



The Planning
Inspectorate

Making your appeal

How to complete your planning appeal form



INVESTOR IN PEOPLE

April 2012



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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

Your appeal should be made only when all else has failed. You should have been discussing your proposed scheme with the LPA during the course of your application for planning permission. 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 planning application to the LPA may be your best route.

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

- **within 6 months (or 28 days – see below) of the date shown on the local planning authority's (LPA) decision notice; or**
- **for non-determination ('failure') appeals, within 6 months (or 28 days – see below) of the date by which the LPA should have decided the application.**

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. For major² developments, the LPA have 13 weeks to issue their decision. If you have agreed with the LPA, in writing, a period longer than the 8 or 13 weeks, but they have failed to decide your application within that period we must receive your appeal within 6 months (or 28 days – see below) of the end of that extended period.

Reduced time for submitting a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as described in the planning application within 2 years of the date the application was made, the period for receiving a planning appeal is within **28 days** of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

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.

² **Major development** means development involving any one or more of the following-

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where-
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

"waste development" means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstance.

Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within **28 days** of the date on which the enforcement notice was served (unless this would extend the period beyond the normal 6 months deadline).

Wherever possible you should 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.

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;
- 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;
- 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;
- 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.

Appeal costs awards

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

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/appeal/guidance/costs>. 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 planning appeal form.

For handwritten appeal forms please complete the form in **CAPITAL LETTERS** using **black ink**.

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 planning 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 particularly times and dates for site visits, hearings or inquiries.

SECTION C

Local planning authority details

This information will probably be in the letter you received from the LPA confirming that your planning 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.

SECTION D

Appeal site address

The appeal site must be the same as the site given in the planning application.

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 map or plan showing the site and at least two named or numbered local roads.

Health and safety at the site

The site is likely to be visited 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 development

You need to provide details of the proposed development. This will normally be as you described it on the planning application form. However, if during the consideration of your application you have agreed a revised description of the development 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 or obtain approval of details in respect of a condition, you must provide a copy of the original permission and list the condition numbers your appeal relates to.

Area of the appeal site

This means the area of the whole site, not just the part that you intend to develop. For example if you propose building an extension to an office or factory the area of the appeal site is the area of the existing building and any area of land that belongs to it, including any driveway, parking area, grass or garden, shed, garage etc.

Site measurements are normally given in hectares. There are 10,000 square metres in 1 hectare. If you are not sure how to give the site area in hectares give the number of square metres but make it clear that this is what you have done.

Area of floor space of proposed development

You must count the floor space of each storey of the proposed development and give the total area in square metres.

SECTION F

Reason for the appeal

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

If you are appealing against the LPA's failure to decide your application within the time limits (option 6), 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.

SECTION G

Choice of procedure

There are 3 possible procedures for the determination of an appeal:- written representations, hearings and inquiries. We will decide which procedure your appeal should follow. Our decision will be based on published criteria which are set out in Annexe 1. We will also take into account any views you have expressed about which procedure would be most suitable for your case and the views of the LPA. The LPA can inform us of their preferred procedure either in writing before the appeal is started or on the questionnaire they submit within two weeks of the start of the appeal. You should note that the procedure for your appeal will be reviewed at the two week stage in the light of the LPA's comments. Your appeal may not necessarily follow your preferred procedure. Inspectors give equal attention to every appeal regardless of the procedure.

Please refer to Annexe 1 before indicating which method is your preferred procedure.

Information on the procedures is in Good Practice Advice Note 13 which is available at

<http://www.planningportal.gov.uk/appeal/guidance/guidanceontheappealprocess>

The written representations procedure

This is normally the simplest, quickest and most straightforward way of making an appeal. The majority of planning appeals proceed by the written procedure which is particularly suited to small-scale developments (eg minor works and alterations; individual houses or small groups of houses; appeals against conditions and changes of use). The Inspector will consider the LPA's reasons for refusal, your grounds of appeal, any further representations received from you and the LPA and any representations received from interested people. The Inspector will visit the site and will then issue the decision.

