
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (“the 2009 Regulations”) for most appeals made under section 78 of the Town and Country Planning Act 1990 (“the Act”). They do not apply in relation to type A or B appeals within the meaning of article 33(7) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (“the DMPO”) (appeals relating to development that is substantially the same as development in respect of which an enforcement notice has been served).

These Regulations expand the scope of the expedited procedure in Part 1 of the 2009 Regulations. This procedure will now be used to determine advertisement consent and minor commercial appeals, with those terms defined in article 2(1) as amended, as well as householder appeals. Minor commercial appeals relate to minor development to a building in use for a purpose set out in the inserted Schedule to the Regulations. This Schedule reproduces the uses in Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987(1). To support this change in relation to advertisement appeals, these Regulations amend the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (“the Advertisement Regulations”). The appellant’s notice of appeal must now be on a form obtained from the Secretary of State, and copied to the local planning authority. Similar changes are being made in relation to minor commercial appeals through the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 (“the DMPO Amendment Order”).

Article 33(2)(b) of the DMPO sets out the documents that must be submitted with an appeal form. At the same time as making these Regulations, article 33(2)(b) is being amended so that the appellant is required to provide their “full statement of case” to the Secretary of State and the local planning authority when making an appeal. This is effected through the DMPO Amendment Order.

These Regulations make a number of changes to Part 2 of the 2009 Regulations that follow on from that to reduce the time for certain stages in the written representations process. The “full statement of case” replaces any further representations that may have been made by the appellant in addition to their notice of appeal under rule 14(4). The appellant will not be able to submit any further representations within 6 weeks of the starting date as they currently can do. Further representations made by the local planning authority, and representations made by the Mayor, are now referred to as “full statements of case”.

The local planning authority will have one week less to notify third parties of the appeal, and the local planning authority and third parties will have to submit their representations earlier than currently. The appellant will then have until up to seven weeks from the starting date to respond to any issues raised by the local planning authority’s further representations. The local planning authority will not be able to make further comments on the appellant’s case at this stage. The local planning authority and the appellant will have until up to seven weeks from the starting date to comment on any third party representations.

These Regulations make consequential changes to the operation of the procedure when the Mayor of London is involved. The appellant is required to send all of their documents to the Mayor. The Mayor is required to submit initial comments one week earlier, and will only be able to provide

(1) S.I. 1987/764. Part A has been amended by S.I. 1991/1567 and 2005/84.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

further comments on the local planning authority's representations. These changes to Part 2 of the Regulations do not apply in relation to advertisement appeals, or appeals transferred out of Part 1.

Similar changes are being made to the procedure for hearings and inquiries at the same time through the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 ("the Amendment Rules"). Amendments are also being made to the requirements for making listed building and conservation area appeals through the Planning (Listed Buildings and Conservation Areas) (Amendment No 2) (England) Regulations 2013 ("the Listed Buildings Amendment Regulations") so that the appellant is required to submit their full case when they make an appeal. Although they do not relate to these Regulations, the Listed Buildings Amendment Regulations are part of the same package of changes.

The Advertisement Regulations apply sections 78 and 79 of the Act with modifications. These Regulations update the Advertisement Regulations to take account of changes made to those sections since the Advertisement Regulations were made. Principally, these changes reflect the insertion of section 319A into the Act by section 196 of the Planning Act 2008, which allows the Secretary of State to determine the procedure to be used to determine certain appeals.

A combined impact assessment is being prepared for these Regulations, the DMPO Amendment Order, the Listed Buildings Amendment Regulations and the Amendment Rules. The assessment will be placed in the Library of each House of Parliament and on the Department for Communities and Local Government website (<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>).