



The Planning
Inspectorate

Making your appeal

How to complete your listed building or conservation area consent appeal form



INVESTOR IN PEOPLE

April 2009



Contents

	Page
Introduction – Important . Please read this first	1
Appeal costs awards	2
Section A – Appellant details	3
Section B – Agent details (if any) for the appeal	3
Section C – Local planning authority (LPA) details	3
Section D – Appeal site address	4
Section E – Supporting information	5
Section F – Description of the development	5
Section G – Reason for the appeal	6
Section H – Choice of procedure	6
Section I - Grounds of appeal	7
Section J – Site ownership certificates	10
Section K – Essential supporting documents	11
Section L – Other appeals	12
Section M – Check, sign and date	12
Section N – Now send	13
How we use your personal information	13
Contacting us	14
Annexe 1 Criteria for determining the procedure	15
Annexe 2 Notice to owners	16
Annexe 3 Certificate C	17
Annexe 4 Certificate D	18

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

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

Introduction

Your appeal and essential supporting documents must reach the Planning Inspectorate:-

- within 6 months of receipt of the local planning authority's (LPA) decision notice; or
- for non-determination ('failure') appeals, within 6 months of the date by which the LPA should have decided the application.

If we do not receive your appeal and documents within this time limit, we cannot accept your appeal¹.

The LPA should decide your application within 8 weeks of the date they accepted it as valid. However if your application relates to a major² development the LPA have 13 weeks to issue their decision. If you have agreed with the LPA, in writing, a period longer than the 8 or 13 weeks, but they have failed to decide your application within that period we must receive your appeal within 6 months of the end of that extended period.

Your appeal should be made only when all else has failed. You should have begun discussing your proposed scheme with the LPA during the course of your application. If you think that making changes to your proposal could resolve the LPA's reasons for refusal, you should discuss these with the LPA before appealing to us. A further application to the LPA may be your best route.

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 people to track the progress of cases.

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

¹ We will consider accepting late appeals where there are exceptional circumstances for late submission. Reasons for late submission should be stated at the time of submission.

² **Major development** means development involving any one or more of the following-

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where-
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

"waste development" means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials.

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.

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 listed building/conservation area consent appeal form.

SECTION A

Appellant details

Name

Only the person who made the original application to the LPA has the right to appeal. All appeals must therefore bear the name of the original applicant.

If you did not make the original application (eg, you may have recently purchased the site) and you wish to appeal, you must obtain the written permission of the original applicant(s) to allow you to do this. You would become responsible for any costs arising from the appeal. Put your name in the "Name" line followed by "for" and then the name of the original applicant. You must send the signed written permission to us with your appeal form.

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 listed building/conservation area consent 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 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

Local planning authority details

This information will probably be in the letter you received from the LPA confirming that your listed building/conservation area consent application was valid and on the decision notice, if one was issued.

If the LPA did not validate or register your application, you should send us any relevant correspondence they sent to you.

SECTION D

Appeal site address

The appeal site must be the same as the site given in the listed building/conservation area consent application.

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.

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?

SECTION E

Supporting information

Buildings which are of special architectural or historic interest are 'listed' by the Secretary of State for Culture, Media and Sport under Section 1 of The Planning (Listed Buildings and Conservation Areas) Act 1990. The legislation concerning listed buildings is to be found in this Act and in the Planning (Listed Buildings and Conservation Areas) Regulations 1990 - SI 1990 No 1519. Comprehensive advice is in DOE Circular 14/97.

Listed buildings are graded in order of importance as follows:

Grade I - Buildings are of exceptional interest.

Grade II* - Buildings are particularly important buildings of more than special interest.

Grade II - Buildings are of special interest, which warrant every effort being made to preserve them.

It is important to remember that any object or structure fixed to a listed and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall also be treated as part of the building.

The statutory definition of a conservation area is 'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. A conservation area can be of any size and range from whole town centres and villages to terraces or small groups of buildings or open spaces.

Conservation area consent (CAC) is necessary before anyone can demolish an unlisted building in a conservation area, subject to the minor exceptions set out in paragraph 28 of DOE Circular 14/1997. Conservation areas are also protected by law, making it an offence to carry out demolition without conservation area consent.

