STATUTORY INSTRUMENTS

2026 No. 122

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Appeals) (Written Representations Procedure) (England) (Amendment and Saving Provision) Regulations 2026

Made - - - -	*10th February 2026*
Laid before Parliament	*12th February 2026*
Coming into force - -	*1st April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 65(1), 78(3) and (4A), 323(1A) and (3), 333(2A) and (2B) of, and paragraph 16 of Schedule 7A to, the Town and Country Planning Act 1990(**a**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Appeals) (Written Representations Procedure) (England) (Amendment and Saving Provision) Regulations 2026.

(2) These Regulations come into force on 1st April 2026.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply to appeals against planning decisions in England.

Amendments to the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

2.—(1) The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009(**b**) are amended in accordance with this regulation.

(2) In regulation 3 (application)—

(a) for paragraph (2)(**c**) substitute—

"(2) Part 1 of these Regulations applies where—

(**a**) 1990 c. 8; section 65(1) was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) and was amended by paragraph 9 of Schedule 12 to the Housing and Planning Act 2016 (c. 22). Section 78(3) was amended by regulation 8(b) of S.I. 2024/49 and (4A) was inserted by paragraph 2 of Schedule 11 to the Planning Act 2008 (c. 29). Section 323(1A) was inserted by paragraph 12(2) of Schedule 10 to the Planning Act 2008 (c. 29) and (3) was amended by paragraph 12(3) of Schedule 10 to the Planning Act 2008 (c. 29). Section 333(1) was amended by paragraph 32(12) of Schedule 10 to the Environment Act 1995 (c. 25), (2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5) and (2B) was inserted by section 130(1)(a) of the Levelling-up and Regeneration Act 2023 (c. 55). Schedule 7A was inserted by paragraph 2 of Schedule 14 to the Environment Act 2021 (c. 30).

(**b**) S.I. 2009/452, amended by S.I. 2013/2114; there are other amending instruments but none is relevant.

(**c**) Paragraph (2)(a) was inserted by regulation 2(3)(a) of S.I. 2013/2114.

(a) a householder appeal is made in relation to an application which was made on or after 6th April 2009 and before 1st April 2026;

(b) an advertisement consent appeal or minor commercial appeal is made in relation to an application which was made on or after 1st October 2013 and before 1st April 2026;

(c) an appeal is made under section 78(1) of the Act in relation to an application which was made on or after 1st April 2026; or

(d) an appeal is made under section 78(1) of the Act, as applied by regulations made under section 220 of the Act, in relation to an application determined on or after 1st April 2026;

and the Secretary of State has determined under section 319A (determination of procedure of certain proceedings) of the Act that it is a matter which is to be determined on the basis of representations in writing.";

(b) for paragraph (3)(**a**) substitute—

"(3) Part 2 of these Regulations applies where—

(a) an appeal which is not a householder appeal, advertisement consent appeal or minor commercial appeal is made under section 78 of the Act—

(i) in relation to an application which was made on or after 6th April 2009 and before 1st April 2026; or

(ii) as applied by regulations made under section 220 of the Act, in relation to an application determined, or a discontinuance notice served, on or after 1st October 2013 and before 1st April 2026;

(b) an appeal is made under section 78(1) of the Act, as applied by regulations made under section 220 of the Act, in relation to a discontinuance notice which was served on or after 1st April 2026;

(c) an appeal is made under section 78(2) of the Act in relation to an application which was made on or after 1st April 2026; or

(d) an appeal is made under section 78(2) of the Act, as applied by regulations made under section 220 of the Act, in relation to an application determined on or after 1st April 2026;

and the Secretary of State has determined under section 319A of the Act that it is a matter which is to be determined on the basis of representations in writing.";

(c) after paragraph (3A), insert—

"(3B) Where the Secretary of State has determined under regulation 9 that the procedures set out under Part 1 of these Regulations are no longer suitable for an appeal, the procedures under Part 2 apply.".

(3) In the heading of Part 1, for "Householder, Advertisement Consent and Minor Commercial"(**b**) substitute "Expedited Written Representations".

(4) In the heading of regulation 10(**c**), omit the words "householder, advertisement consent and minor commercial".

(**a**) Paragraph (3) was inserted by regulation 2(3)(b) of S.I. 2013/2114.
(**b**) The heading of Part 1 was amended by regulation 2(4) of S.I. 2013/2114.
(**c**) The heading of regulation 10 was amended by regulation 2(5) of S.I. 2013/2114.

Amendments to the Town and Country Planning (Development Management Procedure) (England) Order 2015

3.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015(**a**) is amended in accordance with this regulation.

(2) In article 15(7)(f)—

(a) omit "in the case of a householder or minor commercial application,";

(b) after "in the event of an appeal" insert "made under section 78(1) of the 1990 Act".

(3) In article 37—

(a) in paragraph (1)(b), for "paragraph (3)(a)(ii) or paragraph (3)(b)(v), as the case may be" substitute "paragraph (3)(b)(v)";

(b) in paragraph (3)(a)—

(i) for "a householder or minor commercial appeal" substitute "an appeal made under section 78(1) of the 1990 Act";

(ii) at the end of paragraph (i), insert "and";

(iii) omit paragraph (ii).

(4) For Schedule 2, substitute the Schedule to these Regulations.