You may wish to look at The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, Statutory Instrument 2009 No. 452.

We will use your responses to questions 1a) and 1b) to help us decide how any site inspection should be conducted.

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. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. If you ask for a hearing you should explain on the appeal form why

you think your appeal fits the criteria for a hearing. Although you may indicate a preference for a hearing, the Planning Inspectorate must be satisfied that your appeal is suitable for this procedure.

You may wish to look at The Town and Country Planning (Hearings Procedure)(England) Rules 2000, Statutory Instrument 2000 No. 1626, as amended by The Town and Country Planning (Hearings and Inquiries Procedures)(England)(Amendment) Rules 2009, Statutory Instrument 2009 No. 455.

Hearing date

You must provide the dates when you and the LPA are available for a hearing. **Before submitting your appeal you should seek to agree with the LPA at least two dates (or a range of dates) and enter these at Q2a).** These dates should correspond with the timescales provided in Good Practice Advice Note 12: Guidance on setting dates for hearings and inquiries. The note can be found at www.planningportal.gov.uk/appeal/guidance/guidanceontheappealprocess. **It is important that you refer to this information during your discussions with the LPA**

Where it has not been possible to reach agreement with the LPA, you must still put your preferred dates on the appeal form, making clear that the dates have not been mutually agreed with the LPA.

What happens next?

If we agree that the hearing procedure is appropriate

- We will offer a date for the hearing based on the dates suggested to us and Inspector availability.
- You and the LPA have one chance each to refuse the date before we will impose a date.
- You will also have the option to agree an alternative date with the LPA.

The inquiry procedure

This is the most formal of the procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence.

If you ask for an inquiry you should explain on the appeal form why you think your appeal fits the criteria for an inquiry. Although you may indicate a preference for an inquiry, the Planning Inspectorate must be satisfied that your appeal is suitable for this procedure.

You may wish to look at The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, Statutory Instrument 2000 No. 1625, as amended by The Town and Country Planning (Hearings and Inquiries Procedures)(England)(Amendment) Rules 2009, Statutory Instrument 2009 No. 455.

Q3a) How long do you estimate the inquiry will last?

In answering this question you should say how long you estimate the inquiry will last, including the time you think will be required to present all of your case. Please be realistic, the estimate should include time for opening and closing the inquiry, any sessions on conditions and any s106 obligation and the time you consider may be necessary for questions to be put to both your and the LPA's witnesses. If you have instructed a barrister it may be useful for you to get their views on the likely length of the inquiry.

We will take account of your estimate, the estimate we receive from the LPA and our own experience when we set the likely length of the inquiry. Once set we will expect the length of the inquiry to stay within the agreed timetable.

To help us to do this please indicate at Q3b) how many witnesses you intend to call to give evidence at the inquiry and the topic areas they will cover and any other information which will help us decide on the appropriate timetable for the inquiry.

Inquiry date

You must provide the dates when you and the LPA are available for an inquiry. **Before submitting your appeal you should seek to agree with the LPA at least two dates (or a range of dates) and enter these at Q3c).**

These dates should correspond with the timescales provided in Good Practice Advice Note 12: Guidance on setting dates for hearings and inquiries. The note can be found at www.planningportal.gov.uk/appeal/guidance/guidanceontheappealprocess. **It is important that you refer to this information during your discussions with the LPA.**

Where it has not been possible to reach agreement with the LPA, you must still put your preferred dates on the appeal form, making clear that the dates have not been mutually agreed with the LPA.

What happens next?

