
STATUTORY INSTRUMENTS

2013 No. 2115

TOWN AND COUNTRY PLANNING, ENGLAND

**The Planning (Listed Buildings and Conservation
Areas) (Amendment No. 2) (England) Regulations 2013**

Made - - - - 27th August 2013
Laid before Parliament 3rd September 2013
Coming into force - - 1st October 2013

The Secretary of State, in exercise of the powers conferred by section 21 of the Planning (Listed Buildings and Conservation Areas Act 1990⁽¹⁾), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Planning (Listed Buildings and Conservation Areas) (Amendment No. 2) (England) Regulations 2013 and shall come into force on 1st October 2013.

(2) These Regulations apply in relation to England only.

Amendments to the Planning (Listed Buildings and Conservation Areas) Regulations 1990

2.—(1) The Planning (Listed Buildings and Conservation Areas) Regulations 1990⁽²⁾ are amended in accordance with this regulation.

(2) In regulation 8 (appeals)—

(a) in paragraph (1) substitute “six months of the date of the notice” for “six months of notice”;

(b) in paragraph (2) after sub-paragraph (iv) insert—

“(v) subject to paragraph (4), the applicant’s full statement of case (if they wish to make additional representations);

(vi) subject to paragraph (4), a statement of which procedure (written representations, a hearing or an inquiry) the applicant considers should be used to determine the appeal; and

(1) 1990 c. 9.

(2) S.I. 1990/1519, as amended by S.I. 1991/2804, 1996/525, 2003/956, 2003/2048, 2004/2210, 2004/3341, 2005/1085, 2006/1063, 2006/1283, 2006/3316, 2008/551, 2009/2262, 2009/2711, 2010/568, 2010/1551, 2010/2185, 2012/2275, 2012/2590, and revoked in relation to Wales by S.I. 2012/793.

- (vii) subject to paragraph (4), a draft statement of common ground if the applicant considers that the appeal should be determined through a hearing or an inquiry.”
- (c) after paragraph (2) insert—
 - “(3) Subject to paragraph (4), such a person shall also, as soon as reasonably practicable, furnish to the local planning authority a copy of—
 - (i) the notice of appeal sent to the Secretary of State pursuant to paragraph (1); and
 - (ii) any of the documents referred to in paragraph (2)(v) to (vii) that they send to the Secretary of State.
 - (4) Paragraphs 2(v) to (vii) and (3) do not apply—
 - (a) where a direction is given by the Secretary of State under paragraph 6(6) of Schedule 3 to the Act (matters related to national security)(3); or
 - (b) where section 82B of the Act (urgent Crown development)(4) applies.
 - (5) In this regulation—
 - “draft statement of common ground” means a written statement containing factual information about the proposal which is the subject of the appeal that the applicant reasonably considers will not be disputed by the local planning authority;
 - “full 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 and copies of any documents which that person intends to refer to or put in evidence.”.
- (3) In paragraph (1) of Part 2 of Schedule 1 substitute “six months of the date of this notice” for “six months of receipt of this notice”.

Transitional provisions

- 3.—(1) These Regulations do not apply in relation to—
 - (a) any appeal under section 20(1) of the Listed Buildings Act relating to an application determined before these Regulations come into force; or
 - (b) any appeal under section 20(2)(5) of the Listed Buildings Act if the relevant period referred to in that paragraph expired before these Regulations come into force.
- (2) in this regulation “the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(6).

(3) Paragraph 6 has been amended in ways not relevant to these Regulations.

(4) Section 82B was inserted by section 83(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).

(5) Section 20(2) was amended by section 43(4) of the Planning and Compulsory Purchase Act 2004 (in force in relation to England only, see S.I. 2009/384).

(6) 1990 c. 9.

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

27th August 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local
Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 which sets out the documents that must be submitted with a notice of appeal. These amendments apply to most appeals under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”). They do not apply if a national security direction is issued by the Secretary of State, or to urgent Crown development.

Applicants will be required to submit a greater amount of information with their appeal forms. They will have to submit their full statement of case, a statement of what procedure they think should be used to consider their appeal, and where relevant a draft statement of common ground. These terms are defined in new regulation 8(5). Applicants will have to send copies of these documents and the notice of appeal to the local planning authority as well as the Secretary of State.

If the appeal is to be determined by an inquiry, the procedure is set out in the Town and Country Planning (Inquiries Procedure) (England) Rules 2000(7) or the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000(8), if the appeal is to be determined by inspectors appointed by the Secretary of State. If the appeal is to be determined by a hearing, the procedure is set out in the Town and Country Planning (Hearings Procedure) (England) Rules 2000(9).

We are amending these procedural instruments at the same time, to reflect the changes we are making in these Regulations. The amending instrument is the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 (“the Amendment Rules”).

We are making similar changes to the planning appeals system at the same time through the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 (“the DMPO Amendment Order”). We are also amending the procedure for planning appeals determined by written representations through the Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 (“the Written Representations Amendment Regulations”).

These Regulations also change the starting point of the period within which an appeal must be made. Rather than being made within 6 months of receipt of a decision notice, an appeal must be made within 6 months of the date of the notice.

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

(7) S.I. 2000/1624, as amended by S.I. 2002/1223, 2003/956, 2006/1282, 2008/2831 and 2009/455.

(8) S.I. 2000/1625, as amended by S.I. 2003/956, 2008/2831 and 2009/455.

(9) S.I. 2000/1626, as amended by S.I. 2003/956 and 2009/455.