



The Planning
Inspectorate

Making your appeal

How to complete your enforcement appeal form



INVESTOR IN PEOPLE

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Note: this guidance replaces the “Making your enforcement appeal” booklet.

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

This advice is important to you. Please read it immediately. You must act quickly in deciding whether to appeal.

Introduction

We must receive your enforcement appeal **before** the date on which the notice takes effect. This date should be shown on your enforcement notice and should be at least 28 days from when the enforcement notice was served on you. You should not wait until the last few days. **If your enforcement appeal is received 'out of time' we will not accept it.**

If your appeal arrives 'out of time', we will examine the postmark on the envelope to see whether, according to the postage paid, it should normally have been received before the date when the enforcement notice took effect. If the postmark is unclear and you cannot supply proof that you posted your appeal in time to be received before that date, we will not be able to accept your appeal.

Before you submit your appeal, you should enter into discussions with the local planning authority (LPA). The appeals process should be considered a last resort, for use only where all attempts to reach a mutually acceptable outcome have failed. We encourage you to continue these discussions, even during the appeal itself. This will help to narrow the areas in dispute and save time and money at the appeal stage.

You can 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 you to track the progress of your case.

For more information about the Planning Casework Service, visit www.planningportal.gov.uk/pcs.

You can fax your appeal form to us. You can also deliver your appeal form by hand. You should ask us for a receipt if you do so. Our fax number and address details are given in Section J of the appeal form.

If you do not have an appeal form and cannot get one quickly, you may appeal by sending us a letter saying that you are appealing against the notice. We must receive the letter making your enforcement appeal **before** the date on which the notice takes effect. You should submit your appeal form as soon as possible after sending in your letter.

If you receive more than one enforcement notice you will need to submit one appeal form for each enforcement notice you want to appeal against.

Handwritten appeal forms and other documents

Please complete the appeal form in **CAPITAL LETTERS** using **black ink**.

Typed 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. 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 appeal electronically through the Planning Casework Service.

Why has the local planning authority served an enforcement notice on me?

Your LPA will serve an enforcement notice on you when they consider you have broken planning rules. Normally this will be because they consider what you are doing, or have done, is harmful to your neighbourhood. Before you decide to appeal, please consider carefully the LPA's reasons for serving the enforcement notice on you. These are on the enforcement notice.

Who can appeal

An appeal may be made by:

- (i) a person who has a legal interest in the land when the appeal is made (irrespective of his/her standing when the notice was served); or
- (ii) a relevant occupier in occupation of the land both when the notice was served and when the appeal is made.

Interest in this context has a special significance. It means either a legal or equitable interest in the land. It includes owners, lessees, some tenants and Official Receivers. Mortgagees or other lenders also have an interest in the land (as security for the loan they have advanced to the borrower).

Section 174(6) of the Town and Country Planning Act 1990 ("the Act") defines a relevant occupier as a person who, on the date the notice was issued, occupied the land concerned by virtue of a written licence and continues to occupy the land when the appeal is made.

Paragraph 2.27 of Annex 2 to Circular DETR 10/1997 states that anyone occupying the land with the owner's oral or written consent can be a relevant occupier. However trespassers may not appeal against an enforcement notice, even if they have been served with a copy of the notice.

If you “have an interest” you may appeal even if the notice has not been served on you.

Sometimes, more than one person may have a legal interest in the land to which an enforcement notice relates and their different interests may conflict with each other. For example, the owner of the land may wish the enforcement notice to be upheld, while the occupier of the land may wish to continue with the present use and/or retain the works. In these circumstances, it is up to each person with a legal interest to decide how his or her interests will best be served once an enforcement notice has been issued.

If you own the land and you do not appeal against an enforcement notice but someone else does appeal against it, in law you will have the status of an ‘interested person’. This does not entitle you to receive a copy of all the representations made by the appellant and other interested people (though you would be able to see such representations at the LPA’s offices).

