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STATUTORY INSTRUMENTS

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**2002 No. 2682**

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

PART 4

NOTICES ISSUED BY THE SECRETARY OF STATE

**Application of Regulations**

**11.** These Regulations, except regulations 7 and 8, apply to enforcement notices issued by the Secretary of State under section 182 of the Planning Act, to appeals made to the Secretary of State against such notices and to appeals against notices issued by him under section 46 of the Listed Buildings Act as they apply to such notices issued by local planning authorities and to appeals made against them as if—

- (a) for references to a local planning authority there were substituted references to the Secretary of State;
- (b) in regulation 4, for “section 172” there were substituted “section 182”;
- (c) in regulation 5—
  - (i) for “section 172(2)” there was substituted “section 182(1)”;
  - (ii) in paragraph (a), after “sections 171A, 171B and 172 to 177” there were inserted “and section 182”; and
- (d) for regulation 9 the following were substituted—

“**9.**—(1) Where an appeal has been made to the Secretary of State against an enforcement notice which he has issued, the Secretary of State shall serve on the appellant a statement indicating the submissions which he proposes to put forward on the appeal including a summary of his response to each ground of appeal pleaded by the appellant within 6 weeks of the starting date”.

- (2) In paragraph (1) “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 a hearing or inquiry, as the case may be, is to be held,

whichever is the later.