The legislation concerning conservation areas is to be found under Section 68 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

SECTION F

Description of the development

You need to provide details of the proposed development. This will normally be as you described it on the listed building/conservation area consent application

form. However, if during the consideration of your application you have agreed a revised description of the development with the LPA, you should use that. Please provide the documents which give details of the revision and which confirm your agreement and the LPA's agreement to the revision.

If your appeal follows an application to vary or remove a condition or obtain approval of details in respect of a condition, please provide a copy of the original permission and list the condition numbers your appeal relates to.

SECTION G

Reason for the appeal

The LPA's decision notice should make it clear if they have refused listed building/conservation area consent, or have allowed the development subject to conditions.

If you are appealing against the LPA's failure to decide your application within the time limits (option 5), please check the dates carefully. If you are in any doubt about the time limits that apply to your appeal please re-read the introduction at the start of this guidance note.

SECTION H

Choice of procedure

There are 3 possible procedures: - written representations, hearings and inquiries. You should consider carefully which suits your circumstances before choosing your preferred procedure. Inspectors give equal attention to every appeal, regardless of the procedure. To help you decide which procedure to choose we have criteria which indicate which is likely to be the most suitable procedure.

These criteria are set out in Annexe 1¹.

Please refer to Annexe 1 before indicating which method is your preferred procedure. Our guidance on our website about appeal methods gives details of the procedures and the timescales.

The written representations procedure

This is normally the simplest, quickest and most straightforward way of making an appeal. It is particularly suited to small-scale developments (eg minor works and alterations and appeals against conditions).

You may also wish to look at The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, Statutory Instrument 2009 No. 452.

¹ These criteria are for planning appeals. However, they are a guide for considering the appropriate procedure for your listed building/conservation area consent appeal.

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 more complicated cases which require detailed discussion about the merits of a proposal or where questions need to be asked to establish the facts. Although you may indicate a preference for a hearing, the Planning Inspectorate must be satisfied that your appeal is suitable for this procedure.

You may also wish to look at The Town and Country Planning (Hearings Procedure)(England) Rules 2000, Statutory Instrument 2000 No. 1626, as amended by The Town and Country Planning (Hearings and Inquiries Procedures)(England)(Amendment) Rules 2009, Statutory Instrument 2009 No. 455

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 Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, Statutory Instrument 2000 No. 1625, as amended by The Town and Country Planning (Hearings and Inquiries Procedures)(England)(Amendment) Rules 2009, Statutory Instrument 2009 No. 455.

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 topics they will cover and any other information which will help us to decide on the appropriate timetable for the inquiry.

SECTION I

Grounds of appeal

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

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'.

when you must send the 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.

- You should continue to discuss your proposed scheme with the LPA before you submit your appeal. You should agree what the key areas of dispute are for the appeal. This will enable both parties to agree common ground and focus upon the key issues to be considered during the appeal process.
- For inquiry cases you are required to submit a **statement of common ground** at the **6-week stage** which should list all the matters you have agreed with the LPA. You should begin discussing this with the LPA before you submit your appeal. The statement of common ground should include basic facts such as site description, area, planning history, relevant planning policies, evidence on technical issues and conditions and all other matters of agreement. You should also list the specific areas where agreement is not possible.
- You should set out all your grounds of appeal clearly and concisely and focus upon the merits of the proposed scheme. You should avoid repetition and information that does not relate to the issues involved. It is not necessary to repeat the LPA's reasons for refusal, but you should include a clear explanation of why you disagree with each of them. It is not enough to say that you do not accept them – this will not help the Inspector decide your appeal. The grounds of appeal should be clear and concise and we would not expect them to exceed 3,000 words.
- The reason(s) for refusal 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 the detail to the Inspector so you do not need to. Before submitting your appeal you should read the policies referred to. For each policy you should say why you think that it is not relevant or why the proposed 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 to your appeal, indicating their status, ie whether they have been adopted by the LPA and, where appropriate, whether they 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.
- Any supporting documentation other than that listed in Section K should be kept to a minimum. It should be essential and directly relevant to the appeal. Such documentation should be clearly cross-referenced in the grounds of appeal.

