

**2000 No. 1626****TRIBUNALS AND INQUIRIES, ENGLAND****The Town and Country Planning (Hearings Procedure) (England) Rules 2000**

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<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<sup>1</sup>, and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following Rules:-

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**Notes**

<sup>1</sup> To which there are amendments not relevant to these Rules.

**Extent**

Preamble: England

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Law In Force

**1.— Citation, commencement and extent**

- (1) These Rules may be cited as the Town and Country Planning (Hearings Procedure) (England) Rules 2000.
- (2) These Rules shall come into force on 1st August 2000.
- (3) These Rules extend to England only.

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**Commencement**

rule 1(1)-(3): August 1, 2000

**Extent**

rule 1(1)-(3): England

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✔ Law In Force

## [ 2. Interpretation

(1) In these Rules—

[ “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000; ]<sup>2</sup>

“document” includes a photograph, map or plan;

“hearing” means a hearing in relation to which these Rules apply;

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

“inquiry” means a local inquiry in relation to which the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 or the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 apply;

“inspector” means—

(a) in relation to a transferred appeal, a person appointed by the Secretary of State to determine an appeal;

(b) in relation to a non-transferred appeal, a person appointed by the Secretary of State to hold a hearing or a re-opened hearing;

“land” means the land or building to which a hearing relates;

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>3</sup>;

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

“non-transferred appeal” means an appeal which falls to be determined by the Secretary of State, including an appeal which falls to be so determined by virtue of a direction under paragraph 3(1) of Schedule 6 to the Planning Act or paragraph 3(1) of Schedule 3 to the Listed Buildings Act;

“the Planning Act” means the Town and Country Planning Act 1990<sup>4</sup>;

“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 [ , and for this purpose a form is taken to be supplied where the Secretary of State has published it on a website and has notified the local planning authority of—

(i) publication of the form on the website,

(ii) the address of the website, and

(iii) the place on the website where the form may be accessed, and how it may be accessed; ]<sup>5</sup>

;

[...]<sup>6</sup>

[ “starting date” means the date of the notice given by the Secretary of State under rule 3A; ]<sup>7</sup>

“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<sup>8</sup> whose representations the Secretary of State is required by paragraph (3) of that article to take into account in determining the appeal to which a hearing 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 Secretary of State is required by paragraphs (3)(b) and (5) of regulation 6 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990<sup>9</sup> to take into account in determining the appeal to which a hearing 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; and

“transferred appeal” means an appeal which falls to be determined by a person appointed by the Secretary of State under Schedule 6 to the Planning Act or Schedule 3 to the Listed Buildings Act<sup>10</sup>.

[ (2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being effected electronically—

(a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;

(b) references to statements, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person (“the recipient”).

(4) The requirement shall be taken to be fulfilled where the document transmitted by means of the electronic communication is—

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), “legible in all material respects” means that the information contained in the statement, notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient outside the recipient's business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(7) A requirement in these Rules that any document should be in writing is fulfilled where that document meets the criteria in paragraph (4), and “written” and cognate expressions are to be construed accordingly.

(8) A requirement in these Rules to send more than one copy of a statement or other document may be complied with by sending one copy only of the statement or other document in question. ]<sup>11</sup>

] <sup>1</sup>

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## Notes

<sup>1</sup> Existing rule 2 substituted for rule 2(1) by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.1 (March 31, 2003)

<sup>2</sup> Definition inserted by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.1(a) (March 31, 2003)

