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STATUTORY INSTRUMENTS

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**2002 No. 2684**

**The Town and Country Planning (Enforcement)  
(Hearings Procedure) (England) Rules 2002**

**Procedure after hearing—non-transferred appeals**

**13.**—(1) This rule applies where a hearing has been held for the purposes of a non-transferred appeal.

(2) After the close of the hearing, the inspector shall make a report in writing to the Secretary of State which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(3) When making his determination the Secretary of State may disregard any written representations, evidence or other document received after the hearing has closed.

(4) If, after the close of the hearing, the Secretary of State—

- (a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector, or
- (b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying the persons entitled to appear at the hearing who appeared at it of his disagreement and the reasons for it.

(5) Where persons entitled to appear at the hearing who appeared are notified pursuant to paragraph (4), the Secretary of State shall give them an opportunity to make written representations to him or (if the Secretary of State has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) to ask for the re-opening of the hearing.

(6) Those making written representations or requesting the hearing to be re-opened pursuant to paragraph (5), shall send such representations or requests to the Secretary of State within 3 weeks of the date of the Secretary of State's notification under that paragraph.

(7) The Secretary of State may, as he thinks fit, cause a hearing to be re-opened, and he shall do so if asked by the appellant or the local planning authority in the circumstances mentioned in paragraph (5) and within the period mentioned in paragraph (6).

(8) Where a hearing is re-opened pursuant to rule (7) (whether by the same or a different inspector)

- (a) the Secretary of State shall send to the persons entitled to appear at the hearing who appeared at it a written statement of the matters on which further evidence is invited; and
- (b) paragraphs (2) to (6) of rule 6 shall apply as if the reference to a hearing were references to a re-opened hearing.