
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules regulate the procedure to be followed for hearings in England caused by the Secretary of State to be held before he or an inspector determine appeals made to him against enforcement notices, listed building and conservation area consent enforcement notices and non-determination of applications for a certificate of lawful use development on or after 23rd December 2002. The Rules come into force on 23rd December 2002.

Rule 4 provides for the preliminary procedure to be followed, in particular the information to be provided by the local planning authority, on receipt by it of a notice that a hearing is to be held.

Rule 5 provides which documents are to be sent to the Secretary of State before a hearing and for the documents to be copied by him to the appellant, the local planning authority and the inspector. It sets down the time limits within which those documents must be sent to the Secretary of State and provides a discretion for the Secretary of State or the inspector to disregard documents received outside the set time limits. It also provides for the local planning authority to make certain documents available for public inspection.

Rule 6 provides for the date of the hearing to be fixed and notified to the parties and rule 7 requires the Secretary of State to notify persons entitled to appear at the hearing of the name of the inspector.

Rule 8 provides for an inquiry to be held in place of the hearing.

Rule 9 prescribes those entitled to appear at a hearing and rule 10 provides for an inspector, in a transferred appeal, to take steps in place of the Secretary of State.

Rule 11 provides for the procedure at a hearing and rule 12 makes provision for the hearing to be adjourned to the site and for site inspections.

Rules 13 and 14 respectively provide for the procedure after a hearing in respect of appeals to be determined by the Secretary of State (non-transferred appeals) and transferred appeals. They include a discretion for the Secretary of State or an inspector to disregard documents received after the close of the hearing.

Rules 15 and 16 respectively provide for the notification of decisions for non-transferred appeals and transferred appeals.

Rule 17 provides for the procedure where a decision is remitted by the court to the Secretary of State for rehearing and redetermination.

Rule 18 gives the Secretary of State a discretion to allow further time for the taking of any step and to request additional copies of documents or information sent to him before or during a hearing.

Rule 19 makes provision for service by post.

A Regulatory Impact Assessment has been prepared in relation to the Rules. 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).