

Statutory Instrument 2000 No. 1625

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

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STATUTORY INSTRUMENTS

2000 No. 1625

TRIBUNALS AND INQUIRIES, ENGLAND

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

<i>Made</i>	<i>17th June 2000</i>
<i>Laid before Parliament</i>	<i>27th June 2000</i>
<i>Coming into force</i>	<i>1st August 2000</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 9 of the Tribunals and Inquiries Act 1992[1], and all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following Rules: -

Citation, commencement and extent

1. - (1) These Rules may be cited as the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000.

(2) These Rules shall come into force on 1st August 2000.

(3) These Rules extend to England only.

Interpretation

2. In these Rules, unless the context otherwise requires -

"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;

"the Commission" means the Historic Buildings and Monuments Commission for England;

"conservation area consent" has the meaning given in section 74(1) of the Listed Buildings Act;

"development order" has the meaning given in section 59 of the Planning Act;

"document" includes a photograph, map or plan;

"inquiry" means a local inquiry in relation 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;

"the Listed Buildings Act" means the Planning (Listed Buildings and Conservation Areas) Act 1990[2];

"listed building consent" has the meaning given in section 8(7) of the Listed Buildings Act;

"local planning authority" means the body who were responsible for dealing with the application occasioning the appeal;

"the Planning Act" means the Town and Country Planning Act 1990[3];

"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 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 informing the appellant and the local planning authority that an inquiry is to be held;

"the 1992 Rules" means the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1992[4];

"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; 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 and which contains agreed factual information about the proposal which is the subject of the appeal;

"statutory party" means -

(a) a person mentioned in paragraph (1)(b)(i) of article 19 of the Town and Country Planning (General Development Procedure) Order 1995[5] whose representations the inspector is required by paragraph (3) of that article to take into account in determining the appeal to which an inquiry relates, and such a person whose representations the local planning authority were required by paragraph (1) of that article to take into account in determining the application occasioning the appeal; and

(b) a person whose representations the inspector is required by paragraphs (3)(b) and (5) of regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990[6] to take into account in determining the appeal to which an inquiry relates, and a person whose representations the local planning authority were required by paragraph (3)(b) of that regulation to take into account in determining the application occasioning the appeal.

Application of Rules

3. - (1) These Rules apply in relation to any local inquiry held in England by an inspector before he determines -

(a) an appeal to the Secretary of State in relation to an application for planning permission under section 78 of the Planning Act;

(b) an appeal to the Secretary of State in relation to listed building consent under section 20 of the Listed Buildings Act, or in relation to conservation area consent under that section as applied by section 74(3) of that Act,

but do not apply to any local inquiry by reason of the application of any provision mentioned in this paragraph by any other enactment.

(2) Where these Rules apply in relation to an appeal which at some time fell to be disposed of in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000[7] or Rules superseded by those Rules[8], any step taken or thing done under those Rules which could have been done under any corresponding provision of these Rules shall have effect as if it had been taken or done under that corresponding provision.

Preliminary information to be supplied by local planning authority

4. - (1) The local planning authority shall, on receipt of the relevant notice, forthwith inform the Secretary of State and the appellant in writing of the name and address of any statutory party who has made representations to them; and the Secretary of State shall, as soon as practicable thereafter, inform the appellant and the local planning authority in writing of the name and address of any statutory party who has made representations to him.

(2) This paragraph applies where -

(a) the Secretary of State has given to the local planning authority a direction restricting the grant of planning permission for which application was made; or

(b) in a case relating to listed building consent, the Commission has given a direction to the local planning authority pursuant to section 14(2) of the Listed Buildings Act as to how the application is to be determined; or

(c) the Secretary of State or any other Minister of the Crown or any government department, or any body falling within rule 11(1)(c), has expressed in writing to the local planning authority the view that the application should not be granted either wholly or in part, or should be granted only subject to conditions; or

(d) any person consulted in pursuance of a development order has made representations to the local planning authority about the application.

(3) Where paragraph (2) applies, the local planning authority shall forthwith after the starting date inform the person concerned of the inquiry and, unless they have already done so, that person shall thereupon give the local planning authority a written statement of the reasons for making the direction, expressing the view or making the representations, as the case may be.

