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**Annex B**

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## **Householder Appeals Service Guidance for Local Planning Authorities**

### **What Local Planning Authorities need to do to prepare for the Householder Appeals Service**

The Householder Appeals Service is officially going LIVE on **6 April 2009**. This is the day that the relevant secondary legislation will come into force, bringing legal weight to a new, expedited procedure for householder appeals which proceed on the basis of written representations (to be known as the "Householder Appeals Service").

This guidance is to help you. It is provided in five parts –

1. Key information you need to know
2. Changes to be implemented at application stage
3. Changes to be implemented at appeal stage
4. Summary and checklist of changes to be implemented
5. Annexes – model templates of notices and letters

# Householder Appeals Service Guidance for Local Planning Authorities

## What Local Planning Authorities need to do to prepare for the Householder Appeals Service

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# Householder Appeals Service

## Guidance for Local Planning Authorities

### 1. Key information you need to know

#### 1.1 Legislation

The following legislation will come into force on **6 April 2009** giving effect to an expedited procedure for householder appeals which are to proceed on the basis of written representations:

- The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2009 - Statutory Instrument 2009/453 ("the GDPO Amendment Order"); and
- The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 - Statutory Instrument 2009/452 ("the 2009 Regulations").

The GDPO Amendment Order will amend the Town and Country Planning (General Development Procedure) Order 1995 ("the GDPO").

The 2009 Regulations will revoke and replace (with some minor transitional provisions) the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000. Part 1 of the 2009 Regulations will set out the procedures for the Householder Appeals Service.

#### 1.2 Definitions

Two new definitions will be introduced specifically for the purposes of enabling the Householder Appeals Service. It is important to understand these definitions for the purposes of understanding the scope of the Householder Appeals Service and the suitability for an appeal to proceed through it.

- Householder application<sup>1</sup>  
"householder application" means –
  - (a) an application for planning permission for development of an existing dwellinghouse<sup>2</sup>, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
  - (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

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<sup>1</sup> This definition will be inserted into the GDPO by the GDPO Amendment Order and included in the 2009 Regulations.

<sup>2</sup> Under the GDPO, a "dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building.

but does not include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

- Householder appeal<sup>3</sup>

“Householder appeal” means an appeal under section 78(1) of the Town and Country Planning Act 1990 in relation to a householder application, except an appeal against the grant of any planning permission, consent, agreement or approval which is granted subject to conditions.

### **1.3 Scope of the Householder Appeals Service**

In order to determine whether an appeal will be within the scope of the Householder Appeal Service, it needs to be considered against the definitions of householder application and householder appeal.

The following appeals will be within scope of the Householder Appeal Service:

- appeals against refusals on householder applications which the Secretary of State has determined<sup>4</sup> will proceed on the basis of written representations. This includes refusals of applications for planning permission, as well as refusals of any consent/agreement/approval required by or under a planning permission, development order or local development order.

The following appeals will **not** be within the scope of the Householder Appeal Service:

- appeals against any grant of planning permission, consent, agreement or approval which is granted subject to conditions;
- appeals against a local planning authority's failure to determine a householder application (i.e. non-determination appeals);
- appeals against Listed Building Consent (LBC) applications or Conservation Area Consent (CAC) applications. (It should be noted that if a LBC / CAC application is related to a householder application which is refused and proceeds to appeal, the householder application will be within the scope of the Householder

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<sup>3</sup> This definition will be inserted into the GDPO by the GDPO Amendment Order and included in the 2009 Regulations.

<sup>4</sup> As of 6 April 2009, under s319A of the Town and Country Planning Act 1990, the Secretary of State will have the power to determine the appeal procedure to be followed - the Planning Inspectorate will exercise this power on behalf of the Secretary of State. This new power has been inserted into the Town and Country Planning Act 1990 by s196 of the Planning Act 2008.

Appeals Service. If an appeal against a LBC / CAC application is lodged at or around the same time as a related appeal against a householder application, the expedited procedure may not be suitable and instead the appeals are likely to be linked so that they can progress down Part 2 of the 2009 Regulations (ie. the non-expedited route) so that they can proceed along the same time scales);

- appeals against lawful development certificate applications;
- appeals against enforcement notices;
- appeals against applications for advertisement consent.