- <sup>3</sup> Schedule 3 was amended by the Planning and Compensation Act 1991 (c. 34), section 25 and Schedule 3, part II, para 28 and by S.I. 1997/2971; there are also amendments not relevant to these Rules.
- <sup>4</sup> 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, paras 8 and 54 and Schedule 19, Part I, the Tribunals and Inquiries Act 1992 (c. 53), section 18 and Schedule 3, para 28, the Environment Act 1995 (c. 25), Schedule 22, para 44, S.I. 1992/1630, S.I. 1992/1491 and S.I. 1997/2971. There are also amendments to the Act not relevant to these Rules.
- <sup>5</sup> Words inserted by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.1(b) (March 31, 2003)
- <sup>6</sup> Definition repealed by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(2)(a) (April 6, 2009)
- <sup>7</sup> Definition substituted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(2)(b) (April 6, 2009)
- <sup>8</sup> To which there are amendments not relevant to these Rules.
- <sup>9</sup> Regulation 6 is modified where listed building consent or conservation area consent is required for the purposes of certain proposals included in an application under s.6 of the Transport and Works Act 1992 (c. 42) by S.I. 1992/3138; there are also amendments not relevant to these Rules.
- <sup>10</sup> S.I. 1997/420 prescribes the classes of appeal which are to be determined by persons appointed by the Secretary of State in accordance with these provisions.
- <sup>11</sup> Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.2 (March 31, 2003)

### Commencement

rule 2 definition of "document"- definition of "transferred appeal": August 1, 2000

### Extent

rule 2 definition of "document"-(8): England

Law In Force

### 3.— Application of Rules

(1) These Rules apply in relation to any hearing held in England for the purposes of a non-transferred or a transferred appeal made on or after 1st August 2000 under—

- (a) section 78 of the Planning Act;
- (b) section 20 of the Listed Buildings Act;
- (c) section 20 of the Listed Buildings Act as applied by section 74(3) of that Act,

but do not apply to any hearing 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 or the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, 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.

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**Commencement**

rule 3(1)-(2): August 1, 2000

**Extent**

rule 3(1)-(2): England

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Law In Force

**[ 3A.— Notice from the Secretary of State**

(1) In the case of an appeal under section 78 of the Planning Act<sup>2</sup> as soon as practicable after a determination has been made under section 319A of the Planning Act that the appeal is to proceed at a hearing, the Secretary of State shall send a notice to this effect to the appellant and the local planning authority.

(2) In the case of any other appeal to which these Rules apply, the Secretary of State shall, as soon as practicable after receipt of all the documents required to enable the appeal to proceed, send a notice to the appellant and the local planning authority, informing them that a hearing is to be held. ]<sup>1</sup>

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**Notes**

<sup>1</sup> Added by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(3) (April 6, 2009)

<sup>2</sup> 1990 c. 8. Section 319A was inserted by section 196 of the Planning Act 2008 (c. 29).

**Extent**

rule 3A(1)-(2): England

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Law In Force

**4.— Preliminary information to be supplied by local planning authority**

(1) The local planning authority shall, on receipt of the [ notice under rule 3A ]<sup>1</sup>, 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) The local planning authority shall ensure that within 2 weeks of the starting date—

- (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;
- (b) any—
  - (i) statutory party; and
  - (ii) other person who made representations to the local planning authority about the application occasioning the appeal,has been notified [ in writing ]<sup>2</sup> 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.

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**Notes**

- <sup>1</sup> Words substituted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(4)(a) (April 6, 2009)
- <sup>2</sup> Words inserted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(4)(b) (April 6, 2009)

**Commencement**

rule 4(1)-(2)(b)(ii): August 1, 2000

**Extent**

rule 4(1)-(2)(b)(ii): England

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Law In Force

**5.— Notification of name of inspector**

- (1) This rule applies where a hearing is to be held for the purposes of a transferred appeal.
- (2) Subject to paragraph (3), the Secretary of State shall notify [in writing ]<sup>1</sup> the name of the inspector to every person entitled to appear at the hearing.
- (3) 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 hearing is held, the inspector holding the hearing shall, at its commencement, announce his name and the fact of his appointment.

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**Notes**

- <sup>1</sup> Words inserted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(5) (April 6, 2009)

**Commencement**

rule 5(1)-(3): August 1, 2000

**Extent**

rule 5(1)-(3): England

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Law In Force

**6.— Receipt of hearing statements etc.**

- (1) The appellant and the local planning authority shall ensure that, within 6 weeks of the starting date, 2 copies of their hearing statement have been received by the Secretary of State and a copy has been received by any statutory party.
- (2) The Secretary of State may in writing require the appellant and the local planning authority to provide such further information about the matters contained in their hearing statement as he may specify; such information shall be provided in writing and the appellant or the local planning authority, as the case may be, shall ensure that 2 copies are received by the Secretary of State and

a copy is received by any statutory party within such period as the Secretary of State may reasonably require.