(4) The local planning authority shall ensure that within 2 weeks of the starting date

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(a) the Secretary of State and the appellant have received a completed questionnaire and a copy of each of the documents referred to in it; and

(b) any -

(i) statutory party; and

(ii) other person who made representations to the local planning authority about the application occasioning the appeal,

have been notified that an appeal has been made and of the address to which and of the period within which they may make representations to the Secretary of State.

Notification of name of inspector

5. - (1) Subject to paragraph (2), the Secretary of State shall notify the name of the inspector to every person entitled to appear at the inquiry.

(2) Where the Secretary of State appoints another inspector instead of the person previously appointed and it is not practicable to notify the new appointment before the inquiry is held, the inspector holding the inquiry shall, at its commencement,

announce his name and the fact of his appointment.

Receipt of statements of case etc.

6. - (1) The local planning authority shall ensure that, within 6 weeks of the starting date, 2 copies of their statement of case have been received by the Secretary of State; and a copy of their statement of case has been received by any statutory party.

(2) The local planning authority shall -

(a) include in their statement of case -

(i) details of the time and place where the opportunity to inspect and take copies described in paragraph (13) below shall be afforded; and

(ii) where rule 4(2) applies, the terms of any direction given together with a statement of the reasons therefor together with any view expressed or representation made on which they intend to rely in their submissions at the inquiry; and

(b) where rule 4(2) applies, within the period mentioned in paragraph (1) send a copy of their statement of case to the person concerned.

(3) The appellant shall ensure that, within 6 weeks of the starting date, 2 copies of their statement of case have been received by the Secretary of State and a copy has been received by any statutory party.

(4) The Secretary of State shall, as soon as practicable after receipt, send a copy of the local planning authority's statement of case to the appellant and a copy of the appellant's statement of case to the local planning authority.

(5) The appellant and the local planning authority may in writing each require the other to send them a copy of any document, or of the relevant part of any document, referred to in the list of documents comprised in their statement of case; and any such document, or relevant part, shall be sent, as soon as practicable, to the party who required it.

(6) The Secretary of State may in writing require any other person who has notified him of an intention or a wish to appear at an inquiry, to send -

(a) 3 copies of their statement of case to him within 4 weeks of being so required; and

(b) a copy of their statement of case to any statutory party;

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and the appellant.

(7) The Secretary of State shall, as soon as practicable -

(a) send to any person from whom he requires a statement of case in accordance with paragraph (6) a copy of the statements of case of the appellant and the local planning authority; and

(b) inform that person of the name and address of every person to whom his

statement of case is required to be sent.

(8) The Secretary of State may in writing require any person who has sent a statement of case in accordance with these Rules to provide such further information about the matters contained in the statement of case as he may specify and may specify the time within which the information shall be received by him.

(9) A local planning authority or appellant required to provide further information shall ensure that -

(a) 2 copies of that information in writing have been received by the Secretary of State within the specified time; and

(b) a copy has been received by any statutory party within the specified time,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the further information received from the local planning authority to the appellant and a copy of the further information received from the appellant to the local planning authority.

(10) Any other person required to provide further information shall ensure that -

(a) 3 copies of that information in writing have been received by the Secretary of State within the specified time; and

(b) a copy has been received by any statutory party within the specified time,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the further information to the local planning authority and the appellant.

(11) Any person other than the appellant who sends a statement of case to the Secretary of State shall send with it a copy of -

(a) any document; or

(b) the relevant part of any document,

referred to in the list comprised in that statement, unless a copy of the document or part of the document in question is already available for inspection pursuant to paragraph (13).

(12) The Secretary of State shall, as soon as practicable after receipt, send to the inspector any statement of case, document, further information and written comments sent to him in accordance with this rule and received by him within the relevant period, if any, specified in this rule.

(13) The local planning authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of -

(a) any statement of case, written comments, information or other document a copy of which has been sent to the local planning authority in accordance with

this rule; and

(b) the local planning authority's completed questionnaire, and statement of case together with a copy of any document, or of the relevant part of any document, referred to in the list comprised in that statement, and any written comments, information or other documents sent by the local planning authority pursuant to this rule.