#### **1.4 Suitability of an appeal for the Householder Appeals Service**

Once it has been determined that a householder appeal is within the scope of the Householder Appeals Service, the next step is to consider whether it is suitable. Suitability, or not, may be clear as soon as an appeal is made, but it may be that as an appeal progresses, an alternate view is reached.

Where the Planning Inspectorate considers that an appeal which would otherwise proceed via the Householder Appeals Service is not suitable, it will transfer it out. The appeal will then proceed in accordance with the steps set out in Part 2 of the 2009 Regulations.

For example, if an appellant raises a new material issue during the processing of an appeal which the local planning authority or interested persons/third parties have not had a chance to comment on, this may render a case unsuitable for the Householder Appeals Service. In an instance like this, the Planning Inspectorate is likely to transfer the case out of the Householder Appeals Service and progress it down Part 2 of the 2009 Regulations (ie. the non-expedited written representations route).

#### **1.5 Time limits to appeal**

The time limits for applicants to submit householder appeals will be shortened. For householder appeals, the time limit for an applicant to submit an appeal will be 12 weeks from the date of the notice of the decision or determination giving rise to the appeal. Reference should be made to the new definition of householder appeal for a precise interpretation, but generally speaking appeals which attract the shortened 12 week time limit are appeals against refusals on householder applications.

In all other cases, existing time limits will apply. This includes cases which are linked to householder appeals. For example,

for a householder appeal which has an associated LBC appeal, while the householder appeal would be subject to the 12 week time limit, the LBC appeal would be subject to the existing 6 month time limit to appeal.

## **Householder Appeals Service Guidance for Local Planning Authorities**

### **2. Changes to be implemented at application stage**

#### **2.1 Notification and publicity on planning applications**

At the points in the planning application process where:

- applicants are required to serve notice on owners / tenants to advise that an application is being submitted (Article 6 of the GDPO), and
- local planning authorities are required to publicise planning applications (Article 8 of the GDPO),

it will not be known whether a potential appeal against a householder application would be within the scope of, or suitable for, the Householder Appeal Service.

Consequently changes will be made to these notices in the GDPO which Local Planning Authorities will need to follow. These changes are aimed at ensuring that any persons interested in a householder application are made aware that an appeal could proceed under the Householder Appeals Service, and that arrangements for third party representations for these appeals will be different to those for other appeals.

#### **(a) Notice to be served on owners / tenants - new variation of "Notice under Article 6 of Application for Planning Permission" of the GDPO specifically for householder development**

A new variation of the notice to be served on owners / tenants under Article 6 will be inserted into the GDPO by the GDPO Amendment Order. This notice will specifically relate to householder development (this is defined in the notice), and therefore must be used by applicants submitting householder applications for planning permission when serving notice on owners / tenants. The existing notices remain in use for other application types.

The notice will contain wording advising owners / tenants that, in the event that an appeal is made against a decision of the Council to refuse to grant planning permission for the proposed householder development, and then that appeal proceeds by way of the Householder Appeals Service, any representations made at the application stage will be sent on to the Secretary of State for consideration. In addition, the notice will advise that in such circumstances there will be no opportunity to make further comments at appeal stage.

### What you need to do

If your local planning authority provides a link back to the Planning Portal to allow applicants to obtain copies of this notice, you will need to upload this new link onto your website:

[http://www.planningportal.gov.uk/uploads/householder\\_development\\_application\\_article6notice.pdf](http://www.planningportal.gov.uk/uploads/householder_development_application_article6notice.pdf)

If your local planning authority provides applicants with a template of the Article 6 notice (whether this be on your website or in hard copy), then you will need to arrange for a template of the new notice to be made available to all applicants who are looking to submit planning applications relating to householder development on or after 6 April 2009. To assist, we have prepared a model template you may wish to use. This template is attached at **Annex A**, alternatively you can use the link above to download copies of the notice.

If your local planning authority does not provide applicants with a template, then you will need to ensure that applicants who are submitting planning applications for householder development are directed to the wording contained within the new notice so that they can use such when serving notice on owners / tenants.

