



Department for
Communities and
Local Government

Planning and other appeals, and the award of costs

Guidance

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Part A: Introduction

1. This guidance on planning and other appeals, and the award of costs, has been amended to reflect the changes to appeal procedures from 1 October 2013 as a result of the Technical Review of Planning Appeal Procedures. The changes will make the appeals process faster and more transparent, and introduce a new Commercial Appeals Service.
2. This guidance replaces that on the Department for Communities and Local Government guidance beta site, which will be updated in due course.

Part B: Is there a right of appeal on planning and related decisions, such as advertisement consent, listed building consent, and enforcement?

1. There is a right of appeal against most local authority decisions related to planning and other related consents, such as advertisement consent, listed building consent, and enforcement.
2. Further information on appeals against decisions about planning permission under section 78 of the Town and Country Planning Act 1990 <http://www.legislation.gov.uk/ukpga/1990/8/section/78> can be found in Part C.
3. Further information on appeals against the decision about other related permissions and consents can be found in Part D.
4. Before making any appeal the party seeking permission should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable and likely to gain permission. It is possible that a further planning application may be submitted without charge. However, this will depend on the circumstances of each case, so parties should ask the local planning authority for further details.
5. Applicants should give consideration to the merits of the case, and whether there are strong grounds to contest the reasons for refusal of permission, or the conditions attached to a permission before submitting an appeal. Parties who pursue an appeal unreasonably without sound grounds for appeal may have an award of costs made against them. For more detail see Part E.

Is there a right of appeal if the local planning authority does not make a decision within the statutory time period?

6. Yes, applicants may appeal if the local planning authority does not make a decision on the application within the deadline. Different deadlines apply, depending on the permission sought. For further information on appeals against decisions about planning permission under section 78 of the Town and Country Planning Act 1990, <http://www.legislation.gov.uk/ukpga/1990/8/section/78> see Part C paragraph 4. For detail on the deadlines for other types of appeal see Part D.
7. However, applicants should first consider engaging with the local planning authority to establish when an application might be decided, before deciding whether to appeal against non-determination.

How long is there in which to submit an appeal against refusal of permission or unacceptable conditions?

8. Different deadlines apply to the various types of appeal. Further information on appeals against decisions about planning permission under section 78 of the Town and Country Planning Act 1990 <http://www.legislation.gov.uk/ukpga/1990/8/section/78> can be found in Part C. Further information on other types of appeal, such as enforcement and listed building consent can be found in Part D.

Who decides the appeal?

9. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. These are known as 'transferred appeals'. However, the Secretary of State has discretionary powers to make the decision on an appeal rather than it being made by a Planning Inspector – this is referred to as a 'recovered appeal'.

When might an appeal be recovered?

10. Recovery can occur at any stage of the appeal, even after the site visit, a hearing or an inquiry has taken place, but it cannot be after the Inspector has issued their decision. In recovered cases the report will be passed to the Secretary of State to make the final decision, taking into account the Inspector's recommendation. Guidance on propriety in Ministerial decision taking in planning matters can be found at: <https://www.gov.uk/government/publications/planning-propriety-issues-guidance>
11. The Secretary of State will consider recovery in line with the criteria below, although there may be other cases which merit recovery because of the particular circumstances:
- Proposals for development of major importance having more than local significance.
 - Proposals giving rise to substantial regional or national controversy.
 - Proposals which raise important or novel issues of development control, and/or legal difficulties.
 - Proposals against which another Government department has raised major objections or has a major interest.
 - Proposals of major significance for the delivery of the Government's climate change programme and energy policies.
 - Proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
 - Proposals which involve any main town centre use or uses where that use or uses comprise(s) over 9,000m² gross floorspace (either as a single proposal or as part of or in combination with other current proposals) and which are proposed on a site in an edge of centre or out of centre location that is not in accordance with an up-to-date development plan document.
 - Proposals for significant development in the Green Belt.
 - Major proposals involving the winning and working of minerals.

- Proposals which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site.
- In addition, for the period of six months from July 2013, the Secretary of State will consider for recovery appeals involving traveller sites in the Green Belt.

12. A recovered appeal will be determined via written representations, a hearing or an inquiry in the same way as other planning appeals. Where an appeal case has been recovered, the Inspector will write a report and include a recommendation to the Secretary of State as opposed to issuing a decision.

Can an appeal be called-in?

