

1987 No. 701

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987

<i>Made</i> - - - -	<i>9th April 1987</i>
<i>Laid before Parliament</i>	<i>14th April 1987</i>
<i>Coming into force</i> -	<i>5th May 1987</i>

The Secretary of State, in exercise of the powers conferred on him by section 282B of the Town and Country Planning Act 1971(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 and shall come into force on 5th May 1987.

Interpretation

2. In these Regulations, unless the context otherwise requires—
- “the Act” means the Town and Country Planning Act 1971;
 - “appeals questionnaire” means a document in the form supplied by the Secretary of State to local planning authorities for the purpose of proceedings under these Regulations; and
 - “local planning authority” means the body who were responsible for dealing with the application occasioning the appeal.

Application

3.—(1) These Regulations apply where, after they come into force, a person giving notice of appeal to the Secretary of State under section 36(b) of the Act (“the appellant”) informs the Secretary of State in the notice that he wishes the appeal to be disposed of on the basis of written representations and other documents.

(2) Where an appeal under section 36 of the Act is being disposed of otherwise than on the basis of written representations and other documents and the appellant and the local planning authority inform the Secretary of State that they wish it to be disposed of on that basis, these Regulations thereafter apply to the proceedings to such extent as the

(a) 1971 c.78; section 282B was inserted by paragraph 10 of Schedule 11 to the Housing and Planning Act 1986 (c.63).

(b) Section 36 was amended by paragraph 4(2) of Schedule 15 to the Local Government, Planning and Land Act 1980 (c.65) and by section 34 of, and paragraph 3 of Schedule 1 to, the Town and Country Planning (Minerals) Act 1981 (c.36).

Secretary of State may specify having regard to any steps already taken in relation to those proceedings.

(3) These Regulations cease to apply as respects proceedings if the Secretary of State informs the appellant and the local planning authority that he will afford to them an opportunity of appearing before and being heard by a person appointed by him for the purpose.

(4) In this regulation references to section 36 of the Act include a reference to that section as applied by section 37(a).

Notification of receipt of appeal

4. The Secretary of State shall forthwith upon receipt of the notice of appeal advise the appellant and the local planning authority of—

- (a) the date of receipt (“the starting date”);
- (b) the reference number allocated to the appeal; and
- (c) the address to which written communications to the Secretary of State about the appeal are to be sent.

Notice to interested persons

5.—(1) The local planning authority shall not later than 5 working days after receiving notification of the appeal give written notice of it to—

- (a) any authority or 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) set out the matters notified to the authority under regulation 4;
- (d) state that copies of any representations made by any authority or person mentioned in paragraph (1), other than representations which the maker has asked to be treated as confidential, will be sent to the Secretary of State and the appellant; and will be considered by the Secretary of State when determining the appeal unless, within 28 days of the starting date, the authority or person who made the representations asks the Secretary of State to disregard them;
- (e) state that further written representations may be submitted to the Secretary of State within 28 days of the starting date.

Appeals questionnaire

6.—(1) The local planning authority shall not later than 14 days after the starting date submit to the Secretary of State—

- (a) an appropriately completed appeals questionnaire;
- (b) a copy of all documents relating to the case which are referred to in the completed questionnaire other than any written representations which the maker has asked to be treated as confidential.

(2) The appeals questionnaire shall state the date on which it is submitted and the local planning authority shall simultaneously send to the appellant a copy of the questionnaire and of all documents submitted to the Secretary of State under paragraph (1).

(a) section 37 was amended by paragraph 4(3) of Schedule 15 to the Local Government, Planning and Land Act 1980.

Representations

7.—(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 appeals questionnaire and the documents submitted with it as their representations in relation to the appeal; and, where they do so, they shall notify the Secretary of State and the appellant accordingly when submitting the questionnaire or sending the copy in accordance with regulation 6.

(3) Where the local planning authority do not elect as described in paragraph (2), they may submit representations to the Secretary of State not later than 28 days after the starting date.

(4) The appellant may make further representations by way of reply to the local planning authority not later than 17 days after—

(a) in a case where the authority have elected as described in paragraph (2), the date stated on the appeals questionnaire as the date on which it was submitted to the Secretary of State; or

(b) in a case where the authority have not so elected, the date of submission of the authority's representations in accordance with paragraph (3).

(5) Any representations made by the local planning authority or the appellant shall be dated and submitted to the Secretary of State on the date they bear; and the local planning authority shall on that date send to the appellant a copy of any representations they make and the appellant shall similarly send to the local planning authority a copy of any further representations he makes.

(6) Any interested party may submit representations to the Secretary of State not later than 28 days after the starting date; and where the Secretary of State sends to the appellant and the local planning authority a copy of any such representations, he shall allow them a period of not less than 7 days in which to reply to them.

(7) In this regulation references to representations include a reference to supporting documents.

Power to set later time limits

8. The Secretary of State may in a particular case give directions setting later time limits than those prescribed by these Regulations.

Decision on appeal

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

(2) The Secretary of State may, after giving the appellant and the local planning authority written notice of his intention to do so, proceed to a decision on an appeal notwithstanding that no written representations have been made within the relevant time limits if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.

(3) In this regulation, "relevant time limits" means the time limits prescribed by these Regulations or, where the Secretary of State has given directions under regulation 8, the time limits set by those directions.

9th April 1987

Nicholas Ridley
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 36 of the Town and Country Planning Act 1971 confers a right of appeal against certain planning decisions of local planning authorities. Its provisions are extended, by section 37 of the Act, to cases where a local planning authority fails to notify such a planning decision within prescribed periods.

An appellant and the local planning authority are entitled in any appeal proceedings to appear before and be heard by a person appointed by the Secretary of State but they may agree to the appeal being determined on the basis of written representations and supporting documents.

These Regulations lay down the procedure and time limits in connection with appeals to be disposed of on the basis of written representations.

Where the Regulations apply—

- (a) the Secretary of State is required to give immediate notice of receipt of an appeal to the local planning authority (regulation 4);
- (b) the local planning authority must give specified information to interested third parties (regulation 5) and must also complete a questionnaire and return it to the Secretary of State together with copies of related documents, including representations already made by interested third parties (regulation 6);
- (c) representations, including any supporting documents, must be submitted to the Secretary of State within prescribed time limits (regulation 7), but the Secretary of State may set later time limits in particular cases (regulation 8);
- (d) after the expiry of the relevant time limits the Secretary of State may proceed to a decision on the appeal: but where representations have not been made by the parties he must give notice of intention (regulation 9).

By virtue of paragraph 2(4) of Schedule 9 to the 1971 Act these regulations apply to appeals transferred, in accordance with regulations made under that Schedule, for determination by an appointed person as they apply in relation to appeals to be determined by the Secretary of State.

A copy of the appeals questionnaire referred to in these Regulations may be obtained from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DT, or, as respects appeals arising in Wales, from the Welsh Office, Cathays Park, Cardiff CF1 3NQ.

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