If we agree that the inquiry procedure is appropriate

- The LPA will contact us to confirm the **preferred dates** that they agreed with you and, provided we have an Inspector available, we will confirm that date in writing.
 - If the LPA do not provide this information we will contact you. If you are still available on the dates proposed on the appeal form and we have an Inspector available, the date will be confirmed in writing.
 - If we do not have an Inspector available for any of the suggested dates, we will inform you and the LPA of a suitable alternative and ask you to liaise with each other to check if it is suitable.
 - If you and the LPA are unable to agree to the date, we will impose a date.
-

SECTION H

Grounds of appeal

Planning obligation

If you intend to rely on a planning obligation¹ you should send a final draft version with your appeal form. However, if you have not reached this stage you should send in your latest draft. The "start letter" we will send you will tell you when you must send the final draft to us.

Issues in contention and identifying of common ground

You should continue to discuss your proposed scheme with the LPA before you submit your appeal. You should agree what the key issues of contention are for the appeal. This will enable both parties to identify and agree any common ground and focus upon the key issues to be considered during the appeal process.

For inquiry cases you are required to submit a formal **statement of common ground** at the **6-week stage** which should list all the matters you have agreed with the LPA. You should begin discussing this with the LPA before you submit your appeal. The statement of common ground should include basic facts such as site description, area, planning history, relevant planning policies, evidence on technical issues and conditions and all other matters of agreement. You should also list the specific areas where agreement is not possible.

Your appeal representations/Grounds of appeal

The Inspector will look at the planning merits of your proposed development afresh and so there is no need to give a detailed history of the application such as discussions with LPA officers.

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. You should avoid repetition and information that does not relate to the issues involved. The grounds of appeal should be clear and concise and we would not expect them to exceed 3,000 words.

You may wish to include a short description of the benefits the proposal might deliver which, in your view, would outweigh any harmful effects.

If you consider it essential to submit email trails to support your grounds of appeal, you should carefully edit the emails to remove repetition so that the key points can be clearly picked up.

Where the effect on the neighbours is a reason for refusal, you should include measurements of the distances between your and your neighbours' properties, particularly the distances to any of their windows.

¹ A planning obligation - often referred to as a 'section 106 agreement' – is either:

- a legal agreement made between the LPA and a person 'interested in the land'; or
- a legally binding undertaking signed unilaterally by a person 'interested in the land'.

You may include details of similar developments 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 planning 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 – including the appeal reference number or the site address.

The reason(s) for refusal will refer to policies in the Development Plan and/or supplementary planning documents as found in the Local Development Framework. 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 development complies with it. However, you do not need to describe the local policies in full when submitting your grounds for appeal. Simply give the number and the name of the relevant development plan or supplementary planning document and give paragraph numbers if appropriate. The LPA will provide copies of the policies to which it has referred for the Inspector so you do not need to.

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 the National Planning Policy Framework) as Inspectors have access to these documents. However, you should refer to any paragraphs by number that you think are relevant.

Supporting documentation

Any supporting documentation other than that listed in Section J 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.

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. Do not send copies of the Delegated Officer's Report, or the Committee Report, and other documents submitted to the LPA, such as consultation responses and letters from interested people, as the LPA will provide these.

You may use photographs (preferably colour) to illustrate your grounds of appeal – eg. to show your house 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.

Conditions

It would be helpful for you to indicate if you wish to accept or can suggest a planning 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: <http://www.planningportal.gov.uk/planninginspectorate/inspector/modelconditions>. You may also wish to look at the DoE Circular 11/95 The Use Of Conditions In Planning Permissions.

Failure to determine

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 planning documents published by the LPA.

SECTION I

Section I (part one) Site ownership certificates

As we need to know who owns the appeal site you must complete a site ownership certificate. "Owner" means a person having a:-

- freehold interest; or
- a leasehold interest with 7 years or more to run; or
- in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

If you knowingly or recklessly sign an ownership certificate which contains any statement which is false or misleading, you are committing an offence and would be liable to a fine if convicted.

Certificate A

If you own **the whole appeal site** you should tick **Certificate A**. You can now go to Section I (part two) Agricultural holdings certificates.

Other certificates and giving notice

If you **do not own the whole appeal site** you must inform all the owners of the land that you are going to make an appeal. We call this "serving notice". You must serve notice on the person (or people) who **owned the land on the day 21 days before the day you send your appeal form to us**. You must do this during the 21 days immediately before you send your appeal to us.

