
STATUTORY INSTRUMENTS

2002 No. 2685

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

Interpretation

2. In these Rules—

“assessor” means a person appointed by the Secretary of State to sit with an inspector at an inquiry or re-opened inquiry to advise the inspector on such matters arising as the Secretary of State may specify;

“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;

“inquiry” means a local inquiry to which these Rules apply;

“inspector” means a person appointed by the Secretary of State under Schedule 6 to the Planning Act or, as the case may be, Schedule 3 to the Listed Buildings Act to determine an appeal;

“land” means the land or building to which an inquiry relates;

“Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(1);

“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 the application was made;

“outline statement” means a written statement of the principal submissions which a person proposes to put forward at an inquiry;

“Planning Act” means the Town and Country Planning Act 1990(2);

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously, and where

(1) 1990 c. 9, section 39 was amended by paragraph 3 of Schedule 3 to the Planning and Compensation Act 1991 (c. 34), Schedule 3 was amended by section 25 and Schedule 3, part II, paragraph 28 of that Act and by S.I. 1997/2971. Section 12 was amended by section 17 of the Transport and Works Act 1992 (c. 42). There are other amendments not relevant to these Rules.

(2) 1990 c. 8, section 174 was amended by section 6(1) of, and paragraph 22 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and section 195 was amended by paragraph 32 of that Schedule. Schedule 6 was amended by the Planning and Compensation Act 1991 (c. 34), sections 3 and 84(b), Schedule 7 paragraphs 8 and 54 and Schedule 19 part I. Schedule 6 was also amended by section 18 of, and Schedule 3, paragraph 28 to, the Tribunals and Inquiries Act 1992 (c. 53), by Schedule 22, paragraph 44 to the Environment Act 1995 (c. 25) and S.I. 1992/1491 and S.I. 1997/2971. There are also other amendments not relevant to these Rules.

two or more such meetings are held references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“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;

“relevant notice” means the Secretary of State’s written notice under rule 4(1), informing the appellant and the local planning authority that an inquiry 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(3); or

(b) relevant notice,

whichever is the later;

“statement of case” means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward at an inquiry, and a list of any documents which that person intends to refer to or put in evidence;

“statement of common ground” means a written statement prepared jointly by the local planning authority and the appellant, which contains agreed factual information about the development, breach of condition or works which are the subject of the appeal.