(14) If the local planning authority or the appellant wish to comment on another person's statement of case they shall ensure that within 9 weeks of the starting date -

(a) 2 copies of their written comments have been received by the Secretary of State; and

(b) a copy of their written comments has been received by any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the written comments received from the local planning authority to the appellant and copy of the written comments received from the appellant to the local planning authority.

(15) Any person who sends a statement of case to the Secretary of State under this rule and who wishes to comment on another person's statement of case shall ensure that within 9 weeks of the starting date -

(a) 3 copies of their written comments have been received by the Secretary of State; and

(b) a copy of their written comments has been received by any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of the written comments to the local planning authority and the appellant.

Statement of matters and pre-inquiry meetings

7. - (1) An inspector may, within 12 weeks of the starting date, send to the appellant, the local planning authority and any statutory party a written statement of the matters about which he particularly wishes to be informed for the purposes of his consideration of the appeal.

(2) An inspector shall hold a pre-inquiry meeting -

(a) if he expects an inquiry to last for 8 days or more, unless he considers it is unnecessary; or

(b) in respect of shorter inquiries, if it appears to him necessary.

(3) An inspector shall give not less than 2 weeks written notice of a pre-inquiry meeting to -

(a) the appellant;

(b) the local planning authority;

- (c) any statutory party;**
- (d) any other person known to be entitled to appear at the inquiry; and**
- (e) any other person whose presence at the meeting appears to him to be desirable.**

(4) The inspector -

- (a) shall preside at the pre-inquiry meeting;**
- (b) shall determine the matters to be discussed and the procedure to be followed;**
- (c) may require any person present at the pre-inquiry meeting who, in his opinion, is behaving in a disruptive manner to leave; and**
- (d) may refuse to permit that person to return or to attend any further pre-inquiry meeting, or may permit him to return or attend only on such conditions as he may specify.**

(5) If the inspector requests any further information from the appellant or the local planning authority at the pre-inquiry meeting, they shall ensure that 2 copies of it have been received by him and a copy has been received by any statutory party within 4 weeks of the conclusion of the pre-inquiry meeting and the inspector shall, as soon as practicable after receipt, send a copy of the further information received from the local planning authority to the appellant and a copy of the further information received from the appellant to the local planning authority.

Inquiry timetable

8. - (1) In respect of all inquiries that appear to the Secretary of State likely to last for 8 days or more, the inspector shall prepare a timetable for the proceedings.

(2) In respect of shorter inquiries, the inspector may at any time prepare a timetable for the proceedings at, or at part of, an inquiry.

(3) The inspector may, at any time, vary the timetable arranged under the preceding paragraphs.

(4) The inspector may specify in a timetable arranged pursuant to this rule a date by which any proof of evidence and summary sent in accordance with rule 14(1) shall be received by him.

Notification of appointment of assessor

9. Where the Secretary of State appoints an assessor, he shall notify every person entitled to appear at the inquiry of the name of the assessor and of the matters on which he is to advise the inspector.

Date and notification of inquiry

10. - (1) The date fixed by the Secretary of State for the holding of an inquiry shall be

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- (a) not later than 20 weeks after the starting date unless he considers such a date impracticable; or**
- (b) the earliest date after that period which he considers to be practicable.**

(2) Unless the Secretary of State agrees a lesser period of notice with the appellant and the local planning authority, he shall give not less than 4 weeks written notice of the date, time and place fixed by him for the holding of an inquiry to every person entitled to appear at the inquiry.

(3) The Secretary of State may vary the date fixed for the holding of an inquiry, whether or not the date as varied is within the period of 20 weeks mentioned in paragraph (1); and paragraph (2) shall apply to the variation of a date as it applied to the date originally fixed.

(4) The Secretary of State may vary the time or place for the holding of an inquiry and shall give such notice of any such variation as appears to him to be reasonable.

(5) The Secretary of State may in writing require the local planning authority to take one or more of the following steps -

(a) not less than 2 weeks before the date fixed for the holding of an inquiry, to publish a notice of the inquiry in one or more newspapers circulating in the locality in which the land is situated;

(b) to send a notice of the inquiry to such persons or classes of persons as he may specify, within such period as he may specify; or

(c) to post a notice of the inquiry in a conspicuous place near to the land, within such period as he may specify.