(3) Any statutory party, and any person who made representations to the local planning authority about the application occasioning the appeal or who was notified about the application occasioning the appeal, shall ensure that the Secretary of State has received 3 copies of any written comments they wish to make concerning the appeal within 6 weeks of the starting date.

(4) [...] <sup>1</sup>

(5) The Secretary of State shall send, as soon as practicable after receipt, a copy of any—  
 (a) hearing statement received by him pursuant to paragraph (1) [ and ] <sup>2</sup> further information provided pursuant to paragraph (2) [...] <sup>3</sup> from, in each case, the appellant or the local planning authority to the other of those two parties; and  
 (b) written comments made by persons pursuant to paragraph (3), to the local planning authority and the appellant.

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

- (a) the local planning authority's completed questionnaire, hearing statement and any document copied to the authority under paragraph (5); and
- (b) further information provided by the authority under paragraph (2) [...] <sup>4</sup> ,

and shall specify in their hearing statement the time and place where such opportunity shall be afforded.

[ (6A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where the person is notified of—

- (a) publication on a website of any document mentioned in sub-paragraph (a) or (b) of the previous paragraph;
- (b) the address of the website;
- (c) the place on the website where the document may be accessed, and how it may be accessed.

] <sup>5</sup>

(7) The Secretary of State shall send to the inspector, as soon as practicable after receipt, any hearing statement, document, part of any document or written comments received by the Secretary of State within the relevant period specified for receiving such documents pursuant to paragraphs (1) to [(3)] <sup>6</sup> .

(8) In the case of a non-transferred appeal, the Secretary of State, and in the case of a transferred appeal, the inspector, may in determining the appeal disregard any comments made pursuant to [ paragraph (3) ] <sup>7</sup> which are received after the relevant period specified for receipt.

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#### Notes

<sup>1</sup> Revoked by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(6)(a) (April 6, 2009)

<sup>2</sup> Word inserted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(6)(b)(i) (April 6, 2009)

<sup>3</sup> Words repealed by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(6)(b)(ii) (April 6, 2009)

<sup>4</sup> Words repealed by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(6)(c) (April 6, 2009)

- <sup>5</sup> Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.3 (March 31, 2003)
- <sup>6</sup> Word substituted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(6)(d) (April 6, 2009)
- <sup>7</sup> Words substituted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(6)(e) (April 6, 2009)

### Commencement

rule 6(1)-(8): August 1, 2000

### Extent

rule 6(1)-(8): England

Law In Force

## 7.— Date and notification of hearing

- (1) The date fixed by the Secretary of State for the holding of a hearing shall be—
- (a) not later than 12 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 a hearing to every person entitled to appear at the hearing.
- [ (2A) A written notice shall be taken to have been given by the Secretary of State for the purposes of paragraph (2) where he and any person entitled to appear at the hearing have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and—
- (a) the notice is a notice to which that agreement applies;
  - (b) the Secretary of State has published the notice on a website;
  - (c) not less than 4 weeks before the date fixed by the Secretary of State for the holding of the inquiry, the person is notified of—
    - (i) the publication of the notice on a website,
    - (ii) the address of the website, and
    - (iii) the place on the website where the notice may be accessed, and how it may be accessed.
- ] <sup>1</sup>
- (3) The Secretary of State may vary the date fixed for the holding of a hearing, whether or not the date as varied is within the period of 12 weeks mentioned in paragraph (1); and [ paragraphs (2) and (2A) ] <sup>2</sup> shall apply to a 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 a hearing and shall give such notice of any 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 both of the following steps—



- (a) not less than 2 weeks before the date fixed for the holding of a hearing, to publish a notice of the hearing in one or more newspapers circulating in the locality in which the land is situated;
  - (b) to send a notice of the hearing to such persons or classes of persons as he may specify, within such period as he may specify.
- (6) Every notice of hearing published or sent pursuant to paragraph (5) shall contain—
- (a) a clear statement of the date, time and place of the hearing and of the powers enabling the Secretary of State or 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 documents sent by and copied to the authority pursuant to rule 6 may be inspected.