### **(b) Publicity on planning applications - amendment to "Notice under Article 8" in the GDPO**

The first notice in Schedule 3 of the GDPO, headed "Notice under Article 8", will be amended. This notice sets out the terms to be used (or substantially the same terms) for publicity notices on planning applications. The amended notice will be suitable for use for all types of planning applications, except those which are accompanied by environmental statements (as there is an existing, separate notice for these).

The amendment will insert a new paragraph into this notice. The new paragraph relates specifically to householder applications. It will advise parties being notified that, in the event of an appeal against the refusal of planning permission which is to be dealt with on the basis of written representations, any representations made about the application will be sent to the Secretary State, and that there will be no opportunity to comment at appeal stage.

As the new paragraph relates specifically to householder applications, it should be deleted from the notice for all other types of applications.

### What you need to do

Your local authority will need to update the templates that it uses to create the publicity notices under Article 8. To assist, we have prepared a model template that you may wish to use. This template is attached at **Annex B**, alternatively you can use the following link to download copies of the model template: [http://www.planning-inspectorate.gov.uk/pins/21st\\_century/lpa/b\\_notice.doc](http://www.planning-inspectorate.gov.uk/pins/21st_century/lpa/b_notice.doc)

Once you have prepared new templates, you will need to ensure that the “delete where inappropriate” function is used where necessary, for each application. The new paragraph should be retained for all householder applications but deleted from the notice for all other types of applications.

## **2.2 Delegated / Committee Reports; Committee Minutes; Decision notices**

For appeals dealt with through the Householder Appeals Service, the principal parties (the appellant and the local planning authority) will not have the opportunity to submit appeal statements. This means that local planning authorities will need to rely on delegated / committee reports, committee minutes and their decision notice to justify their determination at appeal stage.

### What you need to do

You may wish to use this opportunity to ensure that you are following good practice in terms of documenting your decision making.

You need to ensure that all delegated and committee reports clearly and sufficiently explain your decision. This is particularly important in relation to decisions to refuse householder applications as it is this information which you will need to rely on in the event of an appeal.

In instances where a committee overturns an officer’s recommendation and the subsequent outcome is a refusal, it is especially important that committee minutes are sufficiently detailed as to the reasoning for the committee’s decision.

All decision notices need to set out clearly and precisely the reasons for the refusal, supported by all policies and proposals in the development plan which are relevant to the decision.

### 2.3 Decision notices – advising applicants of the right of appeal and new time limit

Article 22 of the GDPO requires local planning authorities to notify applicants of their right of appeal when providing written notice of a decision relating to a planning application. This notification is to be in the terms (or substantially the same terms) as those set out in Part 2 of Schedule 1 to the Order.

This notification, titled “Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions” will be amended. The amended notice will be suitable for use for all types of planning applications.

In the amended notice the first bullet point remains an explanation of the right of appeal under section 78 of the TCPA 1990 while the second and third bullet points will relate to the time limits for making such appeals. The second bullet point will relate specifically to the time limit to appeal against a decision to refuse planning permission on a householder application (i.e. the new 12 week period) and the third bullet point will relate to the time limit for other appeals (which will remain at 6 months). Local planning authorities will need to delete one of these bullet points, depending on the circumstances of the case – there will be asterisks serving as prompts to do so.

The fourth bullet point will provide details of where applicants can obtain appeal forms.

#### What you need to do

Your local planning authority will need to update the notification that it sends to applicants regarding their right of appeal when providing written notice of a decision relating to a planning application. To assist, we have prepared a model notification form that you may wish to use. This is attached at **Annex C**. You may wish to use the following link to download copies of the model notification form:

[http://www.planning-inspectorate.gov.uk/pins/21st\\_century/lpa/c\\_notification.doc](http://www.planning-inspectorate.gov.uk/pins/21st_century/lpa/c_notification.doc)

You will see on the model notification form that two of the bullet points have asterisks associated with them. These asterisks are prompts to remind you that one of the bullet points will require deleting, depending on the circumstances of the case. Staff responsible for preparing decision notices will need to be made aware of the need to use the “delete where inappropriate” function.

The second bullet point of the amended notice should be retained (and the third bullet point deleted) for decisions to refuse planning permission on householder applications. The third bullet point should be retained (and the second bullet point deleted) for all other decisions on planning applications.

