



The Planning
Inspectorate

Making your appeal

How to complete your advertisement appeal form - England



INVESTOR IN PEOPLE

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If you need this guidance in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372.

Introduction

This guidance applies to advertisement appeals in England. There is separate guidance for advertisement appeals in Wales.

Your appeal and essential supporting documents must reach the Planning Inspectorate:-

- within 8 weeks of the date you receive the local planning authority's (LPA) decision notice; or
- for non-determination ('failure') appeals, within 8 weeks of the date by which the LPA should have decided the application; or
- if the LPA have sent you a discontinuance notice, before the date that the notice will come into effect. This date is given in the notice.

If we do not receive your appeal and documents within this time limit, we will not accept your appeal¹.

The LPA should decide your application within 8 weeks of the date they accepted it as valid. If you have agreed with the LPA, in writing, a period longer than the 8 weeks, but they have failed to decide your application within that period we must receive your appeal within 8 weeks of the end of that extended period.

Your appeal should be made only when all else has failed. You should have been discussing your proposed advertisement with the LPA during the course of your application for advertisement consent. If you think that making changes to your proposal could resolve the LPA's reasons for refusal, you should discuss these with the LPA before appealing to us. A further application to the LPA may be your best route.

You can submit your appeal on-line through the Planning Portal using the Planning Casework Service. This is an on-line service that gives people in England and Wales wider and easier access to the planning system. It allows people to track the progress of cases.

For more information about the Planning Casework Service, visit

www.planningportal.gov.uk/pcs.

Handwritten appeal forms and other documents

Please complete the appeal form in **CAPITAL LETTERS** using **black ink**.

Typed documents

Documents in a sans serif font are easier to read. Please use a font such as Arial or Verdana in a size of 11 point or larger. Please:

- use **A4** paper wherever possible;

¹ We will consider accepting late appeals where there are exceptional circumstances for late submission. Reasons for late submission should be stated at the time of submission.

- number the pages of the documents;
- make sure **photocopied** documents are clear and legible;
- put photographs (colour if possible), maps, plans, etc, in a **separate appendix** and cross-reference them within the main body of the document;
- bind documents so that they can be undone quickly without damaging the document. Do not use wire or plastic spiral binders;
- do not use cover sheets, sleeves or other bindings that do not add value or information;
- do not send original documents unless we specifically ask for them;
- do not include self adhesive notes or small attachments which might be dislodged easily or lost;
- print documents on both sides of a page. You should use paper of good enough quality that something printed on one side of the page does not show through to the other side;
- ensure that the scale, orientation and paper size of any maps and plans are shown clearly. This is especially important if you submit your appeal electronically through the Planning Casework Service.

Appeal costs awards

You and the LPA normally have to meet your own appeal expenses, whether we decide it by the written procedure or a hearing.

If you have good reason you can ask the Secretary of State or the Inspector to order the LPA to pay all or some of your costs. The LPA can also ask for you to pay some or all of their costs if they have good reason. The Secretary of State or the Inspector will only do this if the person applying can show that the other side behaved unreasonably, and put them to unnecessary or wasted expense.

There is a guide 'Costs awards in planning appeals' available on the Planning Portal at <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>. It is important that you read this guide because it explains how, when and on what basis you can make an application or have an application made against you. If you do not have access to the internet, contact us and we will send you a hard copy.

COMPLETING THE APPEAL FORM

In this guidance we use the same lettering and numbering as the advertisement appeal form.

SECTION A

Appellant details

Name

Only the person who made the original application to the LPA has the right to appeal. All appeals must therefore bear the name of the original applicant.

If you did not make the original application (eg you may have recently purchased the site) and you wish to appeal you must obtain the written

permission of the original applicant(s) to allow you to do this. You would become responsible for any costs arising from the appeal. Put your name in the "Name" line followed by "for" and then the name of the original applicant. You must send the signed written permission to us with your appeal form.

Email

If you tick the box to say that you prefer to be contacted by email, where possible we will send you our letters by email and we will not send paper copies.

