WELSH STATUTORY INSTRUMENTS

2003 No. 394 (W.53)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003

Made - - - -	*25th February 2003*
Coming into force - -	*1 April 2003*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State, and now vested in the National Assembly for Wales, by sections 173(10)(**1**), 174(4), 175(1), and 336(1)(**2**) of the Town and Country Planning Act 1990(**3**) and sections 39(4), 40(1), 42(5) and 91(1)(**4**) of the Planning (Listed Buildings and Conservation Areas) Act 1990(**5**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

PART 1

CITATION, COMMENCEMENT, APPLICATION AND INTEPRETATION

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003 and come into force on 1 April 2003.

(2) These Regulations apply to Wales.

Interpretation

2. In these Regulations—

(**1**) Section 173 was substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).
(**2**) Section 336(1) provides the definition of "prescribed".
(**3**) 1990 c. 8; the functions of the Secretary of State under sections 173(10), 174(4), and 175(1) were, in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are, so far as exercisable in relation to Wales, vested in the National Assembly for Wales by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253 (W.5)).
(**4**) Section 91(1) provides the definition of "prescribed".
(**5**) 1990 c. 9; the functions of the Secretary of State under sections 39(4), 40(1) and 42(5) are, so far as exercisable in relation to Wales vested in the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

"enforcement notice" ("*hysbysiad gorfodi*") means a notice issued under section 172(1)(**6**) of the Planning Act or section 38(1) of the Listed Buildings Act;

"the Listed Buildings Act" ("*y Ddeddf Adeiladau Rhestredig*") means the Planning (Listed Buildings and Conservation Areas) Act 1990;

"local planning authority" ("*awdurdod cynllunio lleol*") means the body who issue the relevant enforcement notice;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales; and

"the Planning Act" ("*y Ddeddf Gynllunio*") means the Town and Country Planning Act 1990.

PART 2

ENFORCEMENT NOTICES UNDER SECTION 172

Additional matters to be specified in enforcement notice

3. An enforcement notice issued under section 172 of the Planning Act must specify—

(a) the reasons why the local planning authority consider it expedient to issue the notice;

(b) all policies and proposals in the development plan which are relevant to the decision to issue an enforcement notice; and

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

Explanatory note to accompany copy of enforcement notice

4. Every copy of an enforcement notice served by a local planning authority under section 172(2) of the Planning Act must be accompanied by an explanatory note which must include the following—

(a) a copy of sections 171A, 171B and 172 to 177 of the Planning Act, or a summary of those sections including the following information—

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

(ii) that an appeal can only be made by giving written notice of the appeal to the National Assembly before the date specified in the enforcement notice as the date on which it is to take effect or by sending such notice to the National Assembly in a properly addressed, pre-paid letter posted to it at such time that, in the ordinary course of post, it would be received by it before that date;

(iii) the grounds on which an appeal may be brought under section 174 of the Planning Act;

(iv) the fee payable under regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989(**7**) for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice;

(b) notification that an appellant must send to the National Assembly, either when giving notice of appeal or within 14 days from the date on which the National Assembly sends to the appellant a notice so requiring, a statement in writing specifying the grounds on which

(**6**) Section 172(1) is substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).
(**7**) S.I. 1989/193, as amended by S.I. 1991/2735 and to which there other amendments not relevant to these Regulations.

the appellant is appealing against the enforcement notice and stating briefly the facts on which the appellant proposes to rely in support of each of those grounds; and

(c) a list of the names and addresses of the persons on whom a copy of the enforcement notice has been served.

PART 3

APPEALS

Statement of appeal

5. A person who makes an appeal to the National Assembly under section 174(3) of the Planning Act or section 39(2) of the Listed Buildings Act against an enforcement notice must send to the National Assembly a statement in writing—

(a) specifying the grounds on which the appeal is bring brought; and

(b) setting out briefly the facts on which the appellant proposes to rely in support of each of those grounds,

and if such a statement is not included with the appeal, the appellant must send it to the National Assembly so that it is received by the National Assembly not later than 14 days from the date on which the National Assembly sends the appellant a notice requiring them to do so.

Notification of appeal to the local planning authority

6. Upon receipt of the statement under regulation 5, the National Assembly must notify the local planning authority in writing that an appeal has been made and copy to the local planning authority the appeal and the statement made under regulation 5.

Local planning authority to send a copy of notice to the National Assembly

7. Where the local planning authority receives notification under regulation 6 that an appeal has been made to the National Assembly, the local planning authority must send to the National Assembly, not later than 14 days from the date of that notification, a certified copy of the enforcement notice and a list of names and addresses of the persons on whom a copy of the notice has been served under section 172(2) of the Planning Act or section 38(4) of the Listed Buildings Act, as the case may be.

Statement by local planning authority

8.—(1) Where an appeal has been made to the National Assembly against an enforcement notice issued by a local planning authority, the authority must send to the National Assembly, and any person on whom a copy of the enforcement notice has been served, a statement indicating the submissions which it proposes to put forward on the appeal, including—

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

(b) a statement whether the authority would be prepared to grant planning permission for the matters alleged in the enforcement notice to constitute the breach of planning control, or grant listed building consent or conservation area consent for the works to which the listed buildings enforcement notice or conservation area enforcement notice relates, as the case may be, and, if so, particulars of the conditions, if any, which it would wish to impose on the permission or consent.