If any part of the site is part of an agricultural holding¹ and there is a tenant you must also serve notice on the tenant. You must do this during the 21 days immediately before you send your appeal to us.

Serving notice

In Annexe 2 is the form you must use to serve notice on all other owners and any tenant of an agricultural holding.

You can:-

- cut out this notice; or
- photocopy it; or
- download it from the appeals area of the Planning Portal; or
- type your own version that must contain exactly the same wording.

How to complete the notice

After the words "Proposed development at" you should insert the address or location of the proposed development.

After the words "I give notice that" you should insert the appellant(s) names.

After the words "having applied to the" you should insert the name of the LPA.

After the word "to" you should insert the description of the proposed development.

You should delete either "against the decision of the Council" or "on the failure of the Council to give notice of a decision" as appropriate.

After the word "by" you should insert the date that is either:-

- 21 days after the day on which you served the notice; or
- 14 days after the day on which the notice was published in the newspaper.

What you must do with the notice

If you **do not own** the appeal site or **do not own all of it** and you know the names and addresses of **all** or **some** of the other owner(s) you must serve the notice on the owners that you do know. You must do this by:-

- handing the notice personally to them; or
- sending the notice by registered or recorded delivery post.

If you have to serve notice on an organisation you must address it to the secretary or clerk of the organisation at their registered or principal office.

¹ Agricultural Holdings Act 1986: what is an agricultural holding?

S1(1) of the 1986 Act defines an agricultural holding to mean the aggregate of the land (whether agricultural land or not) comprised in a contract of tenancy which is a contract for an agricultural tenancy. Whether a contract is that of an agricultural tenancy is determined by reference to the terms of the tenancy, the actual or contemplated use of the land and 'any other relevant circumstances.' However, the substantial use of the whole should be agricultural. So, if most of the land comprised in the tenancy agreement is let for use as agricultural land it will be an agricultural holding and protected under the legislation.

Land can only qualify as agricultural land protected by the 1986 Act if it is used for agriculture, and is so used for the purposes of a trade or business.

Certificate B

If you know the names and addresses of **all** the owners of the appeal site and you have served notice on them you should tick and complete **Certificate B** on the planning appeal form. You can now go to Section I (part two) Agricultural holdings certificates.

Certificate C

If you **know the names and addresses of some, but not all** of the owners of the land involved in the appeal you must serve notice on the owners that you do know about – see above. Also you must publish the notice in a local newspaper. This is so that any other owners may become aware of your intention to appeal. You must send a copy of the published notice to us with your appeal.

In these circumstances you should complete **Certificate C**, given in Annexe 3. You must send us a copy of the completed Certificate C, and the notice as published, with your planning appeal form.

You can now go to Section I (part two) Agricultural holdings certificates.

Certificate D

If you **do not know the names and addresses of the owners** of the land involved in the appeal you must publish the notice in a local newspaper.

In these circumstances you should complete **Certificate D**, given in Annexe 4. You must send us a copy of the completed Certificate D, and the notice as published, with your planning appeal form.

You can now go to Section I (part two) Agricultural holdings certificates.

Development involving underground mining operations

If the appeal relates to the winning and working of minerals by underground mining operations, the certificates may not be suitable. Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 gives alternative procedures and the wording of the alternative notice and certificate are set out in Schedule 2 of the Order.

Section I (part two)

Agricultural holdings certificate

We need to know if the appeal site forms part of an agricultural holding. If it does not you should tick A.

If part or all of the appeal site is an agricultural holding, the notice given in Annexe 2 should be served on any tenant. "Tenant" means a tenant of an agricultural holding any part of which is part of the appeal site.

SECTION J

Essential supporting documents

We have listed the documents currently required on the planning 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 planning 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.

