Order”). We are also amending the procedure for planning appeals determined by written representations through the Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 (“the Written Representations Amendment Regulations”).

These Regulations also change the starting point of the period within which an appeal must be made. Rather than being made within 6 months of receipt of a decision notice, an appeal must be made within 6 months of the date of the notice.

A combined impact assessment is being prepared for these Regulations, the Amendment Rules, the DMPO Amendment Order and the Written Representations Amendment Regulations. The assessment will be placed in the Library of each House of Parliament and on the Department for Communities and Local Government website (<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>).

(1) S.I. 2000/1624, as amended by S.I. 2002/1223, 2003/956, 2006/1282, 2008/2831 and 2009/455.

(2) S.I. 2000/1625, as amended by S.I. 2003/956, 2008/2831 and 2009/455.

(3) S.I. 2000/1626, as amended by S.I. 2003/956 and 2009/455.