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#### Notes

- <sup>1</sup> Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.4(a) (March 31, 2003)
- <sup>2</sup> Words substituted by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.4(b) (March 31, 2003)

#### Commencement

rule 7(1)-(6)(d): August 1, 2000

#### Extent

rule 7(1)-(6)(d): England

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Law In Force

### 8.— Method of procedure

- (1) [ Subject to paragraphs (3) and (4), if ]<sup>1</sup> either the appellant or the local planning authority at any time before or during the hearing is of the opinion that the hearings procedure is inappropriate in determining the appeal and that the appeal should not proceed in this way then they may inform the Secretary of State [ in writing ]<sup>2</sup>, before the hearing, or the inspector, during the hearing, of their opinion and the reasons for it, and—
- (a) the Secretary of State, before the hearing, shall, after consulting the other party who may inform the Secretary of State of his opinion [ in writing ]<sup>3</sup> pursuant to this paragraph, decide whether an inquiry should be arranged instead; or
  - (b) the inspector, during the hearing, shall, after consulting the other party who may inform the inspector of his opinion pursuant to this paragraph, decide whether the hearing should be closed and an inquiry held instead.
- (2) [ Except in the case of an appeal under section 78 of the Planning Act, if ]<sup>4</sup> at any time during a hearing it appears to the inspector that the hearings procedure is inappropriate, he may, after consulting the appellant and the local planning authority, decide to close the proceedings and arrange for an inquiry to be held instead.

[(3) In the case of an appeal under section 78 of the Planning Act, if either the appellant or the local planning authority at any time before or during a hearing is of the opinion that the hearings procedure is inappropriate to determine the appeal and that the appeal should not proceed in this way then they may inform the Secretary of State in writing, before the hearing, or the inspector, during the hearing and the reasons for it.

(4) Where paragraph (3) applies, Secretary of State shall consult the other party, who may inform the Secretary of State of their opinion in writing pursuant to this paragraph, before exercising the power in section 319A(4) of the Planning Act. ]<sup>5</sup>

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#### Notes

- <sup>1</sup> Word substituted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(7)(a) (April 6, 2009)
- <sup>2</sup> Word inserted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(7)(b) (April 6, 2009)
- <sup>3</sup> Words inserted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(7)(c) (April 6, 2009)
- <sup>4</sup> Word substituted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(8) (April 6, 2009)
- <sup>5</sup> Added by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(9) (April 6, 2009)

#### Commencement

rule 8(1)-(2): August 1, 2000

#### Extent

rule 8(1)-(4): England

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Law In Force

### 9.— Appearances at hearing

(1) The persons entitled to appear at the hearing are—

- (a) the appellant;
- (b) the local planning authority; and
- (c) any statutory party.

(2) Nothing in paragraph (1) shall prevent the inspector from permitting any other person to appear at a hearing, 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.

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#### Commencement

rule 9(1)-(3): August 1, 2000

#### Extent

rule 9(1)-(3): England

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✔ Law In Force

### **10.— Inspector may act in place of Secretary of State in respect of transferred appeals**

- (1) This rule applies where a hearing is to be held or has been held in respect of a transferred appeal.
- (2) 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 rules 6(2), 6(5), 7 and 18; and where an inspector requires further information or copies pursuant to rules 6(2) or 18(2) that information or copies shall be sent to him.

