
STATUTORY INSTRUMENTS

2002 No. 2684

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

Interpretation

2. In these Rules—

“certificate of lawful use or development” means a certificate under section 191 or 192 of the Planning Act;

“document” includes a photograph, map or plan;

“enforcement appeal” means an appeal against an enforcement notice;

“enforcement notice” means a notice under section 172 of the Planning Act or under section 38 of the Listed Buildings Act;

“hearing” means a hearing to which these Rules apply;

“hearing statement” means, and consists of, a written statement which contains full particulars of the case which a person proposes to put forward at a hearing and copies of any documents which that person intends to refer to or put in evidence;

“inquiry” means a local inquiry to which the Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002(1) or the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002(2) apply;

“inspector” means—

- (a) in relation to a transferred appeal, a person appointed by the Secretary of State to determine an appeal;
- (b) in relation to a non-transferred appeal, a person appointed by the Secretary of State to hold a hearing or a re-opened hearing;

“land” means the land or building to which the hearing relates;

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(3);

“local planning authority” means in relation to—

- (a) an enforcement appeal, the body who issued the relevant enforcement notice;
- (b) an appeal against the refusal or non-determination of an application for a certificate of lawful use or development, the body to whom that application was made;

“non-transferred appeal” means an appeal which falls to be determined by the Secretary of State, including an appeal which falls to be so determined by virtue of a direction under paragraph 3(1) of Schedule 6 to the Planning Act or paragraph 3(1) of Schedule 3 to the Listed Buildings Act;

(1) S.I.2002/2686.
(2) S.I. 2002/2685.
(3) 1990 c. 9.

“Planning Act” means the Town and Country Planning Act 1990⁽⁴⁾;

“questionnaire” means a document in the form supplied by the Secretary of State to local planning authorities for the purpose of proceedings under these Rules;

“the relevant notice” means the Secretary of State’s written notice under rule 4(1) informing the appellant and the local planning authority that a hearing is to be held;

“starting date” means the date of the—

(a) Secretary of State’s written notice to the appellant and the local planning authority that he has received all the documents required to enable him to entertain the appeal pursuant to regulation 10 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002⁽⁵⁾; or

(b) relevant notice,

whichever is later;

“transferred appeal” means an appeal which falls to be determined by a person appointed by the Secretary of State under Schedule 6 to the Planning Act or Schedule 3 to the Listed Buildings Act.

⁽⁴⁾ 1990 c. 8.

⁽⁵⁾ S.I. 2002/2682.