If you are an owner of the land and wish to have the status of ‘interested owner’ in somebody else’s appeal against an enforcement notice, you should tell us as soon as you know that they have made an enforcement appeal. This status is given at our discretion. It means that we will give you the same treatment as an appellant. You will be able to attend any hearing or local inquiry, or be present at a site inspection by our Inspector. You will also be able to see and comment on any written representations made by the appellant, the local planning authority, and any other interested parties, during the progress of the appeal.

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.

We will send you our separate guide ‘Costs awards in planning appeals’. 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. Further information on costs including a form which can be used to apply for costs in writing is available from our website.

COMPLETING THE APPEAL FORM

In this guidance we use the same lettering and numbering as the enforcement notice appeal form.

SECTION A

Appellant details

Name

Please see "Who can appeal" above to ensure that you are entitled to appeal against the enforcement notice.

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 enforcement 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.

SECTION C

Details of the appeal

The name of the LPA, the date of issue of the enforcement notice and the date it takes effect should all be on the enforcement notice. There may also be a reference number.

SECTION D

Appeal site address

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

Q1 Health and safety at the site

The site is likely to be inspected during the course of the appeal and we will need to know what safety equipment and protective clothing will be required. The following questions indicate the type of information we will 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?

Q2 Interest in the land

“Interest in the land” is explained under “Who can appeal” above.

Please state your interest in the land. If your interest is not included in the options given, please use the space provided to explain your interest.

SECTION E

Grounds and facts

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. You may wish to look at the ODPM Circular 05/2005 Planning Obligations, which gives further details and information about planning obligations.

There are seven different grounds, in section 174(2) of the Act, on which you can make your appeal. You may wish to appeal on one ground only or on several grounds. The following is information about the different grounds and advice on what to include in your grounds of appeal.

Your appeal must give facts in support of each chosen ground of appeal. You should think carefully about the facts on which you will rely.

Ground (a) - that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed).

If you appeal on ground (a) you should set out in detail why you think that permission should be granted.

You do not have to pay a fee to appeal against the enforcement notice. However, if you want your appeal to be considered under ground (a) you must pay a fee. The fee must be paid to both the LPA and the Planning Inspectorate. Information about fees is given in The Town and Country Planning (Fees for Applications and Deemed Applications) Regulation 1989. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment)(England) Regulations 2008 contains the current fees payable. The LPA should have told you the fee that is payable when they served the enforcement notice.

If you **only** put ground **(a)** forward and you do not pay the fee, your appeal will lapse. This means that your appeal will end.

If you decide to pay the fee, but do not want to give any information to support ground (a), the Inspector will still consider the planning merits of the development.²

You cannot withdraw ground (a). But, you can advise us **and the LPA** that you will not be providing evidence on this ground to prevent any abortive work taking place. It will be at the Inspector’s discretion whether to consider the planning merits or not. In these circumstances, you will not be able to have your fee refunded. The only way you could get a refund at this stage would be to

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'.

² Every person who appeals against an enforcement notice is considered to have made an application for planning permission for the development set out in the alleged breach. This is called the “deemed planning application” and it is in addition to ground (a) and arises automatically from the provisions of s177(5) of the Act. However, it and ground a) are considered and decided by the Inspector only if the fee is paid.

withdraw the whole appeal at least 21 days before the site visit, hearing, or inquiry take place.

If you plead ground (a): -

- You should set out all your grounds of appeal clearly and concisely and focus upon the planning merits of the development. 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 should include a clear explanation of why you disagree with each of the LPA's reasons for issuing the enforcement notice. It is not enough to say that you do not accept them – that will not help the Inspector decide your appeal.
- The enforcement notice will refer to policies in the Development Plan and/or supplementary planning documents as found in the Local Development Framework. You do not need to describe any local policies in full. Simply give the number and the name of the relevant development plan or supplementary planning document. The LPA will provide these to the Inspector so you do not need to. However, before submitting your appeal you should read the policies referred to. You should include in your grounds of appeal why you think that any policy referred to in the notice is not relevant or why the development complies with it.
- 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 and include them with your appeal, indicating their status, ie whether they have been adopted by the LPA and/or 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 PPGs or PPSs¹) as Inspectors have these documents. However, you should refer to any paragraphs by number that you think are relevant.
- It will be helpful to attach previous decisions by the LPA or on appeal if they are directly relevant but you should indicate why you consider them to be so.
- You may include details of similar developments in the immediate area if you think these are relevant to what you have done. 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.
- Where the effect on the neighbours is mentioned in the notice, if you dispute this you should include measurements of the distances between your and your neighbours' properties, particularly the distances to any of their windows.