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#### **Commencement**

rule 10(1)-(2): August 1, 2000

#### **Extent**

rule 10(1)-(2): England

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✔ Law In Force

### **11.— Procedure at hearing**

- (1) Except as otherwise provided in these Rules, the inspector shall determine the procedure at a hearing.
- (2) A hearing shall take the form of a discussion led by the inspector and cross-examination shall not be permitted unless the inspector considers that cross-examination is required to ensure a thorough examination of the main issues.
- (3) Where the inspector considers that cross-examination is required under paragraph (2) he shall consider, after consulting the appellant and the local planning authority, whether the hearing should be closed and an inquiry held instead.
- (4) At the start of the hearing the inspector shall identify what are, in his opinion, the main issues to be considered at the hearing and any matters on which he requires further explanation from any person entitled or permitted to appear.
- (5) Nothing in paragraph (4) 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.
- (6) A person entitled to appear at a hearing shall be entitled to call evidence but, subject to the foregoing and paragraphs (7) and (8), the calling of evidence shall otherwise be at the inspector's discretion.
- (7) The inspector may refuse to permit the—
  - (a) giving or production of evidence; or
  - (b) 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 hearing.
- (8) The inspector may—

- (a) require any person appearing or present at a hearing 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 hearing.

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

(10) The inspector may proceed with a hearing in the absence of any person entitled to appear at it.

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

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

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#### Commencement

rule 11(1)-(12): August 1, 2000

#### Extent

rule 11(1)-(12): England

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Law In Force

## 12.— Site inspections

(1) Where it appears to the inspector that one or more matters would be more satisfactorily resolved by adjourning the hearing to the appeal site he may adjourn the hearing to that site and conclude the hearing there provided he is satisfied that—

- (a) the hearing would proceed satisfactorily and that no party would be placed at a disadvantage;
- (b) all parties present at the hearing would have the opportunity to attend the adjourned hearing; and
- (c) the local planning authority, the appellant or any statutory party has not raised reasonable objections to it being continued at the appeal site.

(2) Unless the hearing is to be adjourned to the appeal site pursuant to paragraph (1), the inspector—

- (a) may inspect the land during the hearing or after its close; and
- (b) shall inspect the land if requested to do so by the appellant or the local planning authority before or during the hearing.

(3) Where the inspector intends to make an inspection under paragraph (2), he shall ask the appellant and the local planning authority whether they wish to be present.

(4) Where the appellant or the local planning authority have indicated that they wish to be present the inspector shall announce the date and time at which he proposes to make the inspection during the hearing and shall make the inspection in the company of–

- (a) the appellant and the local planning authority; and
- (b) at the inspector's discretion, any other person entitled or permitted to appear at the hearing who is appearing or did appear at it.

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

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**Commencement**

rule 12(1)-(5): August 1, 2000

**Extent**

rule 12(1)-(5): England

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Law In Force

**13.— Procedure after hearing – non-transferred appeals**

(1) This rule applies where a hearing has been held for the purposes of a non-transferred appeal.

(2) After the close of the hearing, the inspector shall make a report in writing to the Secretary of State which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(3) When making his determination the Secretary of State may disregard any written representations, evidence or other document received after the hearing has closed.

- (4) If, after the close of the hearing, the Secretary of State–
- (a) differs from the inspector on any matter of fact mentioned in, or appearing to him to be material to, a conclusion reached by the inspector, or
  - (b) takes into consideration any new evidence or new matter of fact (not being a matter of government policy),

and is for that reason disposed to disagree with a recommendation made by the inspector, he shall not come to a decision which is at variance with that recommendation without first notifying [ in writing ]<sup>1</sup> the persons entitled to appear at the hearing who appeared at it of his disagreement and the reasons for it; and affording them an opportunity of making written representations to him or (if the Secretary of State has taken into consideration any new evidence or new matter of fact, not being a matter of government policy) of asking for the reopening of the hearing.

(5) Those making written representations or requesting the hearing to be re-opened pursuant to paragraph (4), shall ensure that such representations or request are received by the Secretary of State within 3 weeks of the date of the Secretary of State's notification under that paragraph.

(6) The Secretary of State may, as he thinks fit, cause a hearing to be reopened, and he shall do so if asked by the appellant or the local planning authority in the circumstances mentioned in paragraph (4) and within the period mentioned in paragraph (5); and where a hearing is re-opened (whether by the same or a different inspector)–

- (a) the Secretary of State shall send to the persons entitled to appear at the hearing who appeared at it a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (2) to (6) of rule 7 shall apply as if the references to a hearing were references to a re-opened hearing.

