STATUTORY INSTRUMENTS

1981 No. 1742

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Enforcement Notices and Appeals) Regulations 1981

Made - - - -	*3rd December* 1981
Laid before Parliament	*14th December* 1981
Coming into Operation	*11th January* 1982

The Secretary of State for the Environment in relation to England and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred by sections 87(12), 88(5), 97(4) and 287(2) of the Town and Country Planning Act 1971(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1981 and shall come into operation on 11th January 1982.

Interpretation

2. In these regulations, unless the context otherwise requires—

"the 1971 Act" means the Town and Country Planning Act 1971;

"enforcement notice" means a notice issued under section 87(1) or section 96(1) of the 1971 Act;

"local planning authority" means the local authority or other body who issue the relevant enforcement notice.

PART II

ENFORCEMENT NOTICES UNDER SECTION 87

Matters to be specified in enforcement notice

3. Local planning authorities are directed to specify in any enforcement notice which they issue under section 87 of the 1971 Act—

(*a*) the reasons why they consider it expedient to issue the notice; and

(*b*) the precise boundaries of the land to which the notice relates, whether by reference to a plan or otherwise.

(**a**) 1971 c. 78; sections 87, 88 and 97 were substituted by the Local Government and Planning (Amendment) Act 1981 (c. 41), section 1 and the Schedule, paragraphs 1 and 9.

Explanatory note to accompany copy enforcement notices

4. Every copy of an enforcement notice served by a local planning authority under section 87(5) of the 1971 Act shall be accompanied by an explanatory note which shall include the following—

(*a*) a copy of sections 87 to 88B of the 1971 Act, or a summary of those sections including the following information—

(i) that there is a right of appeal to the Secretary of State against the enforcement notice ;

(ii) that an appeal must be made in writing to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect ;

(iii) the grounds on which an appeal may be brought under section 88 ;

(*b*) notification that an appellant must submit to the Secretary of State, either when giving notice of appeal or within 28 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which he is appealing against the enforcement notice and stating briefly the facts on which he proposes to rely in support of each of those grounds.

PART III

APPEALS

Statement by appellant

5. A person who gives notice to the Secretary of State under section 88(3) or 97(2) of the 1971 Act appealing against an enforcement notice and who does not send with it a statement in writing specifying the grounds on which he is appealing against the notice and stating briefly the facts on which he proposes to rely in support of each of those grounds, shall deliver such a statement to the Secretary of State not later than 28 days from the date on which the Secretary of State sends him a notice so requiring him.

Statement by local planning authority

6.—(1) Where an appeal has been made to the Secretary of State against an enforcement notice issued by a local planning authority, the authority shall serve on the Secretary of State and on the appellant a statement indicating the submissions which they propose to put forward on the appeal and including the following matters—

(*a*) a summary of the authority's response to each ground of appeal pleaded by the appellant ;

(*b*) a statement whether the authority would be prepared to grant planning permission for the development alleged in the enforcement notice to have been carried out, or listed building consent for the works to which the listed building enforcement notice relates, as the case may be, and, if so, particulars of the conditions, if any, which they would wish to attach to such permission or consent.

(2) Any statement which is required to be served by paragraph (1) of this regulation shall be served—

(*a*) where a local inquiry is to be held, not later than 28 days before the date of the inquiry or such later date as may be agreed in writing by the Secretary of State, the appellant and the local planning authority ;

(*b*) in any other case, not later than 28 days from the date on which the Secretary of State sends to the authority a notice requiring the statement.

Public notification of appeal

7.—(1) Where an appeal has been made to the Secretary of State against an enforcement notice issued by a local planning authority and he proposes not to hold a local inquiry, the authority shall give notification of the appeal to occupiers of properties in the locality of the site to which the enforcement notice relates and to any other persons who in the opinion of the authority are affected by the breach of planning control or contravention of listed building control which is alleged in the enforcement notice.

