
STATUTORY INSTRUMENTS

2002 No. 2684

**The Town and Country Planning (Enforcement)
(Hearings Procedure) (England) Rules 2002**

Procedure after hearing—transferred appeals

14.—(1) This rule applies where a hearing has been held for the purposes of a transferred appeal.

(2) When making his decision the inspector may disregard any written representations, or evidence or any other document received after the hearing has closed.

(3) If, after the close of the hearing, an inspector proposes to take into consideration any new evidence or any new matter of fact (not being a matter of government policy) which was not raised at the hearing and which he considers to be material to his decision, he shall not come to a decision without first—

- (a) notifying persons entitled to appear at the hearing who appeared at it of the matter in question; and
- (b) giving them an opportunity to make written representations to him or to ask for the re-opening of the hearing,

and they shall send such written representations or requests to re-open the hearing to the Secretary of State within 3 weeks of the date of the notification.

(4) An inspector may, as he thinks fit, cause a hearing to be re-opened and he shall do so if asked by the appellant or the local planning authority in the circumstances and within the period mentioned in paragraph (3).

(5) Where a hearing is re-opened pursuant to paragraph (4)—

- (a) the inspector shall send to the persons entitled to appear at the hearing who appeared at it a written statement of the matters on which further evidence is invited; and
- (b) paragraphs (2) to (6) of rule 6 shall apply as if the references to a hearing were references to a re-opened hearing.