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**Notes**

- <sup>1</sup> Words inserted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(10) (April 6, 2009)

**Commencement**

rule 13(1)-(6)(b): August 1, 2000

**Extent**

rule 13(1)-(6)(b): England

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Law In Force

**14.— Procedure after hearing – transferred appeals**

- (1) This rule applies where a hearing has been held for the purposes of a transferred appeal.
- (2) When making his decision the inspector may disregard any written representations, or evidence or any other document received after the hearing has closed.
- (3) If, after the close of the hearing, 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 hearing and which he considers to be material to his decision, he shall not come to a decision without first—
- (a) notifying [in writing ]<sup>1</sup> persons entitled to appear at the hearing 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 hearing,
- and they shall ensure that such written representations or request to re-open the hearing 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 a hearing 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 a hearing is re-opened—
- (a) the inspector shall send to the persons entitled to appear at the hearing who appeared at it a written statement of the matters with respect to which further evidence is invited; and
  - (b) paragraphs (2) to (6) of rule 7 shall apply as if the references to a hearing were references to a re-opened hearing.

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**Notes**

- <sup>1</sup> Words inserted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(11) (April 6, 2009)

**Commencement**

rule 14(1)-(4)(b): August 1, 2000

**Extent**

rule 14(1)-(4)(b): England

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Law In Force

**15.— Notification of decision – non-transferred appeals**

- (1) This rule applies where a hearing has been held for the purposes of a non-transferred appeal.
- (2) The Secretary of State shall notify his decision on an appeal, and his reasons for it, in writing to—
- (a) all persons entitled to appear at the hearing who did appear; and
  - (b) any other person who, having appeared at the hearing, has asked to be notified of the decision.

[(2A) Notification in writing of a decision and reasons shall also be taken to have been given to a person for the purposes of this rule where—

- (a) the Secretary of State and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person on a website;
- (b) the decision and reasons are a decision and reasons to which that agreement applies;
- (c) the Secretary of State has published the decision and reasons on a website;
- (d) the person is notified of—
  - (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website;
  - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.

]¹

(3) Where a copy of the inspector's report is not sent with the notification of the decision, the notification shall be accompanied by a statement of his conclusions and of any recommendations made by him; and if a person entitled to be notified of the decision has not received a copy of that report, he shall be supplied with a copy of it on written application to the Secretary of State.

(4) In this rule “report” does not include any documents appended to the inspector's report; but any person who has received a copy of the report may apply to the Secretary of State in writing for an opportunity of inspecting any such documents and the Secretary of State shall afford him that opportunity.

[(4A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where that person is notified of—

- (a) publication of the relevant documents on a website;
- (b) the address of the website;
- (c) the place on the website where the documents may be accessed, and how they may be accessed.

]²

(5) A person applying to the Secretary of State under—

- (a) paragraph (3) shall ensure that his application is received by the Secretary of State within 4 weeks;
- (b) paragraph (4) shall ensure that his application is received by the Secretary of State within 6 weeks,
- of the date of the Secretary of State's decision.

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#### Notes

- <sup>1</sup> Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.5(a) (March 31, 2003)
- <sup>2</sup> Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.5(b) (March 31, 2003)

#### Commencement

rule 15(1)-(5)(b): August 1, 2000

#### Extent

rule 15(1)-(5)(b): England

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Law In Force

### 16.— Notification of decision— transferred appeals

- (1) This rule applies where a hearing has been held for the purposes of a transferred appeal.
- (2) An inspector shall notify his decision on an appeal, and his reason for it, in writing to—
- (a) all persons entitled to appear at the hearing who did appear; and
  - (b) any other person who, having appeared at the hearing, has asked to be notified of the decision.
- (3) Any person entitled to be notified of the inspector's decision under paragraph (2) may apply to the Secretary of State in writing, for an opportunity of inspecting any documents listed in the notification and the Secretary of State shall afford him that opportunity.
- [ (4A) For the purposes of the previous paragraph an opportunity shall be taken to have been afforded to a person where that person is notified of—
- (a) publication of the relevant documents on a website;
  - (b) the address of the website;
  - (c) the place on the website where the documents may be accessed, and how they may be accessed.
- ]<sup>1</sup>
- (4) Any person making an application under paragraph (3) shall ensure that it is received by the Secretary of State within 6 weeks of the date of the inspector's decision.

