



The Planning Inspectorate

Guide to taking part in planning appeals proceeding by a hearing - England



INVESTOR IN PEOPLE

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Please note – there are separate booklets for planning appeals that are proceeding by the written representations or inquiry process. You can access all our booklets through the www.planningportal.gov.uk 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.

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.; 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.

These are the minimum publicity requirements. Your LPA may give appeals more publicity.

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. We will not acknowledge your letter unless you ask us to.

If you want to make written comments, 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.** However you may attend and ask to speak at the hearing - see the paragraph below called "What happens at the hearing?".

If you would like a copy of the appeal decision you must ask us to send you one.

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 half a day. 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.

When everyone who wants to speak has done so, in most cases, the Inspector will suggest that the hearing is continued on the site of the proposed development. Most hearings end after any discussion at the appeal site. After the hearing the Inspector writes the decision.

Recorded evidence

At the discretion of the Inspector, video, audio cassette, CD/DVD or electronic media files may be played at the hearing. If you intend to submit recorded evidence please let our Case Officer know. It will be your responsibility to find out from the LPA if there are suitable facilities at the venue or, if the LPA agree, whether you will have to provide your own. Any recorded evidence played at the hearing must be able to be seen and/or heard by everyone at the hearing. The recording will become part of the hearing evidence and will be retained by the Inspector.

The decision

We will send a copy of the decision to:

- the appellant;
- the LPA;
- anyone who attends the hearing and indicates on the attendance sheet that they want a copy; and
- anyone else who wrote to ask us for a copy.

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

Awarding appeal costs

At the hearing the Inspector will say that any application for costs should be made before the end of the proceedings. This can happen when one 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 through the www.planningportal.gov.uk 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 write to our Quality Assurance Unit.

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

Phone: 0117 372 8252
Fax: 0117 372 8139
E-mail: complaints@pins.gsi.gov.uk

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. If you ask for a copy of the decision when we send it to you we will enclose a leaflet explaining your right to challenge the decision.

Timetable for the hearing procedure

Timetable	You	Appellant	LPA
Appeal made (within the 6-month time limit) We set the start date	(Does not apply)	Sends the appeal form and all supporting documents to us and the LPA	Receive the appeal documents
Within 2 weeks from the start date	Receive the LPA's letter about the appeal, telling you that you must send us any comments within 6 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
Within 6 weeks from the starting date (We will not normally accept late statements or comments)	Send your comments to us. If you want a copy of the Inspector's decision you must ask for one in writing	Sends us their hearing statement	Send us their hearing statement
At least 2 weeks before the date of the hearing	Receive details from the LPA about the hearing arrangements		Tell you about the arrangements and may put a notice in a local paper about the hearing

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 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.
6. Say if you would like us to send you a copy of the decision.

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 that 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 our website at www.planning-inspectorate.gov.uk 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
Temple Quay
Bristol
BS1 6PN

Helpline: 0117 372 6372

E-mail: enquiries@planning-inspectorate.gsi.gov.uk

Website: www.planning-inspectorate.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
Newater House
11 Newhall Street
Birmingham
B3 3NY

Phone or fax: 0121 693 1201

E-mail: info@planningaid.rtpi.org.uk

Website: www.rtpi.org.uk