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

- You may wish to submit appendices to your grounds of appeal. These can include reports and information that relate directly to the reasons for refusal and any issues that are in dispute. Appendices should be used sparingly. Do not send copies of the Delegated Officer's Report, or the Committee Report, and other documents submitted to the LPA, such as consultation responses and letters from interested people, as the LPA will provide these.
- If you consider it essential to submit e-mail trails to support your grounds of appeal, you should carefully edit the e-mails to remove repetition so that the key points can be clearly picked up.
- You may wish to include a short description of the benefits the proposal might deliver which, in your view, would outweigh any harmful effects.
- It will be helpful for you to indicate if you wish to accept or can suggest a condition(s) that you think would mitigate the impact of the proposal. A list of model conditions can be found on our website: http://www.planning-inspectorate.gov.uk/pins/appeals/model_conditions.html. You may also wish to look at the DoE Circular 11/95 The Use Of Conditions In Planning Permissions.
- Where the effect on the neighbours is a reason for refusal, you should include measurements of the distances between your and your neighbours' properties, particularly the distances to any of their windows.
- You may use photographs (preferably colour) to illustrate your grounds of appeal – eg to show your house 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.
- You may include details of similar developments in the immediate area if you think these are relevant to what you are proposing. 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.
- It will be helpful to attach previous planning or appeal decisions relevant to the site.
- If you are aware of any appeals made by other people relating to the site or for nearby sites please provide details – including the appeal reference number or the site address.
- If you are appealing against the LPA's failure to determine your application, it will be helpful to tell us why you think that permission should be granted. If possible you should also refer to relevant policies in the development plan and/or any supplementary planning documents published by the LPA.

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

SECTION J

Site ownership certificates

As we need to know who owns the appeal site you must complete a site ownership certificate. "Owner" means a person having a:-

- freehold interest; or
- a leasehold interest with 7 years or more to run; or

Please remember that if you knowingly or recklessly sign an ownership certificate which contains any statement which is false or misleading, you are committing an offence and would be liable to a fine if convicted.

Certificate A

If you own **the whole appeal site** you should tick **Certificate A**.

Other certificates and giving notice

If you **do not own the whole appeal site**, you must inform all the owners of the land that you are going to make an appeal. We call this "serving notice". You must serve notice on the person (or people) who **owned the land on the day 21 days before the day you send your appeal form to us**. You must do this during the 21 days immediately before you send your appeal to us.

Serving notice

In Annexe 2 is the form you must use to serve notice on all other owners.

You can:-

- cut out this notice; or
- photocopy it; or
- download it from the appeals area of the Planning Portal; or
- type your own version that must contain exactly the same wording.

How to complete the notice

After the words "Proposed development at" you should insert the address or location of the proposed development.

After the words "I give notice that" you should insert the appellant(s) names.

After the words "having applied to the" you should insert the name of the local planning authority.

After the word "to" you should insert the description of the proposed development.

You should delete either "against the decision of the Council" or "on the failure of the Council to give notice of a decision" as appropriate.

After the word “by” you should insert the date that is either: -

- 21 days after the day on which you served the notice; or
- 14 days after the day on which the notice was published in the newspaper.

What you must do with the notice

If you **do not own** the appeal site or **do not own all of it** and you know the names and addresses of **all** or **some** of the other owner(s) you must serve the notice on the owners that you do know. You must do this by: -

- handing the notice personally to them; or
- sending the notice by registered or recorded delivery post.

If you have to serve notice on an organisation, you must address it to the secretary or clerk of the organisation at their registered or principal office.

Certificate B

If you know the names and addresses of **all** the owners of the appeal site and you have served notice on them you should tick and complete **Certificate B** on the listed building/conservation area consent appeal form.

Certificate C

If you **know the names and addresses of some, but not all** of the owners of the land involved in the appeal you must serve notice on the owners that you do know about – see above. Also you must publish the notice in a local newspaper. This is so that any other owners may become aware of your intention to appeal. You must send a copy of the published notice to us with your appeal.

In these circumstances you should complete **Certificate C**, given in Annexe 3.

You must send us a copy of the completed Certificate C, and the notice as published, with your listed building/conservation area consent appeal form.

Certificate D

If you **do not know the names and addresses of the owners** of the land involved in the appeal you must publish the notice in a local newspaper.