Alternatively, you may wish to develop two new separate templates of this notification – one for decision notices for the refusal of householder applications (setting out that the appeal period is 12 weeks), the other for decision notices on all other applications (setting out that the appeal period will be 6 months). If you opt to do this, it is recommended that you use the wording provided on the model notification form (as appropriate). You should also update the details on where appeal forms can be obtained from, as this now contains a link to the Planning Portal website – again, it is recommended that you use the wording provided on the model notification form.

## **Householder Appeals Service Guidance for Local Planning Authorities**

### **3. Changes to be implemented at appeal stage**

For householder appeals, a new, dedicated Householder Appeal Form will be made available. This form should be used to appeal against refusals on householder applications. It will be available from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) .

#### **3.1 New variation of “Notice under Articles 6 and 9(1) of Appeal” in the GDPO specifically for householder development**

A new variation of the notice to be served on owners / tenants under Article 6 and 9(1) will be inserted into the GDPO. This variation will specifically relate to appeals against the refusal to grant planning permission for householder development. It therefore must be used by applicants who wish to appeal against the refusal to grant planning permission when serving notice on owners / tenants. The existing notices should remain in use for other application types.

The new notice will contain wording to advise owners / tenants that the applicant is appealing to the Secretary of State against the refusal of the Council to grant planning permission for the proposed householder development. It will advise that if the appeal is dealt with by way of the expedited written representations procedure, any representations made by the owner / tenant to the Council about the application will be passed to the Secretary of State and there will be no opportunity to make further representations at the appeal stage.

#### What you need to do

If your local planning authority provides a link to allow applicants to obtain copies of this notice, you will need to upload this new link onto your website:

[http://www.planningportal.gov.uk/uploads/householder\\_development\\_appeal\\_articles6and9\(1\)notice.pdf](http://www.planningportal.gov.uk/uploads/householder_development_appeal_articles6and9(1)notice.pdf)

If your local planning authority provides applicants with a template of the notice under Articles 6 and 9(1) of appeal (whether this be on your website or in hard copy), then you will need to arrange for a template of the new notice to be made available to all applicants who are appealing against the refusal of the Council to grant planning permission for the

proposed householder development. To assist, we have prepared a model template you may wish to use. This template is attached at **Annex D**, alternatively you can use the link above to download copies of the notice.

If your local planning authority does not provide applicants with a template, then you will need to ensure that applicants who are appealing against refusal of planning permission on householder developments are directed to the wording for this form contained within the model/requisite notice which will be inserted into the GDPO.

### **3.2 Notice to interested persons for householder appeals which proceed under Part 1 of the 2009 Regulations**

All householder appeals which are to be dealt with on the basis of representations in writing will proceed under Part 1 of the 2009 Regulations, unless they are considered to be unsuitable for that procedure (see section 1.4 of this guidance).

In its first correspondence with you on an appeal, the Planning Inspectorate will advise you of the appeal procedure to be followed. If Part 1 of the 2009 Regulations is to be followed, the Inspectorate will advise you of this.

Under Part 1 of the Regulations, there will be no opportunity for third parties to submit representations. Nonetheless, it remains important that interested persons/third parties be informed that an appeal has been submitted. Regulation 6 of the 2009 Regulations will require local planning authorities to give written notice of an appeal within 5 working days of the starting date to interested persons. This written notice shall inform these persons of the details of the appeal, and that any representations made to the local planning authority at the application stage will be sent to the Secretary of State by the local planning authority and will be considered when determining the appeal.

#### What you need to do

Your local planning authority will need to update the templates that it uses to give written notice to interested persons that an appeal has been submitted. In particular, you may wish to create a new template for the written notice you will give to interested persons in relation to appeals proceeding via Part 1 of the 2009 Regulations. To assist, we have prepared a model template which incorporates prompts for the information that must be contained on a notice so as to accord with the minimum requirements of Regulation 6. This model template is attached at **Annex E**. You may wish to use the following link to download copies of the model

notification form: [http://www.planning-inspectorate.gov.uk/pins/21st\\_century/lpa/e\\_model\\_letter.doc](http://www.planning-inspectorate.gov.uk/pins/21st_century/lpa/e_model_letter.doc)

### **3.3 Provision of appeal documentation in electronic format**

For appeals proceeding via the Householder Appeals Service (Part 1 of the 2009 Regulations), local planning authorities will be expected to provide their appeal documentation in electronic format. Regulation 5 will require local planning authorities, within 5 working days of the appeal start date, to send to the Planning Inspectorate and copy to the appellant their appeal documentation. This appeal documentation will comprise a completed questionnaire, and a copy of each of the documents referred to in it (which will, in effect, be all of the documentation contained on the local planning authority's case file).