(2) Any notification given under paragraph (1) of this regulation shall include—

(*a*) a description of the alleged breach of control ;

(*b*) in the case of an appeal against an enforcement notice issued under section 87 of the 1971 Act, a statement of the reasons specified in the notice under regulation 3(*a*) of these regulations ;

(*c*) the grounds on which the appellant appealed against the enforcement notice ; and

(*d*) a statement that interested persons may submit comments in writing to the local planning authority within such time as may be specified in the notification.

Local planning authority to send copy of notice to Secretary of State

8. Where an appeal has been made to the Secretary of State against an enforcement notice the local planning authority who issued the notice shall if so required by the Secretary of State send to him, not later than 14 days from the date on which the Secretary of State gives them notice that the appeal has been made, a copy of the enforcement notice and a list of the names and addresses of the persons on whom a copy of the notice was served under section 87(5) or 96(3) of the 1971 Act, as the case may be.

PART IV

NOTICES ISSUED BY THE SECRETARY OF STATE

Application of regulations

9. These regulations, except regulation 8, shall apply with respect to enforcement notices issued by the Secretary of State under section 276(5A) of the 1971 Act (**a**) and to appeals made to the Secretary of State against such notices as they apply with respect to such notices issued by local planning authorities and to appeals made against them as if—

(*a*) for references to a local planning authority there were substituted references to the Secretary of State ;

(*b*) in regulation 3, for " section 87 " there were substituted " section 276(5A) " ;

(*c*) in regulation 4, paragraph (*a*), after " sections 87 to 88B " there were inserted " and section 276(5A) " ;

(**a**) Section 276(5A) was substituted for part of section 276(5) of the 1971 Act by section 1 of and paragraph 24 of the Schedule to the Local Government and Planning (Amendment) Act 1981.

(*d*) for regulation 6 the following were substituted—

"**6.**—(1) Where an appeal has been made to the Secretary of State against an enforcement notice or a listed building enforcement notice which he has issued the Secretary of State shall serve on the appellant a statement indicating the submissions which he proposes to put forward on the appeal including a summary of his response to each ground of appeal pleaded by the appellant.

(2) Any statement which is required to be served by paragraph (1) of this regulation shall, where a local inquiry is to be held, be served not later than 28 days before the date of the inquiry.".

Michael R. D. Heseltine,

2nd December 1981. Secretary of State for the Environment.

Nicholas Edwards,

3rd December 1981. Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain provisions relating to (1) the contents of enforcement notices issued under section 87 of the Town and Country Planning Act 1971 and the information to be provided by planning authorities when serving copies of such notices (Part II) and (2) the procedure to be followed in relation to appeals against such notices and against listed building enforcement notices issued under section 96 of that Act (Part III).

Planning authorities are required to specify in enforcement notices issued under section 87 of the Act their reasons for issuing them and the precise boundaries of the land concerned (regulation 3) and to supply any person on whom they serve a copy with specified information, including particulars of his right to appeal against the notice (regulation 4).

Any person appealing against an enforcement notice or a listed building enforcement notice is required to specify the grounds on which the appeal is brought and, briefly, the facts in support of those grounds (regulation 5). The planning authority are required to give the Secretary of State and the appellant a written statement indicating their response to each of the grounds of the appeal and whether they would be prepared to grant any planning permission or listed building consent for the subject matter of the notice appealed against (regulation 6). The local planning authority may also be required to send to the Secretary of State a copy of the enforcement notice and a list of the persons on whom a copy was served (regulation 8); and in any case in which the Secretary of State proposes not to hold a local inquiry the authority are also required to notify occupiers of properties in the locality of the site, and other persons considered to be affected, of the appeal and of the right to submit comments on it (regulation 7).

The regulations apply, subject to appropriate modifications, to enforcement notices and listed building enforcement notices issued by the Secretary of State (regulation 9).

SI 1981/1742
ISBN 0-11-017742-8

