
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules set out the procedure to be followed in connection with local inquiries in England held by inspectors appointed by the Secretary of State to determine appeals against—

- (a) enforcement notices under section 174 of the Town and Country Planning Act 1990;
- (b) the refusal or non-determination of an application for a certificate of lawful use or development under section 195 of that Act; and
- (c) listed building enforcement notices and conservation area enforcement notices under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The procedure for determination of such appeals to be determined by Inspectors and by the Secretary of State was formerly set out in the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1992 (“the 1992 Rules”). The Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002 revoke the 1992 Rules and set out the procedure for such appeals where they are determined by the Secretary of State. These Rules set out the procedure where such appeals are to be determined by inspectors.

The principal changes made by these Rules are set out below:

Rule 4(1) contains an additional requirement for the Secretary of State to inform the appellant and the local planning authority that an inquiry is to be held and rule 4(2) additionally requires the local planning authority to return their completed questionnaires to the Secretary of State within 2 weeks of the starting date.

Rule 6 requires the local planning authority and the appellant to serve 2 copies of their statement of case on the Secretary of State and, in the case of an enforcement appeal, a copy on any person upon whom an enforcement notice was served, within 6 weeks of the starting date. It also provides for the statements of case to be copied by the Secretary of State to the main parties and sets out time limits for the sending of further information and comments to the Secretary of State.

Rule 7 provides that a pre-inquiry meeting must be held in the case of inquiries likely to last for 4 days or more unless the inspector considers it unnecessary. It also allows the inspector to ask parties at the pre-inquiry meeting for further information.

Rule 8 requires the inspector to prepare an inquiry timetable where the inquiry is likely to last for 4 days or more.

Rule 9 requires the date fixed for the holding of the inquiry to be not later than 20 weeks from the starting date, or the earliest practicable date after that.

Rule 11 allows the Historic Buildings and Monuments Commission for England to appear at an inquiry where—

- (a) the inquiry relates to an appeal against an enforcement notice under section 38 of the Listed Buildings Act 1990;
- (b) the listed building is in Greater London; and
- (c) if an application for listed building consent had been properly made the Commission would have been notified of the application by a direction under a section 15 of the Listed Buildings Act 1990.

Rule 12 requires any person who proposes to give, or call or another to give, evidence at the inquiry to send particular information to the Secretary of State at least 4 weeks before the inquiry.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 15 requires proofs of evidence to be sent to the Secretary of State no later than 4 weeks before the inquiry and for the Secretary of State to send these on to the inspector.

Rule 16 contains an additional requirement for the local planning authority and the appellant to prepare a statement of common ground and send it to the Secretary of State and any person on whom an enforcement notice was served, at least 4 weeks before the inquiry.

Rule 17(2) provides that at the start of the inquiry the inspector will state what he considers to be the main issues to be considered at the inquiry and rule 17(5) allows any person on whom a copy of the enforcement notice was served to cross examine persons giving evidence. Rule 17(14) requires the inspector to be provided with a copy of closing submissions in writing before the close of the inquiry where the inquiry is expected to last for 4 days or more.

Rule 19(2) enables the inspector to disregard any evidence, submissions etc, received after the close of the inquiry.

Rule 20 requires the inspector to notify his decision in writing to the appellant, the local planning authority, all other persons entitled to appear at the inquiry who did so and any other person who did appear and asked to be notified of the decision.

Rule 23 allows the Secretary of State to request additional copies of documents before the close of the inquiry.

There are also minor and drafting amendments.

A Regulatory Impact Assessment has been prepared in relation to the Rules. It has been placed in the Library of each House of Parliament and copies may be obtained from Development Control Policy Division, Office of the Deputy Prime Minister, Bressenden Place, London SW1E 5DU, (Tel 020 7944 3969).