
STATUTORY INSTRUMENTS

2002 No. 2685

The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002

Procedure at inquiry

17.—(1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at an inquiry.

(2) At the start of the inquiry the inspector shall identify what are, in his opinion, the main issues to be considered at the inquiry and any matters on which he requires further explanation from the persons entitled or permitted to appear.

(3) Nothing in paragraph (2) shall preclude any person entitled or permitted to appear from referring to issues which they consider relevant to the consideration of the appeal but which were not issues identified by the inspector pursuant to that paragraph.

(4) Unless the inspector otherwise determines, the appellant shall begin and shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(5) A person entitled to appear at an inquiry shall be entitled to call evidence and the appellant, the local planning authority and, in the case of an enforcement appeal, any person on whom a copy of the enforcement notice has been served shall be entitled to cross-examine persons giving evidence, but, subject to the foregoing and paragraphs (6) and (7), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the discretion of the inspector.

(6) The inspector may refuse to permit the—

- (a) giving or production of evidence;
- (b) cross-examination of persons giving evidence; or
- (c) presentation of any matter,

which he considers to be irrelevant or repetitious; but where he refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to him any evidence or other matter in writing before the close of the inquiry.

(7) Where a person gives evidence at an inquiry by reading a summary of his proof of evidence in accordance with rule 15(5)—

- (a) the proof of evidence referred to in rule 15(1) shall be treated as tendered in evidence, unless the person required to provide the summary notifies the inspector that he now wishes to rely on the contents of that summary alone; and
- (b) the person whose evidence the proof contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(8) The inspector may direct that facilities shall be made available to any person appearing at an inquiry to take or obtain copies of documentary evidence open to public inspection.

(9) The inspector may—

- (a) require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave; and

- (b) refuse to permit that person to return; or
- (c) permit him to return only on such conditions as he may specify,

but any such person may submit to him any evidence or other matter in writing before the close of the inquiry.

(10) The inspector may allow any person to alter or add to a statement of case served under rule 6 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any fresh matter or document.

(11) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(12) The inspector may take into account any written representation or evidence or other document received by him from any person before an inquiry opens or during the inquiry provided that he discloses it at the inquiry.

(13) The inspector may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced at the inquiry before the adjournment, no further notice shall be required.

(14) Where the Secretary of State expects an inquiry to last for 4 days or more, any person who appears at the inquiry and makes closing submissions, shall before the close of the inquiry, provide the inspector with a copy of their closing submissions in writing.