
STATUTORY INSTRUMENTS

2009 No. 452

The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

PART 2

Procedures for other appeals

Notification of receipt of appeal

11. The Secretary of State shall, as soon as practicable after a determination has been made under section 319A of the Act, advise the appellant and the local planning authority in writing—

- (a) of the reference number allocated to the appeal;
- (b) that the appeal will follow the procedures set out in Part 2 of these Regulations; and
- (c) of the address to which written communications to the Secretary of State about the appeal are to be sent.

Questionnaire

12. The local planning authority shall, within 2 weeks of the starting date, send to the Secretary of State and copy to the appellant—

- (a) a completed questionnaire; and
- (b) a copy of each of the documents referred to in it.

Notice to interested persons

13.—(1) The local planning authority shall give written notice of the appeal within 2 weeks of the starting date to —

- (a) any person notified or consulted in accordance with the Act or a development order about the application which has given rise to the appeal; and
- (b) any other person who made representations to the local planning authority about that application.

(2) A notice under paragraph (1) shall—

- (a) state the name of the appellant and the address of the site to which the appeal relates;
- (b) describe the application;
- (c) state the starting date;
- (d) set out the matters notified to the appellant and the local planning authority under regulation 11;
- (e) state that any representations made to the local planning authority in relation to the application, before it was determined, will be sent to the Secretary of State and the appellant by the local planning authority and will be considered by the Secretary of State

when determining the appeal unless they are withdrawn, in writing, within 6 weeks of the starting date; and

- (f) state that further written representations may be sent to the Secretary of State within 6 weeks of the starting date.

Representations

14.—(1) The notice of appeal and the documents accompanying it shall comprise the appellant's representations in relation to the appeal.

(2) The local planning authority may elect to treat the questionnaire and the documents sent with it as their representations in relation to the appeal; and, where this is done, they shall notify the Secretary of State and the appellant accordingly when sending the questionnaire or sending the copy in accordance with regulation 12.

(3) Where the local planning authority do not elect as described in paragraph (2), they shall send 2 copies of their written representations to the Secretary of State within 6 weeks of the starting date.

(4) If the appellant wishes to make any further representations to those referred to in paragraph (1), the appellant shall send 2 copies of those further representations to the Secretary of State within 6 weeks of the starting date.

(5) The Secretary of State shall, as soon as practicable after receipt, send a copy of any representations made by the local planning authority to the appellant and shall send a copy of any representations made by the appellant to the local planning authority.

(6) The appellant and the local planning authority shall send 2 copies of any comments they have on each other's representations to the Secretary of State within 9 weeks of the starting date; and the Secretary of State shall, as soon as practicable after receipt, send a copy of those further comments to the other party.

(7) The Secretary of State may disregard further information from the appellant and the local planning authority which was not sent within 9 weeks of the starting date unless that further information has been requested by the Secretary of State.

(8) Where a party to which this regulation applies elects to use electronic communications for submitting, sending, copying or sending a copy of any representations, questionnaire or other documents, references to "2 copies of" in paragraphs (3), (4) and (6) shall be omitted.

Third party representations

15.—(1) If a person notified under regulation 13(1) wishes to send representations to the Secretary of State, they shall do so, in writing, within 6 weeks of the starting date.

(2) The Secretary of State shall—

- (a) send to the appellant and the local planning authority, as soon as practicable after receipt, a copy each of all of such representations; and
- (b) specify a period of not less than 2 weeks within which any comments on these representations must be sent to the Secretary of State.

Decision on appeal

16.—(1) The Secretary of State may proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limits.

(2) The Secretary of State may, after giving the appellant and the local planning authority written notice of the intention to do so, proceed to a decision on an appeal even though no written representations have been made within the relevant time limits by the local planning authority or

any other third parties, if it appears that there is sufficient material to enable a decision on the merits of the case to be reached.

(3) In this regulation “relevant time limits” means the time limits prescribed by these Regulations, or where the Secretary of State has exercised the power under regulation 17, any later time limit.