#### What you need to do

You will need to ensure that your local authority is equipped to send appeal documentation to the Planning Inspectorate in electronic format. Please contact the Inspectorate as soon as possible if you cannot arrange for files to be sent electronically by April, to discuss alternative arrangements.

Local authorities are encouraged to send the Planning Inspectorate a sample of an electronic file ("test file") prior to the formal introduction of the Householder Appeals Service in April. Please send all test files to:  
[gavin.ewing@pins.gsi.gov.uk](mailto:gavin.ewing@pins.gsi.gov.uk)

### **3.4 Appeal decisions**

The Planning Inspectorate will publish appeal decisions promptly on the Planning Portal. As third parties will not be in direct correspondence on appeals proceeding through the Householder Appeals Service, the Planning Inspectorate will not send third parties copy of the appeal decisions. Local authorities will be expected to provide any third parties who have specifically requested one with a copy of the appeal decision.

#### What you need to do

For cases which proceed via the Householder Appeal Service, local authorities will be expected to provide copies of an appeal decision to any third party who requests one. Alternatively you can direct third parties to an electronic copy of the decision which will be available via the Planning Portal or on your authority's website.

### **3.5 Transfer of an appeal out of the Householder Appeals Service**

As explained at section 1.4, in some instances an appeal proceeding via the Householder Appeals Service may, as the appeal progresses, become unsuitable for the Service (for example, if new material information comes to light which requires comment from parties). A decision to transfer a case out of the Householder Appeals Service will be made by the Planning Inspectorate, acting on behalf of the Secretary of State. If such a decision is made, the Planning Inspectorate will notify the appellant and the local planning authority that the appeal will be transferred out of Part 1 of the 2009 Regulations, and instead that it will proceed in accordance with Part 2 of the 2009 Regulations.

#### What you need to do

Once the new service is operational, if your local authority receives notice from the Planning Inspectorate that an appeal proceeding via the Householder Appeals Service is to be transferred out, you may wish to write to interested persons/third parties to notify them. To assist, we have prepared model letter which you may wish to use as a template. This model letter is attached at **Annex F**. You may wish to use the following link to download copies of the model letter: [http://www.planning-inspectorate.gov.uk/pins/21st\\_century/lpa/f\\_model\\_letter\\_sos.doc](http://www.planning-inspectorate.gov.uk/pins/21st_century/lpa/f_model_letter_sos.doc)

## Householder Appeals Service Guidance for Local Planning Authorities

### 4. Summary and checklist of changes to be implemented

	<b>Change</b>	<b>What you need to do</b>	<b>DONE?</b>
<b>APPLICATION STAGE</b>	Notification and publicity on planning applications (a) Notice to be served on owners / tenants - new variation of "Notice under Article 6 of Application for Planning Permission" in the GDPO specifically for householder development (b) Publicity on planning applications - amendment to "Notice under Article 8" in the GDPO	Refer to section 2.1.	
	Delegated / Committee Reports; Committee Minutes; Decision notices	Refer to section 2.2.	
	Decision notices – advising applicants of the right of appeal and new time limit	Refer to section 2.3.	
<b>APPEAL STAGE</b>	New variation of "Notice under Articles 6 and 9(1) of Appeal" in the GDPO specifically for householder development	Refer to section 3.1.	
	Notice to interested persons for householder appeals proceeding under Part 1 of the 2009 Regulations	Refer to section 3.2.	
	Provision of appeal documentation in electronic format	Refer to section 3.3.	
	Appeal decisions	Refer to section 3.4.	
	Transfer of an appeal out of the Householder Appeals Service	Refer to section 3.5.	