In these circumstances you should complete **Certificate D**, given in Annexe 4.

You must send us a copy of the completed Certificate D, and the notice as published, with your listed building/conservation area consent appeal form.

SECTION K

Essential supporting documents

We have listed the documents currently required on the listed building/conservation area consent appeal form. If we do not receive all your

essential appeal documents by the end of the 6 month appeal period, we will not be able to proceed with it and you will lose your right to appeal. Due to the number of appeals we receive, we do not routinely 'chase' missing documents. Please make sure that you have sent us everything; if not your appeal will be delayed or possibly turned away.

Please ensure that you have listed all the plans/drawings that you are sending to us and that they include reference to scale, orientation and paper size. You should send us copies of **all** plans sent to the LPA with your application (including plans which have been superseded, you should clearly mark these "superseded").

You should not seek to submit new material when you make your appeal that was not considered by the LPA as part of the application. Therefore, any documents submitted during the application should be directly relevant and essential to the case and in response to the reasons for refusal (if any). The Inspector will normally consider only the documents and plans which were previously considered by the LPA. Revised proposals which seek to overcome the LPA's reasons for refusal should normally be submitted to the LPA as a new application.

There is limited scope to consider revised proposals at appeal stage. If you want to put forward revised proposals at the appeal stage, you should send them with the appeal documents. Late submission can cause delays and lead to a claim for costs. If you submit revised plans, the Inspector will decide whether or not to consider them in line with the tests laid down by the Courts in ***Wheatcroft v SSE*** [JPL, 1982, P37]. These require that any amendments do not materially alter the nature of the application, and that no one who would normally have been consulted would be prejudiced by the lack of opportunity to comment on the revised plans. These tests would not normally be met by conducting informal consultation exercises.

SECTION L

Other appeals

If you have made any other related appeals (including appeals against enforcement notices) 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 M

Check, sign and date

This section provides a useful summary of the things you need to have done. Please check your completed form carefully, then sign and date it.

SECTION N

Now send

Please note that we **must receive** your appeal form and **all** supporting documents within the 6 months time limit. So please make sure that you send your appeal in good time before the 6 months time limit.

You must send a copy of the completed appeal form to the LPA. If you do not do this we may not accept your appeal. You do not need to send them all the documents again. If you are submitting any supporting documents that were not part of your listed building/conservation area consent application you must send these to the LPA with the appeal form.

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) (Planning)

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/or
2. the Inspector should not need to test the evidence by questioning or to clarify any other matters; and/or
3. an environmental impact assessment (EIA) is either not required or the EIA is not in dispute.

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 issues 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.

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.

Notice Under Articles 6 and 9 (1) of the Town and Country Planning (General Development Procedure) Order 1995

Proposed development at

I give notice that

having applied to the

to.....

is appealing to the Secretary of State

against the decision of the Council
on the failure of the Council to give notice of a decision.

Any owner of the land* or tenant** who wishes to make representations about this appeal should write to

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

by

If you decide to make representations you should make it clear that you are an owner of the appeal site or tenant of an agricultural holding on the site and you should give the site address.

*"owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed..... On behalf of Date.....

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Certificate C

I certify that:

I/The appellant* cannot issue a Certificate A or B in respect of this appeal. I have/The appellant has* given the requisite notice to the persons specified below, being persons who on the 21 days before the date of this appeal, were owners of any part of the land to which the appeal relates.

Owner's name

Address at which notice was served

Date on which notice was served

I have/The appellant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows (give a description of what you have done)

Notice of the appeal, a copy of which is enclosed, has been published in the (give the name of the newspaper where the notice was published)

.....
..... on (give date of publication).....

Signed.....On behalf of..... Date

Certificate D

I certify that:

I/The appellant* cannot issue a Certificate A in respect of this appeal. I/The appellant* have/has taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, on the day 21 days before the date of the appeal, was the owner of any part of the land to which the appeal relates, but have/has* been unable to do so. These steps were as follows (describe what you have done)

Notice of the appeal, a copy of which is enclosed, has been published in the (give the name of the newspaper where the notice was published).....

..... on (give the date the notice was published)

Signed..... On behalf of..... Date