SECTION B

Agent details

You do not have to employ an agent to handle your advertisement appeal. If you decide to employ an agent he or she will probably complete the appeal form for you.

If you have an agent we will send all of our letters or emails to the agent. We will not send a copy to you. You should ensure that you keep in touch with your agent about the appeal arrangements.

SECTION C

Local planning authority (LPA) details

This information will probably be in the letter you received from the LPA confirming that your advertisement consent application was valid and on the decision notice if one was issued.

If the LPA did not validate or register your application, you should send us any relevant correspondence they sent to you.

Alternatively, this information would probably have been provided when the LPA served the discontinuance notice. The date the discontinuance notice was served and the effective date will both be on the discontinuance notice.

SECTION D

Appeal site address

The appeal site must be the same as the site given in the advertisement consent application or as given on the discontinuance notice..

Postcode

This information is very important to us. If the appeal site does not have a postcode please provide the postcode of the nearest building. If the site is very rural and remote, please provide information to help us identify it, eg a sketch map showing the site and at least two named or numbered local roads.

Health and safety at the site

The site is likely to be inspected during the course of the appeal and we need to know what safety equipment and protective clothing will be required. The following questions indicate the type of information we need about the appeal site and any land or building that will need to be entered. Please supply any relevant information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required, and will this be supplied at the site? (Please list)
 2. Is there any likelihood of exposure to pets or other animals that may present a risk to personal safety?
 3. Is the site remote and/or can it be seen from other occupied buildings/property/public land/roadside?
 4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?
 5. Are there any areas that require specialist equipment or training for access – any confined spaces?
 6. Are there any dangerous pieces of equipment or substances stored at the location?
 7. Is there any likelihood of exposure to chemicals, asbestos, radiation or are there any other risks, requiring the use of Personal Protection Equipment, which may affect personal health & safety? (Asbestos is referred to directly as it was present in buildings built before it was banned in 1977).
 8. Will a ladder be required to view the appeal site? If so please:
 - a. explain why this will be necessary;
 - b. give the height to which it will be necessary to climb the ladder;
 - c. state whether the ladder will be fixed or removable – if removable how will it be secured?
 9. Will it be necessary to view the site from a height, eg roof, balcony?
 10. Is the site easily accessible for someone in a wheelchair?
-

SECTION E

Description of the advertisement

Advertisement appeals

You need to provide details of the proposed advertisement. This will normally be as you described it on the application form. However, if during the consideration of your application you have agreed a revised description of the

advertisement with the LPA, you should use that. Please provide the documents which give details of the revision and which confirm your agreement and the LPA's agreement to the revision.

If your appeal follows an application to vary or remove a condition, please provide a copy of the original permission and list the condition numbers your appeal relates to.

Discontinuance notice appeals

You need to provide details of the existing advertisement. This will normally be as it is described in the discontinuance notice.

SECTION F

Reason for the appeal

Advertisement appeal

The LPA's decision notice should make it clear if they have refused permission or if they have allowed the advertisement subject to conditions.

If you are appealing against the LPA's failure to decide your application within the time limits (option 4), please check the dates carefully. If you are in any doubt about the time limits that apply to your appeal please re-read the introduction at the start of this guidance note.

Discontinuance notice appeal

If you are appealing against a discontinuance notice you should tick option 3.

SECTION G

Choice of procedure

There are 2 possible procedures for the determination of an appeal: - written representations or a hearing. The LPA can inform us of their preferred procedure in writing before the appeal is started. Your appeal may not necessarily follow your preferred procedure. Inspectors give equal attention to every appeal regardless of the procedure.

You may wish to look at The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Statutory Instrument 2007 No. 783 and The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007, Statutory Instrument 2007 No. 1739.

The written representations procedure

This is normally the simplest, quickest and most straightforward way of making an appeal. About 90% of advertisement appeals proceed by the written procedure.

The hearing procedure

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal or where questions need to be asked to establish the facts. If you have chosen a hearing you should explain on the appeal form (or on a separate sheet if necessary) why the written representations method would be inadequate.