# Householder Appeals Service Guidance for Local Planning Authorities

## 5. Annexes

### Annex A

Town and Country Planning (General Development Procedure) Order 1995

#### **NOTICE UNDER ARTICLE 6 OF APPLICATION FOR PLANNING PERMISSION FOR HOUSEHOLDER DEVELOPMENT †**

This notice is to be printed and served on individuals prior to completing Certificate B or C.

*(to be published in a newspaper and, where relevant, on a website or to be served on an owner\* or a tenant\*\* in the case of an application for planning permission)*

#### **Proposed development at:**

Property number or name	<input type="text"/>
Street	<input type="text"/>
Locality	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>

#### **I give notice that:**

Applicant's name	Title	<input type="text"/>	Forename	<input type="text"/>
	Surname	<input type="text"/>		

#### **is applying to the:**

<input type="text"/>	<b>Council</b>
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#### **for planning permission to:** (Description of proposed development)

#### **Any owner\* or tenant\*\* who wishes to make representations about this application should write to the Council at:**

(Address of the Council as appropriate)

**by:**  (dd-mm-yyyy) 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)

In the event that an appeal is made against a decision of the Council to refuse to grant planning permission for the proposed development, and that appeal then proceeds by way of the expedited procedure under the written representations procedure, any representations made by the owner\* or tenant\*\* to the Council about this application will be passed to the Secretary of State and there will be no opportunity to make further representations. Any owner or tenant wishing to make representations should do so at the earliest opportunity.

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years.

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

#### **Signed:**

Title	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>		
Signature	<input type="text"/>		

**On behalf of**  **Date** (dd-mm-yyyy)

(Delete if not applicable)

#### **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.

† "Householder development" means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.

**NOTICE OF APPLICATION FOR PLANNING PERMISSION**

**Town and Country Planning (General Development Procedure) Order 1995**

**NOTICE UNDER ARTICLE 8**

*(to be published in a newspaper, and, where relevant, on a website, displayed on or near the site, or served on owners and/or occupiers of adjoining land)*

Proposed development at<sup>(44)</sup>

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**I give notice that**<sup>(45)</sup>

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is applying to the<sup>(46)</sup>

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Council

for planning permission to<sup>(47)</sup>

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The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.\*

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at<sup>(48)</sup>

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during

all reasonable hours until<sup>(49)</sup>

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Anyone who wishes to make representations about this application should write to the Council at<sup>(50)</sup>

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by<sup>(49)</sup>

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As this is a householder application, in the event of an appeal against a refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about this application will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage.\*

	Signed <hr/>
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	<hr/> <p>(Council's authorised officer) On behalf of</p> <hr/> <p>Council</p> <hr/> <p>Date</p> <hr/>
--	---

\*delete where inappropriate

Insert:

<sup>(44)</sup>address or location of the proposed development

<sup>(45)</sup>applicant's name

<sup>(46)</sup>name of Council

<sup>(47)</sup>description of the proposed development

<sup>(48)</sup>address at which the application may be inspected

<sup>(49)</sup>date giving a period of 21 days, beginning with the date when the notice is first displayed on or near the site or served on an owner and/or occupier of adjoining land, or a period of 14 days, beginning with the date when the notice is published in a newspaper (as the case may be)

<sup>(50)</sup>address of Council

GENERAL DEVELOPMENT PROCEDURE ORDER 1995

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

**Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions (*To be endorsed on notices of decision*)**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

\*delete where inappropriate

Town and Country Planning (General Development Procedure) Order 1995

**NOTICE UNDER ARTICLES 6 AND 9(1) OF APPEAL**

**This notice is to be printed and served on individuals prior to completing Certificate B or C.**

*(to be published in a newspaper and, where relevant, on a website, or to be served on an owner\* or a tenant\*\* in the case of an appeal against the refusal to grant planning permission for householder development\*\*\*)*

**Proposed development at:**

Property number or name	<input type="text"/>
Street	<input type="text"/>
Locality	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>

**I give notice that:**

Applicant's name	Title	<input type="text"/>	Forename	<input type="text"/>
	Surname	<input type="text"/>		

**having applied to the:**

<input type="text"/>	<b>Council</b>
----------------------	----------------

**to:** (Description of proposed development)

is appealing to the Secretary of State against the refusal of the Council to grant planning permission for the proposed development. In the event that the appeal is dealt with by the expedited procedure under the written representations procedure†, any representations made by the owner\* or tenant\*\* to the Council about the application will be passed to the Secretary of State and there will be no opportunity to make further representations in relation to the appeal.