(6) Where the land is under the control of the appellant he shall -

(a) if so required in writing by the Secretary of State, affix a notice of the inquiry firmly to the land or to some object on or near the land, in such manner as to be readily visible to and legible by members of the public; and

(b) not remove the notice, or cause or permit it to be removed, for such period before the inquiry as the Secretary of State may specify.

(7) Every notice of inquiry published, sent or posted pursuant to paragraph (5), or affixed pursuant to paragraph (6), shall contain -

(a) a clear statement of the date, time and place of the inquiry and of the powers enabling the inspector to determine the appeal in question;

(b) a written description of the land sufficient to identify approximately its location;

(c) a brief description of the subject matter of the appeal; and

(d) details of where and when copies of the local planning authority's completed questionnaire and any documents sent by and copied to the authority pursuant to rule 6 may be inspected.

Appearances at inquiry

11. - (1) The persons entitled to appear at an inquiry are -

- (a) the appellant;**
- (b) the local planning authority;**
- (c) any of the following bodies if the land is situated in their area and they are not the local planning authority -**
 - (i) a county or district council;**
 - (ii) an enterprise zone authority designated under Schedule 32 to the Local Government, Planning and Land Act 1980[9];**
 - (iii) the Broads Authority, within the meaning of the Norfolk and Suffolk Broads Act 1988[10];**
 - (iv) a housing action trust specified in an order made under section 67(1) of the Housing Act 1988[11];**
- (d) where the land is in an area previously designated as a new town, the Commission for the New Towns;**
- (e) any statutory party;**
- (f) the council of the parish in which the land is situated, if that council made representations to the local planning authority in respect of the application in pursuance of a provision of a development order;**
- (g) where the application was required to be notified to the Commission under section 14 of the Listed Buildings Act, the Commission;**
- (h) any other person who has sent a statement of case in accordance with rule 6(6).**

(2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at an inquiry, and such permission shall not be unreasonably withheld.

(3) Any person entitled or permitted to appear may do so on his own behalf or be represented by any other person.

Representatives of government departments and other authorities at inquiry

12. - (1) Where -

- (a) the Secretary of State or the Commission has given a direction described in rule 4(2)(a) or (b); or**
- (b) the Secretary of State or any other Minister of the Crown or any government department, or any body falling within rule 11(1)(c), has expressed a view described in rule 4(2)(c) and the local planning authority have included its terms in a statement served in accordance with rule 6(1),**

the appellant, the local planning authority or a person entitled to appear may, not later than 4 weeks before the date of an inquiry, apply in writing to the Secretary of State for a representative of the Secretary of State or of the other Minister, department or body concerned to be made available at the inquiry.

(2) Where an application is made in accordance with paragraph (1), the Secretary of State shall make a representative available to attend the inquiry or, as the case may be, send the application to the other Minister, department or body concerned, who shall make a representative available to attend the inquiry.

(3) Any person attending an inquiry as a representative in pursuance of this rule shall state the reasons for the direction or expressed view and shall give evidence and be subject to cross-examination to the same extent as any other witness.

(4) Nothing in paragraph (3) shall require a representative of a Minister or a government department to answer any question which in the opinion of the inspector is directed to the merits of government policy.

Inspector may act in place of Secretary of State

13. An inspector may in place of the Secretary of State take such steps as the Secretary of State is required or enabled to take under or by virtue of rule 6(6) to (10), (14) and (15), rule 10, rule 12(1), rule 12(2), rule 21 and rule 22; and where an inspector requires further information or copies pursuant to rules 6(8) or 22, that information or copies shall be sent to him.

Proofs of evidence

14. - (1) Any person entitled to appear at an inquiry who proposes to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence shall simultaneously send -

(a) 2 copies of the proof of evidence, in the case of the local planning authority and the appellant, and 3 copies in the case of any other person, to the Secretary of State together with any written summary; and

(b) one copy of these to any statutory party;

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each proof of evidence together with any summary to the local planning authority and the appellant.

(2) No written summary shall be required where the proof of evidence proposed to be read contains no more than 1500 words.

(3) The proof of evidence and any summary shall be received by the Secretary of State no later than -

(a) 4 weeks before the date fixed for the holding of the inquiry, or

(b) where a timetable has been arranged pursuant to rule 8, which specifies a date by which the proof of evidence and any summary shall be received by the Secretary of State, that date.