SECTION H

Grounds of appeal

- You should continue to discuss your proposed scheme with the LPA before you submit your appeal. You should agree what the key areas of contention are for the appeal. This will enable both parties to agree common ground and focus upon the key issues to be considered during the appeal process.
- You should set out all your grounds of appeal clearly and concisely and focus upon the merits of the proposed or existing advertisement. You should avoid repetition and information that does not relate to the issues involved. It is not necessary to repeat the LPA's reasons for refusal, but you should include a clear explanation of why you disagree with each of them. It is not enough to say that you do not accept them – this will not help the Inspector decide your appeal. The grounds of appeal should be clear and concise and we would not expect them to exceed 3,000 words. The reason(s) for refusal may refer to policies in the Development Plan and/or supplementary planning documents as found in the Local Development Framework. You do not need to describe any local policies in full. Simply give the number and the name of the relevant development plan or supplementary planning document. The LPA will provide the detail to the Inspector so you do not need to. Before submitting your appeal you should read the policies referred to. For each policy you should say why you think that it is not relevant or why the proposed or existing advertisement complies with it.
- If you think there are other relevant policies, not referred to in the LPA's decision but on which you intend to rely, you should attach the relevant extracts to your appeal, indicating their status, ie whether they have been adopted by the LPA and, where appropriate, whether they have been saved by a direction of the Secretary of State and form part of the Local Development Framework.
- There is no need to set out national policy (such as PPGs or PPSs¹) as Inspectors have these documents. However, you should refer to any paragraphs by number that you think are relevant.
- Any supporting documentation other than that listed in Section I should be kept to a minimum. It should be essential and directly relevant to the appeal. Such documentation should be clearly cross-referenced in the grounds of appeal.

¹ Planning Policy Guidance notes (PPGs) or Planning Policy Statements (PPSs)

- You may wish to submit appendices to your grounds of appeal. These can include reports and information that relate directly to the reasons for refusal and any issues that are in dispute. Appendices should be used sparingly.
- If you consider it essential to submit e-mail trails to support your grounds of appeal, you should carefully edit the e-mails to remove repetition so that the key points can be clearly picked up.
- You may wish to include a short description of the benefits the proposal might deliver which, in your view, would outweigh any harmful effects.
- It would be helpful for you to indicate if you wish to accept or can suggest a condition(s) that you think would mitigate the impact of the proposal. A list of model conditions can be found on the Planning Portal at:

www.planningportal.gov.uk/planning/appeals/planninginspectorate/advice/inspectors/modelconditions. You may also wish to look at the DoE Circular 11/95 The Use Of Conditions In Planning Permissions.

- Where the effect on the neighbours is a reason for refusal, you should include measurements of the distances between the advertisement and neighbouring properties, particularly the distances to any of their windows.
- You may use photographs (preferably in colour) to illustrate your grounds of appeal – eg to the proposed position of the advertisement and its relationship to its neighbours. If you submit photographs you must give details of where they were taken, on a map showing the viewpoints, and when and what they show. If you take photographs in public places please take reasonable care to respect the privacy of individuals whose images you may inadvertently capture. We are unable to return photographs.
- You may include details of similar advertisements in the immediate area if you think these are relevant to what you are proposing. You should identify them on a street map and supply their addresses and, where possible, photographs of them. Where you are aware of the history of any such development you should set it out briefly in your grounds of appeal or in a separate annexe.
- It will be helpful to attach previous advertisement consent or appeal decisions relevant to the site.
- If you are aware of any appeals made by other people relating to the site or for nearby sites please provide details – preferably the appeal reference number or the site address.
- If you are appealing against the LPA's failure to determine your application, it will be helpful to tell us why you think that permission should be granted. If possible, you should also refer to relevant policies in the development plan and/or any supplementary documents published by the LPA.

Note: The Inspector will look at the merits of your proposed or existing advertisement afresh and so there is no need to give a detailed history, such as discussions with LPA officers.