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years.

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

\*\*\* "Householder development" means development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. It does not include a change of use or a change to the number of dwellings in a building.

† The expedited procedures in relation to written representations are set out at Part 1 of the Town and Country Planning (Appeals)(Written Representations Procedure)(England) Regulations 2009, SI 2009/452.

**Signed:**

Title	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>		
Signature	<input type="text"/>		

**On behalf of**  **Date (dd-mm-yyyy)**

(Delete if not applicable)

**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.

**Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 – Regulation 6 – Notice to interested persons**

**Model letter**

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) -  
PLANNING APPEAL AGAINST REFUSAL OF A HOUSEHOLDER  
APPLICATION**

**Address of site to which the appeal relates:** [Insert here]  
**Proposed development:** [Insert description of application here]  
**Appellant's name:** [Insert here]  
**Appeal reference number:** [Insert here]  
**Appeal starting date:** [Insert here]

I refer to the above details. I am writing to let you know that an appeal has been made to the Secretary of State against the Council's decision to refuse (planning permission)\* / (consent\*/approval\*/agreement\* under a condition, development order or local development order)\* for the proposed development described above.

[\*Delete as appropriate]

This appeal will be determined on the basis of written representations. The procedure to be followed is set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009.

As this appeal is proceeding under the Householder Appeals Service, there is no opportunity for you to submit further comments. We will however forward copies of all representations made to us in relation to the application, before it was determined, on to the Planning Inspectorate and the appellant. The Inspector appointed by the Secretary of State will consider these representations when determining the appeal. You have a right to withdraw any representations you made so that they are not taken into consideration by the Inspector. If you wish to do so you should make this request to the Planning Inspectorate within 4 weeks of the appeal's starting date by contacting the Customer Services Team either by emailing [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or by writing to, The Planning Inspectorate, Registry/Scanning, Room 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Planning Inspectorate will publish appeal documentation, including copies of representations received, on the Planning Portal website. All information provided in your representation, including your name and address, will be published. If you object to publication in this way, please contact the Planning Inspectorate directly.

The Planning Inspectorate aims to deal with appeals which follow the procedure described above within 8 weeks of the appeal starting date. The Planning Inspectorate will publish copies of appeal decisions on the Planning Portal website at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) . Alternatively if you wish to receive a hard copy of the appeal decision, please let me know.

**Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 – Regulation 9 – Transfer of appeal from Part 1**

**Model letter**

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) -  
PLANNING APPEAL AGAINST REFUSAL OF A HOUSEHOLDER  
APPLICATION**

**Address of site to which the appeal relates:** [Insert here]  
**Proposed development:** [Insert description of application here]  
**Appellant's name:** [Insert here]  
**Appeal reference number:** [Insert here]  
**Appeal starting date:** [Insert here]

I refer to the above details. You may recall that I wrote to you previously to let you know that an appeal has been made to the Secretary of State against the Council's decision to refuse (planning permission)\* / (consent\*/approval\*/agreement\* under a condition, development order or local development order)\* for the proposed development described above.  
 [\*Delete as appropriate]

I am writing again to let you know that the Secretary of State has decided that the appeal is no longer suitable to be determined under Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure)(England) Regulations 2009. Consequently, the appeal will be transferred from these procedures and will proceed by another appeal procedure.

This means that you will be given the opportunity to submit representations on this appeal to the Secretary of State. An Inspector appointed by the Secretary of State will consider these representations when determining the appeal. We will write to you again shortly advising of the timescales for making these representations.

The Planning Inspectorate will publish appeal documentation, including copies of representations received, on the Planning Portal website. All information provided in your representation, including your name and address, will be published. If you object to publication in this way, please advise the Planning Inspectorate directly by contacting the Customer Services Team either by emailing [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or by writing to, The Planning Inspectorate, Registry/Scanning, Room 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.