(4) The Secretary of State shall send to the inspector, as soon as practicable after receipt, any proof of evidence together with any summary sent to him in accordance with this rule and received by him within the relevant period, if any, specified in this

rule.

(5) Where a written summary is provided in accordance with paragraph (1), only that summary shall be read at the inquiry, unless the inspector permits or requires otherwise.

(6) Any person required by this rule to send copies of a proof of evidence to the inspector shall send with them the same number of copies of the whole, or the relevant part, of any document referred to in the proof of evidence, unless a copy of the document or part of the document in question is already available for inspection pursuant to rule 6(13).

(7) The local planning authority shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any document sent to or by them in accordance with this rule.

Statement of common ground

15. - (1) The local planning authority and the appellant shall -

(a) together prepare an agreed statement of common ground; and

(b) ensure that the Secretary of State and any statutory party receives a copy of it, not less than 4 weeks before the date fixed for the holding of the inquiry.

(2) The local planning authority shall afford to any person, who so requests, a reasonable opportunity to inspect and, where practicable, take copies of the statement of common ground sent to the Secretary of State.

Procedure at inquiry

16. - (1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at an inquiry.

(2) At the start of the inquiry the inspector shall identify what are, in his opinion, the main issues to be considered at the inquiry and any matters on which he requires further explanation from the persons entitled or permitted to appear.

(3) Nothing in paragraph (2) shall preclude any person entitled or permitted to appear from referring to issues which they consider relevant to the consideration of the appeal but which were not issues identified by the inspector pursuant to that paragraph.

(4) Unless in any particular case the inspector otherwise determines, the local planning authority shall begin and the appellant shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the inspector may determine.

(5) A person entitled to appear at an inquiry shall be entitled to call evidence and the appellant, the local planning authority and any statutory party shall be entitled to cross-examine persons giving evidence, but, subject to the foregoing and paragraphs (6) and (7), the calling of evidence and the cross-examination of persons giving evidence shall otherwise be at the discretion of the inspector.

(6) The inspector may refuse to permit the -

(a) giving or production of evidence;

(b) cross-examination of persons giving evidence; or

(c) presentation of any other matter,

which he considers to be irrelevant or repetitious; but where he refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to him any evidence or other matter in writing before the close of the inquiry.

(7) Where a person gives evidence at an inquiry by reading a summary of his proof of evidence in accordance with rule 14(5) -

(a) the proof of evidence referred to in rule 14(1) shall be treated as tendered in evidence, unless the person required to provide the summary notifies the inspector that he now wishes to rely on the contents of the summary alone; and

(b) the person whose evidence the proof of evidence contains shall then be subject to cross-examination on it to the same extent as if it were evidence he had given orally.

(8) The inspector may direct that facilities shall be afforded to any person appearing at an inquiry to take or obtain copies of documentary evidence open to public inspection.

(9) The inspector may -

(a) require any person appearing or present at an inquiry who, in his opinion, is behaving in a disruptive manner to leave; and

(b) refuse to permit that person to return; or

(c) permit him to return only on such conditions as he may specify,

but any such person may submit to him any evidence or other matter in writing before the close of the inquiry.

(10) The inspector may allow any person to alter or add to a statement of case received by the Secretary of State or him under rule 6 so far as may be necessary for the purposes of the inquiry; but he shall (if necessary by adjourning the inquiry) give every other person entitled to appear who is appearing at the inquiry an adequate opportunity of considering any fresh matter or document.

(11) The inspector may proceed with an inquiry in the absence of any person entitled to appear at it.

(12) The inspector may take into account any written representation or evidence or any other document received by him from any person before an inquiry opens or during the inquiry provided that he discloses it at the inquiry.

(13) The inspector may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced before the adjournment, no further notice shall be required.

(14) In respect of any inquiry that the Secretary of State expects to last for 8 or more days, any person, who appears at the inquiry and makes closing submissions,

shall by the close of the inquiry provide the inspector with a copy of their closing submissions in writing.

Site inspections

17. - (1) The inspector may make an unaccompanied inspection of the land before or during an inquiry without giving notice of his intention to the persons entitled to appear at the inquiry.