SECTION I

Essential supporting documents

We have listed the documents currently required on the appeal form. If we do not receive all your essential appeal documents by the end of the appeal period we will not be able to proceed with it and you will lose your right to appeal. Due to the number of appeals we receive we do not routinely 'chase' missing documents and so please make sure that you have sent us everything; if not your appeal will be delayed or possibly turned away.

Please ensure that you have listed all the plans/drawings that you are sending to us and that they include reference to the scale, orientation, and paper size. You should send us copies of **all** plans sent to the LPA with your application (including plans which have been superseded, you should clearly mark these "superseded").

You should not seek to submit new material when you make your appeal that was not considered by the LPA as part of the advertisement consent application. Therefore, any documents submitted during the appeal should be directly relevant and essential to the case and in response to the reasons for refusal (if any). Revised proposals which seek to overcome the LPA's reasons for refusal should normally be submitted to the LPA as a new application.

There is limited scope to consider revised proposals at appeal stage. If you want to put forward revised proposals at the appeal stage, you should send them with the appeal documents. Late submission can cause delays and lead to a claim for costs. If you submit revised plans, the Inspector will decide whether or not to consider them in line with the tests laid down by the Courts in ***Wheatcroft v SSE*** [JPL, 1982, P37]. These require that any amendments do not materially alter the nature of the application, and that no one who would normally have been consulted would be prejudiced by the lack of opportunity to comment on the revised plans. These tests would not normally be met by conducting informal consultation exercises.

Other appeals

If you have made any other related appeals (including appeals against enforcement notices) which are awaiting a decision for this site or for nearby sites please supply the reference numbers. Where practical, and depending on the relevant timescales, we may consider related cases together.

SECTION J

Please sign below

This section provides a useful summary of the things you need to have done. Please check your completed form carefully, tick the boxes to confirm what you have done, then sign and date it.

Now send

Please note that we **must receive** your appeal form and **all** supporting documents within the 8 week time limit for advertisement appeals and before the effective date for discontinuance notice appeals. So please make sure that you send your appeal in good time before the appropriate time limit.

You must send a copy of the completed appeal form to the LPA. If you do not do this we may not accept your appeal. You do not need to send them all the documents again. If you are submitting any supporting documents that were not part of your advertisement consent application you must send these to the LPA with the appeal form.

How we use your personal information

Under the Data Protection Act 1998 we have a legal duty to inform you about the personal information that we collect and how we use it.

When considering an appeal, the Inspectorate receives personal information from a number of sources including:

- the appellant – eg. name, address and contact details on the application and appeal form,
- the local planning authority – eg. in copies of the application documents and representations that they have received,
- other statutory appeal parties and interested parties - eg. their name and contact details in their representations.

Sometimes other personal information, such as details about a medical condition, may be relevant to the development. You should only provide personal information about yourself if you are happy for it to be placed in the public domain. You should only provide information about others, including family members, if you have their consent.

We will circulate copies of documents received to the appellant, the local planning authority and other statutory parties. The appeal papers will also be open for inspection at the local planning authority's office where anyone can view them. We will not normally refuse any requests to the Inspectorate to inspect the appeal documents.

In addition, where the appeal or case is one which we make available on our on-line Planning Casework Service (for further details see www.planningportal.gov.uk/pcs), copies of appeal documents may be made

accessible over the internet. This may include your name and address, but we will remove telephone numbers, email addresses and signatures of individuals. The Inspector's decision, may contain some personal information, such as the name of the appellant or interested party, and will be made available on the internet or on request.

We may also use the personal information you submit on an appeal to contact you and seek views on the service that you received. In doing so, we may pass your contact information to a third party for the sole purpose of conducting a survey on our behalf. Although the survey may be published, any information you provide will be made anonymous unless you have otherwise been notified and provided your consent.

Further information

Further information about our privacy policy is available on the Planning Portal at www.planningportal.gov.uk/planning/appeals/online/about/privacystatement, or on request. If you have any queries about our policy, or wish to make a request for your personal data then please contact our Data Manager through the address below:

Contacting us

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