
STATUTORY INSTRUMENTS

2002 No. 2685

The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002

Procedure after inquiry

19.—(1) Where an assessor has been appointed, he may, after the close of the inquiry make a report in writing to the inspector in respect of the matters on which he was appointed to advise, and where he does so the inspector shall state in his notification of his decision pursuant to rule 20 that such a report was made.

(2) When making his decision the inspector may disregard any written representations or evidence or any other document received after the close of the inquiry.

(3) If, after the close of the inquiry, 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 inquiry and which he considers to be material to his decision, he shall not come to a decision without first—

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

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

(4) An inspector may, as he thinks fit, cause an inquiry 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); and where an inquiry is re-opened—

- (a) the inspector shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (2) to (7) of rule 9 shall apply as if references to an inquiry were references to a re-opened inquiry.