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#### Notes

- <sup>1</sup> Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.6 (March 31, 2003)

#### Commencement

rule 16(1)-(4): August 1, 2000



**Extent**

rule 16(1)-(4): England

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Law In Force

**17.— Procedure following quashing of decision**

(1) Where a decision of the Secretary of State or an inspector on an appeal in respect of which a hearing 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 hearing 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;
- (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 hearing; and
- (c) may, as he thinks fit, cause the hearing to be re-opened or an inquiry held instead (whether by the same or a different inspector) and if he re-opens the hearing paragraphs (2) to (6) of rule 7 shall apply as if the references to a hearing were to a re-opened hearing.

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

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**Commencement**

rule 17(1)-(2): August 1, 2000

**Extent**

rule 17(1)-(2): England

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Law In Force

**18.— Further time and additional copies**

(1) 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.

(2) The Secretary of State may at any time before the close of a hearing request from any person entitled to appear additional copies of the following—

- (a) a hearing statement or comments sent in accordance with rule 6; or
- (b) any other document or information sent to the Secretary of State before or during a hearing,

and may specify the time within which such copies should be received by him and any person so requested shall ensure that the copies are received within the period specified.

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**Commencement**

rule 18(1)-(2)(b): August 1, 2000

**Extent**

rule 18(1)-(2)(b): England

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Law In Force

**[ 19. Sending of notices etc.**

Notices or documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

- (a) by post; or
- (b) by using electronic communications to send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.

] <sup>1</sup>

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**Notes**

- <sup>1</sup> Substituted by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.7 (March 31, 2003)

**Commencement**

rule 19: August 1, 2000

**Extent**

rule 19(a)-(b): England

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Law In Force

**[ 19A. Withdrawal of consent to use of electronic communications**

Where a person is no longer willing to accept the use of electronic communications for any purpose under these Rules which is capable of being effected electronically, the person shall give notice in writing—

- (a) withdrawing any address notified to the Secretary of State or to a local planning authority for that purpose, or
- (b) revoking any agreement entered into with the Secretary of State or with a local planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

] <sup>1</sup>

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**Notes**

- <sup>1</sup> Added by Town and Country Planning (Electronic Communications) (England) Order 2003/956 Sch.4 para.8 (March 31, 2003)

**Extent**

rule 19A(a)-(b): England

Law In Force

**20.— Mayor of London**

(1) In this rule “the Mayor” means the Mayor of London.

(2) Where a hearing 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 3A—

(i) in paragraph (1), after “the appellant” insert “, the Mayor”;

(ii) in paragraph (2), after “the appellant” insert “, the Mayor”;

] <sup>1</sup>

(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)(a) after “the Secretary of State” insert “, the Mayor”;

(iii) in paragraph (2)(b)(i), after “statutory party” insert “and the Mayor”;

(c) in rule 6—

(i) in paragraph (1), after “The appellant” insert “, the Mayor” and for “2” substitute “3”;

(ii) in paragraph (2), after both references to “the appellant” insert “, the Mayor” and for “2” substitute “3”;

(iii) in paragraph (3), for “3” substitute “4”;

(iv) [...] <sup>2</sup>

(v) in paragraph (5)(a), after “the appellant” insert “, the Mayor” and for “of those two parties” substitute “parties required to provide such documents”;

(vi) in paragraph (5)(b), after “the local planning authority” insert “, the Mayor”.

(d) in rule 7(2) after “the appellant” insert “, the Mayor”;

(e) in rule 8—

(i) in paragraph (1), for “If either the appellant” substitute “If the appellant, the Mayor”, for each reference to “party” substitute “parties” and for each reference to “his opinion” substitute “their opinions”;

(ii) in paragraph (2), after “the appellant” insert “, the Mayor”;

[(iii) in paragraph (3), for “If either the appellant” substitute “If the appellant, the Mayor”;

(iv) in paragraph (4), for “party” substitute “parties”]; <sup>3</sup>

(f) in rule 9(1)—

(i) at the end of sub-paragraph (b) delete “and”;

(ii) after sub-paragraph (c) add—

“and

(d) the Mayor.”;

(g) in rules 13(6) and 14(4), after “the appellant” insert “, the Mayor”.