¹ Planning Policy Guidance notes (PPGs) or Planning Policy Statements (PPSs)

- You may use photographs (preferably in colour) to illustrate your grounds of appeal – for example to show the site 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.

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

The following grounds (b), (c), (d) and (e) are often referred to as “the legal grounds”. If you are pleading any of these grounds it is your responsibility to provide evidence to prove what you are saying.

Ground (b) - That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

If you plead ground (b) you are saying that whatever is alleged in the notice has not taken place (i.e. that the alleged use is not occurring or that the alleged structure has not been erected). You should provide facts to support this. You may wish to show the difference between the actual use (or lack of it) and what is alleged in the notice.

If you wish to argue that planning permission is not needed, do not do that under Ground (b). You should do that under Ground (c).

Ground (c) - That there has not been a breach of planning control.

You may wish to claim that:-

- the operations alleged in the notice do not amount to development, under s55 of the Act, or that the change of use is not a material one (i.e. it is not subject to the requirements of planning control);
- the development that has taken place is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or that the change of use is within the terms of the Town and Country Planning (Use Classes) Order 1987;
- what has been done, or built, is within the terms of a planning permission, or that the relevant condition on a permission has been complied with.

Note:- Appellants and agents often confuse ground (b) with ground (c) and vice versa. Put simply, ground (b) is that you did not do it, and ground (c) is that you did, but planning permission is not needed.

Ground (d) – That at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice.

The time limits are as follows:-

- S171B(1) of the Act gives a time limit of 4 years for notices alleging operational development such as building, mining or engineering works.
- S171B(2) gives a 4 year limit for change of use from a building/part of a building to a single dwellinghouse. This time limit applies either where the change to use as a single dwellinghouse involves development without planning permission, or where it involves a failure to comply with a condition or limitation subject to which planning permission has been granted.
- S171B(3) states that any other change is subject to a limit of 10 years from the date of the breach. This applies to changes of use and to breaches of any conditions attached to previous planning permissions.

These time limits are set out in s171B of the Act and are confirmed in Annex 2 of Circular DETR 10/1997 Enforcing planning control: legislative provisions and procedural requirements.

It is not enough to say “the breach of planning control occurred more than ten years ago”, or “The building was finished more than four years before the notice was issued”. You need to be able to provide evidence to establish this.

You could say, for example: “The present use was started by the late George Smith in the summer of 1997. He continued it until his death in 2005. Then I bought the premises and have carried on the same use continuously until now” or, “The builder dug foundations of the building in March 2003 but he was only working part-time. Then during the summer he was able to work full time. The roof was tiled by the end of September and we started using the building in mid-October as it was very nearly finished.”

Ground (e) – That the notice was not properly served on everyone with an interest in the land.

You will need show the copies of the notice were not served as required by Section 38(4): -

- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

The service of the notice shall take place: -

- (a) not more than twenty-eight days after its date of issue; and
- (b) not less than twenty-eight days before the date specified in it as the date which it is to take effect.

Note: - If the notice was not served as specified in section 38(4), this can be disregarded if no substantial prejudice has been caused to anyone’s interests. For example if the appellant or other person is present at the inquiry/hearing or submitted written representations it is likely that he or she has been given adequate notice.

You should be aware that even if you succeed in this ground of appeal, the Inspector or the Secretary of State might disregard the matter and will give

reasons for doing so. It depends whether he or she thinks the failure to serve a copy of a notice on a person has caused that person some injustice.

You should provide the details of anyone who has an interest in the land. You should indicate who received the notice and who did not.

Ground (f) - That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.

You should say why you think that the steps are excessive and what lesser steps you consider would remedy the problem. You cannot argue that planning permission should be granted under this ground, if you wish the planning merits of the development to be considered you must argue that under ground (a).