(2) During an inquiry or after its close, the inspector -

(a) may inspect the land in the company of the appellant, the local planning authority and any statutory party; and

(b) shall make such an inspection if so requested by the appellant or the local planning authority before or during an inquiry.

(3) In all cases where the inspector intends to make an accompanied inspection he shall announce during the inquiry the date and time at which he proposes to make it.

(4) The inspector shall not be bound to defer an inspection of the kind referred to in paragraph (2) where any person mentioned in that paragraph is not present at the time appointed.

Procedure after inquiry

18. - (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 19 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 an 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) affording them an opportunity of making written representations to him or of asking for the re-opening of the inquiry,

and they shall ensure that such written representations or request to re-open the inquiry are received by 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

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(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 10 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Notification of decision

19. - (1) The inspector shall, as soon as practicable, notify his decision on an appeal, and his reasons for it, in writing to -

(a) all persons entitled to appear at the inquiry who did appear, and

(b) any other person who, having appeared at the inquiry, has asked to be notified of the decision.

(2) Any person entitled to be notified of the inspector's decision under paragraph (1) may apply to the Secretary of State in writing for an opportunity to inspect any documents listed in the notification and any report made by an assessor and the Secretary of State shall afford him that opportunity.

(3) Any application made pursuant to paragraph (2) shall be received by the Secretary of State within 6 weeks of the date of the decision.

Procedure following quashing of decision

20. - (1) Where a decision of an inspector on an appeal in respect of which an inquiry has been held is quashed in proceedings before any court, the Secretary of State -

(a) 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 representations are invited for the purposes of his further consideration of the appeal; and

(b) shall afford to those persons the opportunity of making written representations to him in respect of those matters or of asking for the re-opening of the inquiry; and

(c) may, as he thinks fit, cause the inquiry to be re-opened (whether by the same or a different inspector), and if he does so paragraphs (2) to (7) of rule 10 shall apply as if the references to an inquiry were references to a re-opened inquiry.

(2) Those persons making representations or asking for the inquiry to be re-opened under paragraph (1)(b) shall ensure that such representations or requests are received by the Secretary of State within 3 weeks of the date of the written statement sent under paragraph (1)(a).

Allowing further time

21. The Secretary of State may at any time in any particular case allow further time for the taking of any step which is required or enabled to be taken by virtue of these Rules, and references in these Rules to a day by which, or a period within which, any step is required or enabled to be taken shall be construed accordingly.

Additional copies

22. - (1) The Secretary of State may at any time before the close of an inquiry request from any person entitled to appear additional copies of the following -

- (a) a statement of case sent in accordance with rule 6;**
- (b) a proof of evidence sent in accordance with rule 14; or**
- (c) any other document or information sent to the Secretary of State before or during an inquiry,**

and may specify the time within which such copies should be received by him.

(2) Any person so requested shall ensure that the copies are received by the Secretary of State within the period specified.

Notices by post

23. Notices or documents required or authorised to be sent under these Rules may be sent by post.

Mayor of London

24. - (1) In this rule "the Mayor" means the Mayor of London.

(2) Where an inquiry is held into an appeal arising from an application in respect of which the Mayor has directed the local planning authority to refuse the application these Rules shall apply subject to the following modifications -

(a) in rule 2 -

(i) in the definition of the "relevant notice" after "the appellant" insert ", the Mayor";

(ii) in sub-paragraph (a) of the definition of the "starting date" after "the appellant" insert ", the Mayor";

(b) in rule 4 -

(i) in paragraph (1) after "inform the Secretary of State" and after "inform the appellant" insert ", the Mayor";

(ii) in paragraph (2) after sub-paragraph (d) insert

" or

(e) the Mayor has given to the local planning authority a direction to refuse the application for planning permission.";

(iii) in paragraph (4)(a) after the "Secretary of State" insert ", the Mayor";

(c) in rule 6 -

(i) in paragraph (1) after "The local planning authority" insert "and the Mayor" and for "2" substitute "3";

(ii) in paragraph (3) for "2" substitute "3";

(iii) for paragraph (4) substitute -

**" The Secretary of State shall, as soon as practicable after receipt, send -
(a) copies of the statements of case of the appellant and the Mayor to the
local planning authority;**