(3) Where a hearing is held into an appeal arising from an application which a local planning authority was required to notify to the Mayor but which is not an appeal falling within paragraph (2), these Rules shall apply as if the Mayor were a statutory party.

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**Notes**

- <sup>1</sup> Substituted by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(12)(a) (April 6, 2009)
- <sup>2</sup> Revoked by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(12)(b) (April 6, 2009)
- <sup>3</sup> Added by Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009/455 rule 2(12)(c) (April 6, 2009)

**Commencement**

rule 20(1)-(3): August 1, 2000

**Extent**

rule 20(1)-(3): England

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Law In Force

*Irvine of Lairg, C*

17th June 2000

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**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules regulate the procedure to be followed for hearings in England caused by the Secretary of State to be held before he or an inspector determines appeals made to him in relation to planning permission, listed building consent and consent for the demolition of unlisted buildings in conservation areas (“conservation area consent”) on or after 1st August 2000. The Rules come into force on 1st August 2000.

Rule 4 provides for the preliminary procedure to be followed, in particular the information to be provided by a local planning authority, on receipt by it of a notice that a hearing is to be held.

Rule 5 provides for notification of the name of the inspector where an appeal is to be determined by an inspector (“transferred appeal”).

Rule 6 provides for the documents to be copied to the Secretary of State before a hearing and for the documents to be copied by him to the parties and to the inspector. It provides for the local planning authority to make documents available for public inspection. It also provides a discretion for the Secretary of State to disregard documents received after the required time periods.

Rule 7 provides for the date to be fixed for the hearing and notification of that date and rule 8 provides for an inquiry to be held instead of a hearing.

Rule 9 prescribes those entitled to appear at a hearing and rule 10 provides for an inspector, in a transferred appeal, to take steps in place of the Secretary of State.

Rule 11 provides for the procedure at a hearing and rule 12 makes provision for the hearing to be adjourned to the site or for site inspections.

Rules 13 and 14 provide, respectively, for the procedure after a hearing in respect of appeals to be determined by the Secretary of State (non-transferred appeals) and transferred appeals. They include a discretion for the Secretary of State or an inspector to disregard documents received after the close of a hearing.

Rules 15 and 16 provide, respectively, for the notification of decisions for non-transferred and transferred appeals.

Rule 17 provides for the procedure following quashing of a decision.

Rule 18 gives the Secretary of State a discretion to allow further time for the taking of any step and to request additional copies of documents or information sent to him before or during a hearing.

Rule 19 makes provision for service by post.

Rule 20 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 appeal, 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 appeal.

A Regulatory Impact Assessment has been prepared in relation to these Rules. It has been placed in the Library of each House of Parliament and copies may be obtained from PD3B, Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU, (Telephone 020 7944 3945).

## Modifications

<b>Whole Document</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(3)
<b>rule 2</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(a)
<b>rule 3A(1)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20
<b>rule 3A(2)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20
<b>rule 4</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(b)
<b>rule 6</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(c)
<b>rule 7(2)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 13(6)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 14(4)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 17(1)(c) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(d)
<b>rule 7(2A)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 13(6)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 14(4)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 17(1)(c)
<b>rule 7(3)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 13(6)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 14(4)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 17(1)(c)
<b>rule 7(4)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 13(6)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 14(4)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 17(1)(c)
<b>rule 7(5)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 13(6)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 14(4)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 17(1)(c)
<b>rule 7(6)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 13(6)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 14(4)(b) Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 17(1)(c)

<b>rule 8</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(e)
<b>rule 9</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(f)
<b>rule 13(6)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(g)
<b>rule 14(4)</b>	Town and Country Planning (Hearings Procedure) (England) Rules 2000/1626, rule 20(2)(g)

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