

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine appeals. In short there are 3 possible methods:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views. ✓

1 WRITTEN REPRESENTATIONS

W

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and change of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?

YES

NO

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

YES

NO

If the answer to **1b** is 'YES' please explain

2 HEARINGS

H

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission which the Local Planning Authority and the appellants(s) will be represented. Members of the public, interested bodies (e.g. Community/Town Councils) and the press may also attend. At the hearing the inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

I

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.
YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed Guidance Notes if in doubt.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the Guidance Notes for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B

I certify that the appellant (or the agent) has given the requisite notice (see Guidance Notes) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the Guidance Notes for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name

Date the notice was served

Please supply address(es)

on personal

details page

CERTIFICATES C and D

C&D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying Guidance Notes and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

a

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

b

Tenant's Name

Date the notice was served

Please supply address(es)

on personal

details page

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- | | | |
|----------|---|---------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | 1 <input checked="" type="checkbox"/> |
| 2 | A copy of the site ownership certificate and ownership details submitted to the LPA at <u>application stage</u> (this is usually part of the LPA's planning application form). | 2 <input type="checkbox"/> |
| 3 | A copy of the LPA's decision notice (if issued). | 3 <input type="checkbox"/> |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded in blue. | 4 <input type="checkbox"/> |
| 5 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. | 5 <input type="checkbox"/> |
| 6 | A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). | 6 <input type="checkbox"/> |

Copies of the following must also be sent, if appropriate:

- | | | |
|----------|---|----------------------------|
| 7 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: | 7 <input type="checkbox"/> |
|----------|---|----------------------------|

- | | | |
|-----------|--|-----------------------------|
| 8 | Any relevant correspondence with the LPA. | |
| 9 | If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose: | 9 <input type="checkbox"/> |
| | (a) the relevant outline application; | 9a <input type="checkbox"/> |
| | (b) all plans sent at outline application stage; | 9b <input type="checkbox"/> |
| | (c) the original outline planning permission. | 9c <input type="checkbox"/> |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached. | 10 <input type="checkbox"/> |
| 11 | If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application. | 11 <input type="checkbox"/> |
| 12 | If a copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 12 <input type="checkbox"/> |
| 13 | If you sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. | 13 <input type="checkbox"/> |

PERSONAL DETAILS

Personal details given on this page will not be publicly available

1. APPELLANT PERSONAL DETAILS	
Address <input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>
Daytime Tel <input type="text"/>	Fax <input type="text"/>
Email <input type="text"/>	
I prefer to be contacted by Email <input type="checkbox"/> Post <input type="checkbox"/>	

2. AGENT PERSONAL DETAILS (if any)	
Address <input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>
Daytime Tel <input type="text"/>	Fax <input type="text"/>
Email <input type="text"/>	
I prefer to be contacted by Email <input type="checkbox"/> Post <input type="checkbox"/>	

3a. APPEAL SITE OWNERSHIP DETAILS	
Owner's Name	Address at which the notice was served
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

3b. AGRICULTURAL HOLDINGS CERTIFICATE (Tenant details)	
Tenant's Name	Address at which the notice was served
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Please Turn Over and Sign the Form – Unsigned Forms Will Be Returned

4. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 months time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been full completed and that the details of the ownership (section 1) are correct to the best of my knowledge.
- 3 I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my grounds of appeal will appear on the Planning Portal. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature

Date

Name (in capitals)

On behalf of (if applicable)



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the supporting documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.
YOU MUST KEEP TO THE TIMETABLE
If information or representations are sent late we may disregard them.
They will not be seen by the Inspector but will be sent back to you.
- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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