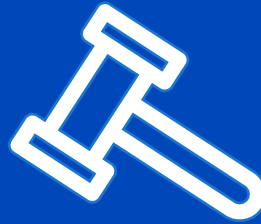


# **town planning**

The Basics



**APPEALS**

# INTRODUCTION

**The booklet covers some of the basics relating to the English planning appeal system. In general, there is a right to appeal available against conditions attached to an approved application, a refused application or an application which has not been determined within the statutory time period.**

A series of Town Planning "The Basics" booklets have been produced to assist non-planners with the dark art of Town Planning, these can be downloaded via [www.planninghouse.co.uk](http://www.planninghouse.co.uk)

## Who are Planning House?

**Planning House is an independent town planning consultancy which offers a professional & knowledgeable service to meet client needs, we embrace a pragmatic approach by providing realistic & tailored town planning advice.**

Headed by Chris Pipe who is a Gamekeeper turned poacher. As former Head of Planning for a Local Authority she knows how to navigate the planning system efficiently and effectively.



# PLANNING AN APPEAL



**If your planning application gets refused permission by the local planning authority, you can appeal the decision if you disagree with it. You can also appeal if no decision has been made in the statutory time period.**

Deadlines for decision are typically 8 weeks, or 13 weeks for a major development such as 10 or more dwellings or a building of more than 1,000 square metres.

**When you find out your planning application has been refused, you may be disappointed, frustrated and maybe even angry. With this being said, despite it being free to submit an appeal do not rush into the process with building a full and clear case.**

Appeals are time consuming and require a lot of detail. If you have not built a basis for appeal properly then the Council could potentially apply for costs which you have to pay for essentially wasting their time and effort. Appeals can be avoidable altogether by engaging with your local authority, it is possible that your original application could be amended with conditions instead of refused, this would save you and your council time and uncertainty.

**If you think you have a strong case you can start to build the appeal. When building the appeal you must include copies of the following:**

- > **Your original application**
- > **The site ownership certificate**
- > **The local planning authority's decision notice - if they did not make a decision, submit a copy of the letter acknowledging your application**
- > **All plans, drawings and documents you sent to the local planning authority**
- > **A map of the surrounding area**
- > **Any other documents that directly support your appeal, for example your full statement of the case**

When your appeal is ready you must submit it to the Planning Inspectorate either online or by post, the online submission and address to sent by post is available at <https://www.gov.uk/appeal-planning-inspectorate>. The Planning Inspectorate have their own impartial inspectors that will receive your appeal.



# TYPES OF APPEAL

## Planning Appeal

This is for appealing a decision made by the local planning authority on your application. To make a valid appeal it must be received by the Planning Inspectorate within **6 months** of the date of the decision. Planning appeals are generally handled with written representations however it could be done with informal hearings or even inquires if required. Decisions on planning appeals normally get made within **3 months** of the date of submission.

## Householder Appeal

This is for appealing a decision on an application specifically about your house. Enquire with your local planning authority if this is the right appeal for you (e.g. not for flats or maisonettes). Valid appeals need to be received within **12 weeks** of the decision. An inspector will visit the site to access the proposal, decisions will be made within **10-12 weeks**.

## Enforcement Appeal

If you have received an enforcement notice from the local planning authority in respect of your property, you can appeal in respect of this notice. Appeals must be received within the period of the notice taking effect (usually **28 days**). Many enforcement appeals involve inquiries due to having complex legal issues to consider. The whole process should take around **3 months**.

## Other Appeals

There are many other decisions you have the right to appeal. Including decisions on: Listed buildings, Lawful Development Certificates, Tree Preservation, High Hedges, Rights of Way, Highway and Transport, "Called-In" Applications, Section 106BC and Section 106B, Community Infrastructure Levy, Purchase Notices and Crossrail.



**REMEMBER**

**LATE DOCUMENTS WILL  
NOT BE ACCEPTED!  
KNOW YOUR  
DEADLINES!**





# AWARD OF COST

You can apply for an award of costs if a party involved in your appeal (e.g. the local planning authority or planning inspectorate), has behaved unreasonably. You can claim costs directly related to your appeal.

## Grounds for claiming unreasonable behavior include:

- > Missing deadlines
- > Failure to co-operate
- > Failure to attend site visits, hearings or inquiries
- > Giving information that is wrong or declared after deadline

## Here are some example costs that can be claimed:

- > Time preparing for an appeal
- > Attending a hearing or inquiry
- > The use of consultants to provide detailed technical advice
- > Witnesses if you need to pay them

*Note: You cannot claim for costs relating to your original planning application.*





# NEXT STEPS

**Assuming you are in the position to appeal, the next steps are up to you, however it is advised that you consider the following steps:**

Engage with your local planning authority regarding alternative development to potentially avoid a planning appeal;

Be aware of what evidence you or the Council have to support both sides of the argument;

Be aware of the planning policies relevant to your site, these will be critical when forming your planning case for an appeal;

Read the officer's report about your proposal and focus on the reason you're appealing i.e. condition or refusal of permission;

Look for similar appeals which could support your case (via the Appeal Casework Portal or via an internet search);

Be realistic in any application for costs, just because you disagree with the planning outcome doesn't mean the Council have been unreasonable;


Be aware of the potential for an award of costs against you, although rare this can happen;

Be aware of any additional costs such as technical report costs, s106, CIL etc;

Collate any supporting documents and have plans, form etc completed and ready to submit;

Your grounds of appeal must fully disclose your case through full representations and any supporting evidence. The grounds of appeal must be concise, clear and comprehensive;

Importantly, be aware of both the process and potential timescales and importantly deadlines associated with the planning appeal;





 [www.planninghouse.co.uk](http://www.planninghouse.co.uk)



 @\_planninghouse



 [info@planninghouse.co.uk](mailto:info@planninghouse.co.uk)



**PLANNING HOUSE**