
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 174 of the Town and Country Planning Act 1990 and section 39 of the Listed Buildings Act 1990 confers a right of appeal against an enforcement notice and a listed building enforcement notice on a person having an interest in the land to which the enforcement notice relates or is a relevant occupier.

An appellant and 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 against enforcement notices which are to be disposed of on the basis of written representations.

The main steps in the procedure are—

- (a) Upon receipt of a notice of appeal the Secretary of State will inform the appellant and the local planning authority of the starting date, the appeal reference number, the address to which written representations may be sent and the grounds on which the appeal is brought (regulation 4).
- (b) The local planning authority shall within 2 weeks of the starting date notify interested parties of the appeal (regulation 5), and shall submit a completed questionnaire and any documents referred to in it to the Secretary of State (regulation 6).
- (c) The local planning authority may elect to treat the questionnaire, documents submitted with it, and the statement provided under regulation 9 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002, as their written representations, but where they do not so elect they have 6 weeks from the starting date to submit written representations to the Secretary of State (regulation 7).
- (d) The appellant's representations are the notice of appeal, documents accompanying it and any statement submitted under regulation 6 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002, however they may submit further representations within 6 weeks of the starting date to the Secretary of State (regulation 7).
- (e) The appellant and local planning authority have 9 weeks from the starting date to submit to the Secretary of State representations on each others representations (regulation 7).
- (f) An interested party, notified under regulation 5 of these Regulations, has 6 weeks from the starting date to submit representations to the Secretary of State (regulation 8).
- (g) The Secretary of State is given power to disregard written representations not submitted within the relevant time limit and he may proceed to a decision without receiving any written representations within the time limits after giving notice to the appellant and local planning authority of his intention to do so (regulation 10).

A Regulatory Impact Assessment has been prepared in relation to the Regulations. 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, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 3969).