
STATUTORY INSTRUMENTS

2004 No. 3305

The Access to the Countryside (Means of
Access, Appeals) (England) Regulations 2004

PART 3

DETERMINATION OF APPEALS

CHAPTER I

Appeals to be determined on the basis of written representations

Site inspections

13.—(1) Where it appears to the Secretary of State necessary or expedient to do so she may arrange for an inspection of the appeal land to be made by an inspector; and the Secretary of State shall arrange for such an inspection to be made if so requested by the appellant or the access authority.

(2) Where the inspector intends to make an inspection under paragraph (1), the Secretary of State shall ask the appellant and the access authority whether they wish to be present or be represented.

(3) Where the appellant or the access authority have indicated that he or they wish to be present or be represented, the inspector shall give the appellant and the authority reasonable notice of the date and time of the inspection and shall afford the appellant and the authority, or their representatives, the opportunity of being present during the inspection.

(4) The inspector shall not be bound to defer an inspection if the appellant or the authority, or their representative, is not present at the appointed time.

Decision on appeal

14. The Secretary of State or, as the case may be, the inspector may proceed to a decision on an appeal taking into account only such statements of case, representations and comments as have been provided within the time limits prescribed by or under these Regulations.

Notification of decision

15. The Secretary of State or, as the case may be, the inspector shall notify her decision on an appeal, and her reasons for it, in writing to –

- (a) the appellant;
- (b) the access authority;
- (c) every interested person;
- (d) every other owner or occupier of the land who has been notified by the access authority as mentioned in regulation 4(3) or section 37(3) of the Act; and
- (e) the local access forum;

and the Secretary of State shall ensure that, as soon as practicable after such decision has been made, a copy of the decision is made available for inspection on a website maintained by the Planning Inspectorate Executive Agency for a period of three months starting with the date of the decision.