



The Planning
Inspectorate

Guide to taking part in advertisement appeals – England



INVESTOR IN PEOPLE

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Guide to taking part in advertisement appeals – England

Please note – there is a separate booklet “How to complete your advertisement appeal form” which is aimed at appellants. You can access all our guidance and booklets through the Planning Portal at www.planningportal.gov.uk/pcs or you can contact us and we will send you a copy.

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

Advertisement control

Almost all outdoor advertisements are under planning control. These controls are the responsibility of the local planning authority (LPA). The LPA decides whether a particular advertisement should be allowed. LPAs may also take action to remove advertisements which are lawfully displayed. They do this by serving a discontinuance notice.

Appeals may be made for a number of reasons, but most are made because the LPA have refused consent to display an advertisement or have issued a discontinuance notice. Appeals are made to the Planning Inspectorate. Nearly all appeals are decided by our Inspectors, a very small percentage are decided by the Secretary of State - these tend to be for very large or contentious proposals.

You may have a particular interest in the outcome of an application made by someone for consent to display an advertisement, which has been refused by the LPA and the applicant has now appealed.

Or you may be interested in an appeal made by someone against a discontinuance notice issued by the LPA.

Who can appeal?

Only the person, or business, who applied for consent to display an advertisement can appeal against the LPA’s decision. We must receive all the appeal papers within eight weeks of the applicant receiving the LPA’s decision notice, or within eight weeks of the end of the decision period if the LPA have not made a decision.

If an LPA issue a discontinuance notice, only those receiving a copy may appeal. We must receive all the appeal papers before the date the discontinuance notice comes into effect.

The two appeal procedures

Written representations procedure

About 90% of advertisement appeals are decided by the written representations method. With this method of procedure the Inspector considers written representations from the appellant and the LPA and anyone else who, like you, has an interest in the appeal. The site is also likely to be inspected.

If you wrote to the LPA about the application for consent to display an advertisement application they should write to tell you about the appeal

The Planning Inspectorate cannot accept video or audio evidence for appeals dealt with by written representations as we cannot be certain that everyone involved in the appeal will have the equipment to access the evidence or that identical copies have been sent to everyone.

Please see the paragraphs below under "What you can do"

The site inspection

The Inspector will be alone when inspecting the site and after the inspection will write the decision.

Hearing procedure

If you wrote to the LPA about the consent to display an advertisement application: -

- they should write to tell you about the appeal; and
- when the arrangements have been made for the hearing they should let you know when and where it will take place.

They may also publish details of the hearing in a local newspaper if they think it is necessary.

People with disabilities

We want to hold all hearings in buildings with proper facilities for people with disabilities. The LPA usually choose and provide the place. If you, or anyone you know, want to go to the hearing and you have particular needs, please contact the LPA to confirm that they can make proper arrangements.

Before the hearing

Before going to the hearing, if you want to see what the appellant and the LPA have written, you should be able to see copies of their appeal documents at the LPA's offices.

What happens at the hearing?

Hearings are usually held in LPA offices, village halls or community centres and normally last about two hours. Hearings are open to members of the public.

The Inspector will open the hearing by explaining what the appeal is about. He or she will then go through some routine points, including asking who wants to speak.

The Inspector will usually give a summary of the appellant's and the LPA's cases, and say which topics will be discussed at the hearing. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views. Although hearings are informal, they must be orderly so that everyone involved can have a fair hearing.

The appellant will usually give his or her views on a topic first, followed by the LPA, and then anyone else who wants to comment.

If you make comments, or have any questions, you must put them through the Inspector.

The Inspector will visit the site before the hearing. Either the appellant or the LPA may ask to visit the site again with the Inspector. This will only happen if both parties can go together. In some cases, the Inspector will suggest that some issues could be discussed on site. After the hearing the Inspector writes the decision.

Recorded evidence

At the discretion of the Inspector, video and/or audio evidence may be played at a hearing or inquiry. If you intend to submit this type of evidence please let our Case Officer know. It will be your responsibility to find out from the local planning authority if there are suitable facilities at the venue or, if the local planning authority agree, whether you will have to provide your own. Any recorded evidence played at the hearing/inquiry must be able to be seen and/or heard by everyone. The recording will become part of the evidence and will be retained by the Inspector. We cannot accept any form of recorded evidence, as we cannot be sure that everyone involved has exactly the same version.

What you can do

The LPA will send us copies of any letters of support or objection they received when they were considering the application to display the advertisement. These will be fully considered by the Inspector who decides the appeal.

If you did not write at application stage, or you did write and now have something new to say, you can send us your comments.

If you want to see what the appellant and the LPA have written, you should be able to see copies of their appeal documents at the LPA's offices.

You can submit your comments on line through the Planning Portal using the Planning Casework Service, www.planningportal.gov.uk/pcs or you can write or email to us. The LPA should have told you our Case Officer's contact details.

If you send us your comments in a letter, if possible, please send us three copies of it. Please note that we do not acknowledge receipt.

You **must** make sure that we receive your comments within three weeks of the starting date for the appeal. The LPA should have told you the deadline.

