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STATUTORY INSTRUMENTS

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**2013 No. 2137**

**The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013**

**Amendments to the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000**

4.—(1) Subject to rule 6, the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(1) are amended in accordance with this rule.

(2) In rule 2 (interpretation)—

(a) after the definition of “document” insert—

““draft statement of common ground” means the draft statement of common ground (if any) submitted in accordance with article 33 of the 2010 Order(2) or regulation 8 of the Listed Buildings Regulations(3)

(b) after the definition of “electronic communication” insert—

““full statement of case”—

(a) means, in relation to the applicant, the full statement of case submitted with their notice of appeal under article 33 of the 2010 Order or regulation 8 of the Listed Buildings Regulations; and

(b) in relation to everyone else means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward and copies of any documents which that person intends to refer to or put in evidence;”;

(c) after the definition of “the Listed Buildings Act” insert—

““the Listed Buildings Regulations” means the Planning (Listed Buildings and Conservation Areas) Regulations 1990(4);”;

(d) after the definition of “local planning authority” insert—

““the 2010 Order” means the Town and Country Planning (Development Management Procedure) (England) (Order) 2010(5)

(e) omit the definition of “statement of case”.

(3) In rule 4(4) (preliminary information to be supplied by local planning authority) substitute “1 week” for “2 weeks”.

(4) In rule 6 (receipt of statements of case etc)—

(a) in the title insert “full” before “statements of case”;

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

(2) S.I. 2010/2184, as amended by an Order coming into force on the same day as this amendment.

(3) S.I. 1990/1519, as amended by S.I. 2004/3341 and Regulations coming into force on the same day as this amendment.

(4) S.I. 1990/1519, as amended by S.I. 2004/3341, Regulations coming into force on the same day as this amendment and in other ways not relevant to these Rules.

(5) S.I. 2010/2184, as amended by an Order coming into force on the same day as this amendment and other ways not relevant to these Rules.

- (b) substitute “full statement of case” for “statement of case” wherever it appears;
  - (c) in paragraph (1) substitute “5 weeks” for “6 weeks”;
  - (d) for paragraph (3) substitute—
    - “(3) As soon as practicable after receiving the information in rule 4(1) (preliminary information to be supplied by local planning authority), the appellant shall ensure that a copy of their full statement of case has been received by any statutory party.”;
  - (e) in paragraph (4) omit the words from “and a copy of the appellant’s” to the end;
  - (f) omit paragraph (5);
  - (g) in paragraph (8) insert “, article 33 of the 2010 Order, or regulation 8 of the Listed Buildings Regulations,” after “in accordance with these Rules”;
  - (h) omit paragraph (11);
  - (i) in paragraph (12) insert “, article 33 of the 2010 Order, or regulation 8 of the Listed Buildings Regulations,” after “in accordance with this rule”, and omit the words “in this rule”; and
  - (j) in paragraph (13)—
    - (i) in sub-paragraph (a) insert “, article 33 of the 2010 Order, or regulation 8 of the Listed Buildings Regulations” after “in accordance with this rule”; and
    - (ii) in sub-paragraph (b) omit from “together with a copy” to “comprised in that statement”.
- (5) In rule 7(1) (statement of matters and pre-inquiry meetings) substitute “10 weeks” for “12 weeks”.
- (6) In rule 10 (date and notification of inquiry)—
- (a) in paragraph (1)(a) substitute “16 weeks” for “20 weeks”;
  - (b) in paragraph (3) substitute “16 weeks” for “20 weeks”; and
  - (c) in paragraph (7)(d) insert “, article 33 of the 2010 Order, or regulation 8 of the Listed Buildings Regulations,” after “pursuant to rule 6”.
- (7) In rule 11(1)(h) (appearances at inquiry) substitute “full statement of case” for “statement of case”.
- (8) In rule 15(1)(b) (statement of common ground) substitute “5 weeks” for “6 weeks”.
- (9) In rule 16(10) (procedure at inquiry)—
- (a) substitute “full statement of case” for “statement of case”; and
  - (b) insert “, article 33 of the 2010 Order, or regulation 8 of the Listed Buildings Regulations,” after “under rule 6”.
- (10) In rule 22(1)(a) (additional copies)—
- (a) substitute “full statement of case” for “statement of case”; and
  - (b) insert “, article 33 of the 2010 Order, or regulation 8 of the Listed Buildings Regulations” after “with rule 6”.
- (11) In rule 24(2)(c) (Mayor of London: modifications to rule 6)—
- (a) substitute “full statement of case” for “statement of case” wherever it appears;
  - (b) for paragraph (ii) substitute—
    - “(ii) in paragraph (3) insert “and the Mayor, and that the Mayor has received a copy of their draft statement of common ground” after “any statutory party”;
  - (c) in paragraph (iii) in the substituted paragraph (4)—

- (i) in sub-paragraph (a) substitute “statement” for “statements” and omit “the appellant and”; and
- (ii) in sub-paragraph (b) substitute “statement” for “statements” and omit “the appellant and”; and
- (d) omit paragraph (iv).