Saving provision

4.—(1) Where a householder appeal or minor commercial appeal is made in relation to an application which was made before the coming into force of these Regulations, the Town and Country Planning (Development Management Procedure) (England) Order 2015 applies to that appeal as though regulation 3(3) was not in force.

(2) For the purposes of this regulation, "householder appeal" and "minor commercial appeal" have the meanings given in article 37(8) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed by the authority of the Secretary of State for Housing, Communities and Local Government

Matthew Pennycook
Minister of State
Ministry of Housing, Communities and Local Government

10th February 2026

(**a**) S.I. 2015/595, to which there are amendments not relevant to these Regulations.

SCHEDULE

Regulation 3(4)

Schedule to be substituted for Schedule 2 to the Town and Country Planning (Development Management Procedure) (England) Order 2015

"SCHEDULE 2

Articles 13 and 36

Notices under articles 13 and 36".

Town and Country Planning (Development Management Procedure) (England) Order 2015

NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION

(to be published in a newspaper and, where relevant, on a website or to be served on an owner or a tenant**)*

Proposed development at (a) ……..
I give notice that (b) ……is applying to the [(c) ……..…….…… Council][Secretary of State]+ for planning permission to (d)……..……
Any owner* of the land or tenant** who wishes to make representations about this application should write to the [Council][Secretary of State]+ at (e) ……..……by (f) …….

In the event that an appeal is made against a planning decision of the Council, and that appeal then proceeds by way of the expedited procedure under the written representations procedure++, any representations made by the owner* or tenant** to the Council about this application will be passed to the Secretary of State and there will be no opportunity to make further representations. Any owner or tenant wishing to make representations should do so by the date given above.

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

+ Delete where inappropriate.
++ The expedited procedure in relation to written representations is set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I.2009/452).

Signed ……
On behalf of (delete if not applicable) ……
Date ……..

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Council or the Secretary of State as appropriate
(f) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

Town and Country Planning (Development Management Procedure) (England) Order 2015

NOTICE UNDER ARTICLES 13 AND 36 OF APPEAL

(to be published in a newspaper and, where relevant, on a website or to be served on an owner* or a tenant**)

Proposed development at (a) ……..
I give notice that (b)……..
having applied to the (c)…….. Council to
(d)……is
appealing to the Secretary of State

against the decision of the Council +
on the failure of the Council to give notice of a decision +

In the event that the appeal is dealt with by the expedited procedure under the written representations procedure++, any representations made by the owner* of the land or tenant** to the Council about the application will be passed to the Secretary of State and there will be no opportunity to make further representations in relation to the appeal.

In other cases, any owner* of the land or tenant** who wishes to make representations about this appeal should write to the Secretary of State at (e)……
……

*"owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

+ Delete where inappropriate
++ The expedited procedure in relation to written representations is set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (S.I.2009/452).

Signed ……
On behalf of (delete if not applicable) ……
Date ……..

Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Secretary of State

Town and Country Planning (Development Management Procedure)

(England) Order 2015

NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION FOR THE WINNING AND WORKING OF MINERALS BY UNDERGROUND OPERATIONS

(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))

Proposed development at (a)……..
I give notice that (b)……
is applying to the [(c) ……Council] [Secretary of State] +
for planning permission to (d)……

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e)……...
during all reasonable hours until (f)……...

Anyone who wishes to make a representation about this application should write to the [Council] [Secretary of State] + at (g)……
by (f)……...

Signed……
+ On behalf of ……
Date ……

+ delete where appropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address at which the application may be inspected (the applicant is responsible for making the application available for inspection within the area of the local planning authority)
(f) date giving a period of 21 days beginning with the date when the notice is posted
(g) address of the Council or the Secretary of State as appropriate

Town and Country Planning (Development Management Procedure)

(England) Order 2015

NOTICE UNDER ARTICLES 13 AND 36 OF APPEAL

(to be posted in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations (in addition to the service or publication of any other requisite notices in this Schedule))

Proposed development at (a)……..
I give notice that (b)…….
Having applied to the (c) ……..Council to
(d)……is
appealing to the Secretary of State

against the decision of the Council+
on the failure of the Council to give notice of a decision +

Members of the public may inspect copies of

- the application
- the plans
- and other documents submitted with it

at (e)……...
during all reasonable hours until (f)……...

Anyone who wishes to make a representation about this appeal should write to the Secretary of State .
at (f)……...
by
(g)……...

Signed……
+ On behalf of ……
Date ……

+ delete where inappropriate

Insert:
(a) address or location of the proposed development
(b) applicant's name
(c) name of the Council
(d) description of the proposed development
(e) address of the Council
(f) address of the Secretary of State
(g) date giving a period of 21 days beginning with the date when the notice is posted

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 ("the 2009 Regulations") and the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("the 2015 Order").

The amendments expand the scope of the expedited written representations appeals procedure in Part 1 of the 2009 Regulations. This procedure will now be used to determine the majority of appeals made under section 78(1) of the Town and Country Planning Act 1990 ("the 1990 Act"). The Secretary of State may, where appropriate, transfer an appeal from the Part 1 procedure and deal with it under the procedure set out in Part 2 of the 2009 Regulations. Amendments to the 2015 Order are required for the expansion of the expedited written representations appeals procedure. They update the list of documents required to be lodged with planning appeals made under section 78(1) of the 1990 Act.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available at www.legislation.gov.uk, or copies may be requested from the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

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