**(b) copies of the statements of case of the appellant and the local planning
authority to the Mayor; and**

**(c) copies of the statements of case of the local planning authority and the
Mayor to the appellant.";**

**(iv) in paragraph (5) for "The appellant and the local planning authority
may in writing each require the other" substitute -**

**" Any party required to provide a statement of case pursuant to
paragraph (1) or (3) may in writing require any other party so required";**

**(v) in paragraph (6) for "3" substitute "4" and after "the local planning
authority" insert ", the Mayor";**

(vi) in paragraph (7)(a) after "the appellant" insert ", the Mayor";

**(vii) in paragraph (9) after "local planning authority" insert ", the
Mayor", in sub-paragraph (a) for "2" substitute "3" and for "send a copy
of the further information received from the local planning authority to
the appellant and a copy of the further information received from the
appellant to the local planning authority" substitute -**

" send -

**(a) copies of the further information received from the appellant and the
local planning authority to the Mayor;**

**(b) copies of the further information received from the appellant and the
local planning authority to the Mayor; and**

**(c) copies of the further information received from the local planning
authority and the Mayor to the appellant.";**

**(viii) in paragraph (10) for "3" substitute "4" and after "the local
planning authority" insert ", the Mayor";**

**(ix) in paragraph (14) after the first reference to "the local planning
authority" insert ", the Mayor", for "2" substitute "3" and for ", to the
appellant and a copy of the written comments received from the appellant
to the local planning authority" substitute -**

**" and the Mayor to the appellant and a copy of the written comments
received from the Mayor and the appellant to the local planning authority
and a copy of the written comments received from the appellant and the
local planning authority to the Mayor.";**

**(x) in paragraph (15)(a) for "3" substitute "4" and after "the local
planning authority" insert "the Mayor";**

(d) in rule 7 -

(i) in paragraph (1) after "the local planning authority" insert ", the Mayor"; and

(ii) in paragraph (5) after "from the appellant" insert ", the Mayor", for "2" substitute "3" and delete all the words after "receipt," and substitute

-

" send -

(a) copies of the further information received from the appellant and the Mayor to the local planning authority;

(b) copies of the further information received from the appellant and the local planning authority to the Mayor; and

(c) copies of the further information received from the local planning authority and the Mayor to the appellant";

(e) in rule 10(2) after "the appellant" insert ", the Mayor";

(f) in rule 11 after paragraph (1)(h) insert -

" (i) the Mayor in relation to an inquiry arising from an application in respect of which he has given to the local planning authority a direction to refuse the application for planning permission.";

(g) in rule 12 -

(i) after paragraph (1)(b) insert -

" or

(c) the Mayor has given to the local planning authority a direction to refuse the application for planning permission,"; and

(ii) after "body concerned" insert "or of the mayor";

(h) in rule 14 -

(i) in paragraph (1)(a) after "the local planning authority" insert ", the Mayor", for "2" substitute "3" and for "3" substitute "4"; and

(ii) in paragraph (1) for "summary to the local planning authority and the appellant" substitute "summary to the local planning authority, the Mayor and the appellant";

(i) in rule 15(1) after "The local planning authority" insert ", the Mayor";

(j) in rule 16(5) after "the local planning authority" insert ", the Mayor"; and

(k) in rule 18(4) after "by the appellant" insert ", the Mayor".

(3) Where an inquiry is held into an appeal arising from an application which the local planning authority was required to notify to the Mayor but which is not an appeal falling within paragraph (1), these Rules shall apply as if the Mayor were a statutory party.

Revocation, savings and transitional provisions

25. - (1) Subject to paragraph (2), the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1992[12] are hereby revoked in relation to England.

(2) Subject to paragraph (3) any appeal to which the 1992 Rules applied which has not been determined on the date when these Rules come into force, shall be continued under the 1992 Rules.

(3) Where a decision of an inspector on an appeal to which the 1992 Rules applied is subsequently quashed in proceedings before any court, the decision shall be re-determined in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000.

Irvine of Lairg, C.