SECTION K

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 L

Check, sign and date

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

SECTION M

Now send

Please note that we **must receive** your appeal form and **all** supporting documents within the 6 months or 28 days time limit. So please make sure that you send your appeal in good time before the 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 planning 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 Planning 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 Planning Portal.

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 about our privacy policy is available on the Planning Portal at www.planningportal.gov.uk/appeal/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

The Planning Inspectorate
Customer Support Unit
Room 3/13
Temple Quay House
2 The Square
Bristol
BS1 6PN

Telephone: 0117 372 6372

Fax: 0117 372 8782

Email: enquiries@planning-inspectorate.gsi.gov.uk

Criteria for determining the procedure for planning appeals

Written representations

If your appeal meets the following criteria, the most appropriate procedure would be written representations:-

1. the grounds of appeal and issues raised can be clearly understood from the appeal documents plus a site inspection; and/or
2. the Inspector should not need to test the evidence by questioning or to clarify any other matters; and/or
3. an environmental impact assessment (EIA) is either not required or the EIA is not in dispute.

Hearing

If the criteria for written representations are not met because questions need to be asked, for example where any of the following apply:-

- the status of the appellant is at issue, eg. Gypsy/Traveller;
- the need for the proposal is at issue eg. agricultural worker's dwelling; Gypsy/Traveller site;
- the personal circumstances of the appellant are at issue, eg. people with disabilities or other special needs;

the most appropriate procedure would be a hearing if:-

1. there is no need for evidence to be tested by formal cross-examination; and
2. the issues are straightforward (and do not require legal or other submissions to be made) and you should be able to present your own case (although you can choose to be represented if you wish); and
3. your case and that of the LPA and interested persons is unlikely to take more than one day to be heard.

Inquiry

If the criteria for written representations and hearings are not met because the evidence needs to be tested and/or questions need to be asked, as above, the most appropriate procedure would be a local inquiry if:-

1. the issues are complex and likely to need evidence to be given by expert witnesses; and/or
2. you are likely to need to be represented by an advocate, such as a lawyer or other professional expert because material facts and/or matters of expert opinion are in dispute and formal cross-examination of witnesses is required; and/or
3. legal submissions may need to be made.

NOTE: Where proposals are controversial and have generated significant local interest, they may not be suitable for the written representation procedure. We consider that the LPA is in the best position to indicate that a hearing or inquiry may be required in such circumstances.

Notice Under Articles 11 and 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2010

Proposed development at

I give notice that

having applied to the

to.....

is appealing to the Secretary of State

against the decision of the Council
on the failure of the Council to give notice of a decision.

Any owner of the land* or tenant** who wishes to make representations about this appeal should write to

The Planning Inspectorate
Temple Quay House,
2 The Square,
Temple Quay,
Bristol
BS1 6PN

or on-line at www.planningportal.gov.uk/pcs

by

If you decide to make representations you should make it clear that you are an owner of the appeal site or tenant of an agricultural holding on the site and you should give the site address.

*"owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed..... On behalf of Date.....

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Certificate C

I certify that:

I/The appellant* cannot issue a Certificate A or B in respect of this appeal. I have/The appellant has* given the requisite notice to the persons specified below, being persons who on the 21 days before the date of this appeal, were owners of any part of the land to which the appeal relates.

Owner's name

Address at which notice was served

Date on which notice was served

I have/The appellant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows (give a description of what you have done)

Notice of the appeal, a copy of which is enclosed, has been published in the (give the name of the newspaper where the notice was published)

.....
..... on (give date of publication).....

Signed.....On behalf of..... Date

Certificate D

I certify that:

I/The appellant* cannot issue a Certificate A in respect of this appeal. I/The appellant* have/has taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, on the day 21 days before the date of the appeal, was the owner of any part of the land to which the appeal relates, but have/has* been unable to do so. These steps were as follows (describe what you have done)

Notice of the appeal, a copy of which is enclosed, has been published in the (give the name of the newspaper where the notice was published).....

..... on (give the date the notice was published)

Signed..... On behalf of..... Date