



The Planning
Inspectorate

Guide to taking part in planning appeals proceeding by written representations - England



INVESTOR IN PEOPLE

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Please note – there are separate booklets for planning appeals that are proceeding by the hearing or inquiry process. This booklet does not apply to any appeal that is proceeding by the Householder Appeal Service (HAS) written representations process. For further information on the HAS, please see Good Practice Advice Note 02. 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 guidance in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372.

The planning application and appeal process

Planning applications are made to the local planning authority (LPA). Appeals may be made for a number of reasons, but most are made because the LPA have refused planning permission. 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.

Effective community involvement is a key element of planning during the planning appraisal process. During the planning application process local communities should have been given the opportunity to comment on the development proposals which are the subject of an appeal and members of the public would have been welcome to give their views. If you had an interest in an application, whether you were for or against it, you almost certainly will be interested in the outcome of any appeal. This guide explains how you can make your views known.

Who can appeal?

Only the person who made the planning application has the right to appeal. We must receive all their appeal papers within six months of the LPA's decision notice, or within six months of the end of the decision period if the LPA have not made a decision. Where there is an enforcement notice on the site for the same or similar development, the appeal period may be reduced to 28 days.

How you find out about the appeal

If you wrote to the LPA about the planning application, they should write to tell you about the appeal within two weeks of us accepting it.

The written procedure

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

We cannot accept video or audio evidence, as we cannot be sure that everyone involved has exactly the same version or that they have the equipment needed to access the evidence.

What you can do

The LPA will send us copies of any letters of support or objection they received about the planning application while considering it. 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.

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 six 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.**

The site inspection

An inspection of the appeal site is normally carried out before a decision is made. If enough of the site can be seen from the road or a public viewpoint, the site will be inspected without anyone else being present. This is known as an unaccompanied site inspection.

Sometimes, both the appellant and the LPA's representative will need to be present during the site inspection. This is known as an accompanied site inspection.

There is normally no need for other people to attend the site inspection. However, if you own a property nearby and consider that the appeal site needs to be viewed from your property, you should tell us this when you write to us. If the site inspection is to be an accompanied one we will let you know the date and time.

At the site inspection, the Inspector will decide if it is necessary to view the site from your property. If so, the appellant and an LPA representative must come too.

As everyone concerned has to make their case in writing only, no discussion is allowed on the merits of the case during a site inspection. The Inspector will be there purely to assess the effect of the proposed development on the surroundings. However, he/she may ask factual questions to confirm his/her understanding of physical features of the site.

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 five weeks after the site inspection. We cannot guarantee that we will meet this target in every case.

Awarding appeal 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 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 www.planningportal.gov.uk/pcs or you can contact us and we will send you a copy.

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 a decision has already been given 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.

Timetable for the written procedure

Timetable	You	Appellant	LPA
<p>Appeal made (within the time limit)</p> <p>We set the start date</p>	(Does not apply)	Sends the appeal form and all supporting documents to us and the LPA. The grounds of appeal should make up their full case	Receive the appeal documents
<p>Within 2 weeks from the start date</p>	Receive the LPA's letter about the appeal, telling you that you must send us any comments within six weeks from the start date	Receives a completed questionnaire and any supporting documents from the LPA	Send the appellant and us a completed questionnaire and supporting documents. They write to you about the appeal
<p>Within 6 weeks from the start date</p> <p>(We will not normally accept late statements or comments)</p>	Send your comments to us	Sends us any further statement. This should relate only to issues raised by the questionnaire and any supporting documents	Send us any further statement
<p>Within 9 weeks from the start date</p>	Cannot make more written comments at this stage	<p>Sends us their final comments on the LPA's statement and on any comments from you</p> <p>No new evidence is allowed</p>	<p>Send us their final comments on the appellant's statement and on any comments from you</p> <p>No new evidence is allowed</p>

What is considered?

Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations

The purpose of planning is to ensure that decisions about development take into account the public interest. It does not exist to protect the purely private interests of one person against the activities of another. Neither is it intended to deal with matters covered by other legislation eg. boundary disputes - which are covered by property law.

Planning issues can be wide-ranging, for example including the need to reduce travel by private car, promote the development of renewable energy resources, and take climate change impacts into account in the location and design of development. The LPA's reasons for refusing a planning application will usually set out the issues that apply.

The Inspector can only consider things that are relevant to planning, for example, the fact that a proposed new building may directly overlook someone's garden thereby harming the enjoyment of that personal space or it may need a new access in a dangerous location that would be detrimental to road safety.

You can only raise planning issues about the proposal.

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 it. 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.

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.

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.

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: www.rtpi.org.uk