17th June 2000

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules regulate the procedure to be followed in connection with local inquiries in England held by inspectors appointed by the Secretary of State to determine appeals made to him in relation to planning permission, listed building consent and consent for the demolition of unlisted buildings in conservation areas (known as "conservation area consent"). Provision is also made for the participation of the Mayor of London.

They replace, with amendments, the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1992, which are revoked, subject to the transitional provisions contained in rule 25.

The principal changes made by these Rules are as follows -

Rule 4(4) requires local planning authorities to return their completed questionnaires to the Secretary of State within 2 weeks of the starting date.

Rule 6 requires the local planning authority and the appellant to ensure that 2 copies of their statements of case have been received by the Secretary of State within 6 weeks of the starting date. It provides for the documents to be copied by the Secretary of State to the parties and to be sent to the inspector.

Rule 7(2) requires that pre-inquiry meetings are to be held for all inquiries that the inspector expects to last for more than 8 days, unless he considers it is unnecessary.

Rule 8 provides that the inspector will, in respect of inquiries that the Secretary of State expects to last for 8 days or more, and may in respect of other inquiries, prepare a timetable for the proceedings at the inquiry and may vary the timetable.

Rule 14(4) provides for the proofs of evidence to be sent by the Secretary of State

to the inspector.

Rule 15 requires the local planning authority and the appellant to prepare a statement of common ground and send it to the Secretary of State and any statutory party 4 weeks before the inquiry.

Rule 16(2) provides that at the start of the inquiry the inspector will state what he considers to be the main issues to be considered at the inquiry.

Rule 16(4) provides that the local planning authority are to present their case first.

Rule 16(14) provides that in respect of any inquiry that the Secretary of State expects to last 8 days or more, any party who appears shall provide a copy of their final submissions in writing.

Rule 18(2) enables the inspector to disregard any evidence, submissions etc received after the close of the inquiry.

Rule 22 enables the Secretary of State to request additional copies of documents.

Rule 24 provides for modification of the Rules in respect of -

(a) appeals where the Mayor of London has directed the local planning authority, in relation to the application occasioning the inquiry, to refuse the application; and

(b) appeals, not falling within paragraph (a), where the local planning authority was required to notify the Mayor of London of the application occasioning the inquiry.

There are also minor and drafting amendments.

A Regulatory Impact Appraisal 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 PD3B Division, Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 3945).

Notes:

[1] 1992 c. 53, to which there are amendments not relevant to these Rules.[back](#)

[2] 1990 c. 9, Schedule 3 was amended by the Planning and Compensation Act 1991 (c. 34), section 25 and Schedule 3, part II, paragraph 28 and 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.[back](#)

[3] 1990 c. 8, section 78 was amended by the Planning and Compensation Act 1991 (c. 34), section 17(2). Schedule 6 was amended by the Planning and Compensation Act 1991 (c. 34), sections 32 and 84(6) and Schedule 7, paragraphs 8 and 54 and Schedule 19, Part I, the Tribunals and Inquiries Act 1992 (c. 53), section 18 and Schedule 3, paragraph 28, the Environment Act 1995 (c. 25), Schedule 22, paragraph 44, S.I. 1992/1630, S.I. 1992/1491 and S.I. 1997/2971. There are also amendments not relevant to these Rules.[back](#)

[4] S.I. 1992/2039, to which there are amendments not relevant to these Rules.[back](#)

[5] S.I. 1995/419, to which there are amendments not relevant to these Rules.[back](#)

[6] S.I. 1990/1519, regulation 6 is modified where listed building consent or conservation area consent is required for the purposes of certain proposals including an application under section 6 of the Transport and Works Act 1992 (c. 42) by S.I. 1992/3138. There are also amendments not relevant to these Rules.[back](#)

[7] S.I. 2000/1624.[back](#)

[8] The Rules superseded are S.I. 1992/2038.[back](#)

[9] 1980 c. 65, to which there are amendments not relevant to these Rules.[back](#)

[10] 1988 c. 4, to which there are amendments not relevant to these Rules.[back](#)

[11] 1988 c. 50, Section 67(1) was amended by sections 3, 4, Schedule 1 Part 1, Schedule 2 paragraph 79(3) of the Planning (Consequential Provisions) Act 1990 (c. 11).[back](#)

[12] S.I. 1992/2039 to which there are amendments not relevant to these Rules.[back](#)

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