Ground (g) – That the time given to comply with the notice is too short.

You should say what you consider to be a more reasonable period and why. If you intend to appeal solely on this ground you should consider negotiating the timescale with the LPA, as they may be willing to extend the period for compliance, removing the need for an appeal.

SECTION F

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 indicative criteria which have been approved by Ministers and which are set 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. The Statutory Instruments give details of the procedures and timescales.

The written representations procedure

This is normally the simplest, quickest and most straightforward way of making an appeal. Over 50% of enforcement appeals proceed by the written procedure. This is quicker and simpler to undertake than a hearing or inquiry and you are likely to get your appeal decided sooner

You may also wish to look at The Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002, Statutory Instrument 2002 No. 2683.

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

The hearing procedure

This procedure is likely to be suited to cases which require detailed discussion. Although you may indicate a preference for a hearing, the Planning Inspectorate must also consider that your appeal is suitable for this procedure. It is unlikely to be suitable if the evidence needs to be tested ie. where the factual evidence about how long the development has been on site is in dispute.

You may also wish to look at The Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002, Statutory Instrument 2002 No. 2684.

The inquiry procedure

This is the most formal of the procedures. The parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence.

You may also wish to look at The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002, Statutory Instrument 2002 No. 2685.

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. The estimate should include the time you consider may be necessary for questions to be put to both your and the LPA's witnesses.

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.

SECTION G

Sending the fee for the deemed planning application

Q1. If you have applied for planning permission for the same development as in the enforcement notice and paid the appropriate fee, you do not have to pay

the fee to have the planning merits considered on your enforcement appeal if: -

- i. the LPA had not issued their decision on the application before the date on which the enforcement notice was issued; or
- ii. you have appealed against the refusal of planning permission and the appeal has not been decided before the date on which the notice is to take effect.

If ii. applies please write the reference of your current planning appeal in the space provided in Q2.

Q2. Planning applications and enforcement appeals are exempt from the need to pay a fee if they: -

- relate solely to-
 - (a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or
 - (b) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse;

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person¹ who is resident in, or is proposing to take up residence in, that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort;

Or

- where the local planning authority to whom the application is made are satisfied that it relates solely to the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise);

Or

- the development, that is normally permitted, requires planning permission because the permitted development rights have been withdrawn by a direction made by the LPA under Article 4 of The Town and Country Planning (General Permitted Development) Order 1995;

Or

- the development, that is normally permitted, requires planning permission because of a condition on a planning permission which restricts permitted development;

Or

¹ A "disabled person" is defined as-

- (a) a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948 applies; or
- (b) a child who is disabled for the purposes of Part III of the Children Act 1989.

- the development is for another purpose, in the same Use Class as that for which the building or land is used but permission is necessary because of the requirements of a condition on the original planning permission.

If you feel one of these circumstances apply, please explain why and attach any relevant documentation.

SECTION H

Other appeals

If you have made any other related appeals 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 I

Check, sign and date

This section provides a useful summary of the things you need to have done. Please check your completed form carefully before signing and dating it.

SECTION J

Now send

Please note that we **must receive** written notification of your appeal before the date the notice comes into effect. So please make sure that you send your appeal in good time before that date.

You should ensure that you send a copy of the completed appeal form and a copy of any supporting documents you are sending to us to the LPA.

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 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 internet or on request.

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

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 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 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0117 3726372
Fax: 0117 3728782
Email: enquiries@planning-inspectorate.gsi.gov.uk

Criteria for Determining the Procedure (Indicative) (Enforcement)

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 do not include a ground (d) appeal; and/or
2. the Inspector should not need to test the evidence by questioning or to clarify any other matters; and/or
3. a an environmental impact assessment (EIA) is either not required or the EIA is not in dispute; and/or
4. the alleged breach and the requirements of the notice are clear and there are no complex legal issues.

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 grounds of appeal, the allegation and the requirement of the notice 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 or evidence needs to be heard under oath (e.g. where a witness is giving factual evidence about how long the alleged unauthorised use has been taking place); and/or
4. the alleged breach or the requirements of the notice are unusual and particularly contentious.

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.