



GUIDANCE NOTES FOR THE COMPLETION OF SITE OWNERSHIP CERTIFICATES - PLANNING APPEALS

1. The enclosed booklet 'Planning Appeals - A Guide' explains the procedures involved in making an appeal under Section 78 of the Town and Country Planning Act 1990. Please read it and these notes carefully before completing the appeal forms.
2. Each appeal must relate to only one application. The right of appeal is granted solely to the original applicant. Occasionally the applicant may give written authorisation to another person to conduct the appeal, but the appeal will proceed in the name of the original applicant.
3. **Remember that an appeal must reach the Inspectorate within 6 months of the date of the notice of the Local Planning Authority's (LPA) decision, or within 6 months of the date by which they should have decided the application.**

OWNERSHIP CERTIFICATES

4. It is the appellant's duty to serve notice on all the owners and agricultural tenants of the appeal site. The Inspectorate must also be provided with a certificate to show that this has been done. A copy of certificates A and B can be found at Section I of the appeal form. Certificates C and D are attached to these Guidance Notes.

CHOOSING THE CORRECT CERTIFICATE

5. Only ONE of the certificates A to D will meet the circumstances of the case.
 - a. If the appellant is the sole owner of all the land to which the appeal relates, complete **Certificate A**.
 - b. If the appellant is not the sole owner of all the land to which the appeal relates, one of the following three courses should be taken:
 - if the names and addresses of all the owners of the land to which the appeal relates are known, they should be given notice in the form shown in the attached Notice. **Certificate B** should be completed.
 - if the names and addresses of some, but not all, of the owners of the land to which the appeal relates are known, they should be given notice in the form shown in the attached Notice. Notice of the appeal should be given in a local newspaper in the same form, and a copy of the published notice enclosed with the appeal form. **Certificate C** should be completed.
 - if the names and addresses of the owners of the land to which the appeal relates are not known, give notice in a local newspaper, in the form shown in the attached Notice. A copy of the published notice should be enclosed with the appeal form. **Certificate D** should be completed.

AGRICULTURAL HOLDINGS CERTIFICATE

6. An Agricultural Holdings Certificate **MUST** be completed for all appeals. The certificate at Section F on the appeal form contains alternative paragraphs concerning agricultural holdings - one of which **MUST** be deleted. If none of the land to which the appeal relates forms part of an agricultural holding then delete the second alternative. If all, or any, of the land is an agricultural holding, give notice in the form shown in the attached Notice to anyone who, on the day 21 days before the date of the appeal was a tenant of the holding; delete the first alternative and complete the second. If the appellant, or anyone else, owns all the land and occupies it for agricultural purposes, it is not an agricultural holding because no tenancy is involved.

SERVICE OF NOTICE

7. Where a Notice has to be served on an owner or agricultural tenant, this may be done, where the name and address of the person concerned is known, by handing it personally to them, by leaving it at their address, or by sending it registered post/recorded delivery. If the Notice has to be given to a company or other incorporated body, it must be addressed to the secretary or clerk of the company or body at their registered or principal office, and may be served in any of the above three ways. If the name and address of an agricultural tenant is unknown, section 329(2) of the Town and Country Planning Act 1990 gives advice.

Development involving underground mining operations

8. If the appeal relates to the winning and working of minerals by underground mining operations, the certificates may not be suitable. Article 6 of the Town and Country Planning (General Development Procedure) Order 1995 gives alternative procedures and the wording of the alternative notice and certificate are set out in Schedule 2 of the Order.

False Certificates

9. Any one who knowingly or recklessly issues a certificate which contains any statement which is false or misleading is liable on conviction to a fine.

NOTES FOR THE COMPLETION OF CERTIFICATES

(i) 'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

CERTIFICATES C AND D ONLY

(ii) Description of steps taken.

(iii) Name of local newspaper circulating in the area where the land is situated.

(iv) Date of publication - which must be not earlier than the day 21 days before the date of the appeal.

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

CERTIFICATES C AND D UNDER ARTICLE 7

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 day 21 days before the date of this appeal, were owners (see Note (i) of the Guidance Notes) of any part of the land to which the appeal relates.

Owner's name served	Address at which notice was served	Date on which notice was served
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- 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 (see Note (ii) of Guidance Notes)

Notice of the appeal, **a copy of which is enclosed**, has been published in the _____
_____ (see Note (iii) of the Guidance Notes)
on _____ (see Note (iv) of Guidance Notes).

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 (see Note (i) of the Guidance Notes) of any part of the land to which the appeal relates, but have/has* been unable to do so. These steps were as follows (see Note (ii) of Guidance Notes):

• Notice of the appeal, **a copy of which is enclosed**, has been published in the (see Note (iii) of the Guidance
the Guidance
Notice of the appeal, **a copy of which is enclosed**, has been published in the _____
_____ (see Note (iii) of the Guidance Notes)
on _____ (see Note (iv) of Guidance Notes).

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

*Delete as appropriate

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

NOTICE UNDER ARTICLES 6 AND 9(1)

To be published in a newspaper or to be served on an owner (see (a) below) or a tenant (see (b) below)

Proposed development at (see (c) below) _____

I give notice that (see (d) below) _____

having applied to the (see (e) below) _____ Council

to (see (f) below) _____

is appealing to the National Assembly for Wales

* 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 at the Crown Building, Cathays Park, Cardiff, CF10 3NQ by (see (g) below) _____

Signed _____ * On behalf of _____

Date.....

*Delete where inappropriate

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.

NOTES FOR COMPLETION OF NOTICE UNDER ARTICLES 6 AND 9(1)

(a) 'Owner means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

(b) 'Tenant' means a tenant of an agricultural holding any part of which is comprised in the land.

(c) Insert address or location of the proposed development.

(d) Insert the appellant's name.

(e) Insert the name of the Council.

(f) Insert description of the proposed development.

(g) The date giving a period of 21 days beginning with the date of service or 14 days beginning with the date of publication of the notice (as the case may be).