We will send copies of your comments to the appellant, the LPA and the Inspector.

The time limit for sending comments to us is important, and everyone taking part in an appeal must follow it. **If you send us comments after the end of the time limit, we will not normally accept them. Instead we will return them to you. This means that the Inspector will not take them into account.**

Template for sending your comments

We recommend that you use this layout when sending us your comments about an appeal. Unless your handwriting is very clear it would help if you are able to have your comments typed. Please use **black** ink.

1. Your name and address.
2. The Planning Inspectorate appeal reference number (this will start APP/...)
3. The address of the appeal site.
4. 'I am against the appeal proposals' or 'I support the appeal proposals'.
5. Your comments. If you are against, say whether it is for the same reasons as given by the LPA or, if not, explain your own reasons. Or, say why you support the appeal proposals.

If you decide to submit documents to support your comments

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 any 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 comments electronically through the Planning Casework Service.

If we consider your comments contain libellous, racist or abusive comments, we will send them back to you before the Inspector or anyone else sees them. If you take out the libellous, racist or abusive comments, you can send your comments back to us. But, you must send them back before the time limit ends.

How we use your personal information

In processing an appeal, the Planning Inspectorate may receive personal data from several parties including the appellant, the LPA and other statutory and interested parties, and may include information forwarded from the application stage. The type of personal information we receive includes names and contact details of those making representations.

You should only provide personal information about yourself – or indeed any comments - that you are happy 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 LPA and statutory appeal parties. The appeal papers will also be open for inspection at the LPA's office where anyone can view them. We will not normally refuse requests to inspect the appeal documents.

In addition, where the appeal is one which we make available on our Planning Casework Service (for further details see www.planningportal.gov.uk/pcs) copies of appeal documents may be made accessible over the internet during the appeal. This may include your name and address, but we will remove telephone numbers, email addresses and signatures. 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 do not accept anonymous representations, but you may ask for your name and address to be withheld. Your representation will be made available to parties (including the Inspector) with your name and address removed, and may be given less weight as a result.

We may also use your personal information to contact you and seek views on the service that you received. In doing so, we may provide your contact information to a third party for the sole purpose of conducting a survey on our behalf. Although the results of the survey may be published, information that you provide will be made anonymous unless you have otherwise been notified and provided your explicit 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 request your personal data, then please contact our Data Manager at the address below.

Costs

All parties to an appeal normally meet their own expenses. An application for costs can be made where one party or side claims it has been caused unnecessary expense in dealing with the proceedings, because of the other side's unreasonable behaviour. This applies if the appeal is proceeding by written representations or by a hearing.

If there is a hearing the Inspector will say that any application for costs should be made before the end of the proceedings.

This is unlikely to apply to you because if you choose to take part in an appeal you do so at your own expense.

There is a booklet "Costs awards in Planning Appeals" that you may wish to read. You can access this guide at <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess> or you can contact us and we will send you a copy.

The decision

When made, the decision will be published on the Planning Portal and can be viewed at www.planningportal.gov.uk/pcs.

We aim to issue the decision no later than three weeks after the date of the site visit or hearing. We cannot guarantee that we will meet this target in every case.

Complaints

If you have any complaints or questions about the decision, or the way we have handled the appeal, you can contact our Quality Assurance Unit:

The Planning Inspectorate
Quality Assurance Unit
4/11 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Phone: 0117 372 8252

Fax 0117 372 8139

Website:

www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback

We will investigate your complaint and you can expect a full reply within three weeks. However, we cannot reconsider an appeal if we have already given a decision on it. This can only happen if the decision is successfully challenged in the High Court.

The High Court

An appeal decision can only be challenged on legal grounds in the High Court. To be successful, you would have to show that:

- the Inspector had gone beyond his or her powers; or
- we did not follow the proper procedures and so damaged your interests.

If your challenge is successful, the High Court will overturn the original decision and return the case to us, and we will look at it again. This does not necessarily mean that the original decision will be reversed.

If you decide to challenge the decision, you must apply to the High Court within six weeks of the date of the decision. Our leaflet, "Challenging the Decision in the High Court" explains your right to challenge the decision and is available on the Planning Portal at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback/leaflets. Alternatively, you can contact us and we will send you a copy.

The law

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Statutory Instrument 2007 No 783

The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007 Statutory Instrument 2007 No 1739

Guidance

DCLG Circular 03/07
Correction to CLG Circular 03/07
DOE PPG 19 Planning Policy Guidance 'Outdoor Advertisement Control'

Contacting us

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

Helpline: 0117 372 6372
E-mail: enquiries@planning-inspectorate.gsi.gov.uk

Getting help

If you would like help in taking part in a planning appeal, you can contact Planning Aid. Planning Aid provides free and independent professional advice on town and country planning issues to people and groups who cannot afford consultancy fees. You can contact:

National Planning Aid
Royal Town Planning Institute
6th Floor
Newwater House
11 Newhall Street
Birmingham
B3 3NY

Phone or fax: 0121 214 2900
E-mail: info@planningaid.rtpi.org.uk
Website: <http://www.rtpi.org.uk>