

---

WELSH STATUTORY INSTRUMENTS

---

**2003 No. 394**

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

**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 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.
- (2) Any statement which is required to be sent under paragraph (1) must be received within 6 weeks of the starting date.
- (3) In paragraph (2), “starting date” means the date of—
  - (a) the National Assembly’s written notice under regulation 9; or
  - (b) the National Assembly’s written notice served in accordance with Rules made under section 9 of the Tribunals and Inquiries Act 1992, informing the appellant and the local planning authority that an inquiry or hearing, as the case may be, is to be held, whichever is the later.

**Notice of receipt of all required documents**

9. When the National Assembly considers that it has received all the documents required to enable it to entertain the appeal, it must send a notice to this effect to the appellant and the local planning authority.