

1986 No. 623

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Determination of Appeals by Appointed Persons) Regulations 1986

Made - - - - - 26th March 1986

Laid before Parliament 8th April 1986

Coming into Operation 1st May 1986

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 287 of, and paragraph 1 of Schedule 9 to, the Town and Country Planning Act 1971(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Town and Country Planning (Determination of Appeals by Appointed Persons) Regulations 1986 and shall come into operation on 1st May 1986.

2.—(1) The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1981(b) shall be amended in accordance with this regulation.

(2) In regulation 3, the word “and” shall be omitted at the end of paragraph (a) and there shall be added at the end of the regulation:—

“(c) appeals under section 97 of the Act (c) (listed building enforcement notices), including appeals under that section as having effect by virtue of section 277A of the Act (d) (conservation areas); and

(d) appeals under paragraph 8 of Schedule 11 to the Act (listed building consent) including appeals under that paragraph as having effect by virtue of section 277A).”.

(3) In regulation 4, the word “and” shall be omitted at the end of paragraph (b) and there shall be added at the end of the regulation:—

“(c) appeals relating to applications to demolish listed buildings or enforcement notices concerned with the demolition of such buildings;

(d) appeals relating to applications to alter or extend Grade I or Grade II* listed buildings or to enforcement notices concerned with the alteration or extension of such buildings;

(a) 1971 c. 78.

(b) S.I. 1981/804.

(c) Section 97 of the Town and Country Planning Act 1971 (c.78) was substituted by the Local Government and Planning (Amendment) Act 1981 (c.41), section 1 and Schedule, paragraph 9.

(d) Section 277A of the 1971 Act was inserted by the Town and Country Amenities Act 1974 (c.32), section 1(1).

- (e) appeals relating to buildings for which grants have been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953^(a); and
 - (f) appeals referred to in regulation 3(c) or (d) above relating to buildings in Wales.”.
- (4) Regulation 6 (which is spent) shall be omitted.

Kenneth Baker,
Secretary of State
for the Environment.

26th March 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Town and Country Planning Act 1971 provides a right of appeal to the Secretary of State against certain decisions of local planning authorities.

Under Schedule 9 to the Act the Secretary of State may by regulation prescribe classes of appeals for determination not by him but by a person appointed by him (an “inspector”).

These regulations amend the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1981 to prescribe further classes of appeals.

The appeals now prescribed are those concerned with listed building consent, consent to demolish buildings in conservation areas and enforcement notices related to cases where such consent is required (regulation 2(2)). Exceptions are made by regulation 2(3). The Secretary of State will continue to consider cases involving the demolition of listed buildings, the alteration or extension of Grade I or Grade II* listed buildings and cases involving buildings for which grants have been made under the Historic Buildings and Ancient Monuments Act 1953. These regulations do not affect appeals relating to buildings in Wales.

^(a) 1953 c.49; section 3A was inserted by the National Heritage Act 1983 (c.47), section 33 and Schedule 4, paragraph 3.

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