13. Appeals are not called-in, but recovered by the Secretary of State. Call-in refers to cases where the Secretary of State determines a planning application. The Secretary of State has the power to call-in the determination of a planning application from a local planning authority, whether or not in response to a request to do so. The Secretary of State will use these call-in powers sparingly, usually where planning issues of more than local importance are involved. For detail on the process see the Planning Inspectorate Procedural Guide
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>.

How are appeals determined?

14. Appeals are determined in accordance with the development plan unless there are material considerations that indicate otherwise, under Section 38(6) Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/section/38> and section 70 Town and Country Planning Act 1990 <http://www.legislation.gov.uk/ukpga/1990/8/section/70>.
15. The decision will be made taking into account national and local policies, and the broader circumstances in place at the time of the decision. Where any change between the original planning decision and appeal has the potential to affect the outcome, all parties will have an opportunity to comment on the new material.
16. The appeal will be determined as if the application for permission had been made to the Secretary of State in the first instance. This means that the Inspector (or the Secretary of State) will come to their own view on the merits of the application. In coming to a decision, the Inspector (or the Secretary of State) will consider the weight to be given to the relevant planning considerations and come to a decision to allow or refuse the appeal. As Inspectors (or the Secretary of State) are making the decision as if for the first time, they may refuse planning permission on different grounds to the local planning authority. Where an appeal is made against the grant of planning permission with conditions, the Inspector (or the Secretary of State) will make a decision in regard to both the granting of planning permission and the imposition of conditions.

What procedure will the appeal follow?

17. The procedure that the appeal will follow will depend on the complexity of the planning matters to be considered. See the Planning Inspectorate Procedural Guide on the Planning Portal:
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>
- The Householder Appeals Service provides an expedited appeal process for appeals on most householder planning applications (see Annex C of the Planning Inspectorate Procedural Guide).
 - The Commercial Appeals Service provides an expedited appeal process for some less complex appeals related to shop fronts and advertisement consent. This procedure applies to appeals relating to planning applications for shop front development or applications for advertisement consent submitted on or after 1 October 2013 (see Annex C of the Planning Inspectorate Procedural Guide).
 - The majority of appeals are determined via written representations (see Annex D of the Planning Inspectorate Procedural Guide).
 - Hearings provide an opportunity for the Inspector to ask questions about the evidence in more complex cases (see Annex E of the Planning Inspectorate Procedural Guide).
 - Inquiries provide an opportunity for evidence to be tested in the most complex cases (see Annex F of the Planning Inspectorate Procedural Guide).
18. Appellants will be asked to indicate their view of the most appropriate procedure for their case, following the criteria laid down by the Secretary of State (see Annex K of the Planning Inspectorate Procedural Guide). However, in the case of planning appeals under section 78 of the Town and Country Planning Act 1990, <http://www.legislation.gov.uk/ukpga/1990/8/section/78>, and enforcement and advertisement appeals, the Planning Inspectorate has the power to determine that a different procedure be used.
19. All parties are expected to behave reasonably at all stages of the planning and appeal process, and ensure that they provide all the required information by due deadlines. Failure to behave reasonably may give rise to an award of costs. See Part E for more detail.

Is there a right of appeal against permission granted to someone else?

20. Once the local planning authority has granted planning permission there is no right of appeal to the Secretary of State against the decision, except by the original applicant where they are appealing against a condition.
21. A decision by the local planning authority can be only challenged in the courts on a point of law; i.e. the way in which the decision has been made and whether the correct procedures have been followed. A challenge in the courts has to be brought within 6 weeks. Further information about applying for judicial review can be found at the Ministry of Justice, HM Courts and Tribunals Service:
<http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court/applying-for-judicial-review>

Can an appeal decision be challenged?

22. An appeal decision may only be challenged through the courts on certain statutory grounds. Proceedings to quash an appeal decision relating to the grant of planning permission must be brought within six weeks.
23. For further information about applications under section 288 of the Town and Country Planning Act 1990 contact the Administrative Court
<http://www.justice.gov.uk/about/hmcts/>.

Is there opportunity for interested parties to submit comments or objections regarding a proposal at appeal?

24. People who are interested in the outcome of an appeal (often called interested or third parties) have an important role to play in the planning process. Their representations indicating support for, or opposition to, a proposed scheme are taken into account by the Inspector along with other material considerations.
25. There are opportunities for interested parties, such as neighbours, to make comments on the majority of types of appeals. The local planning authority will normally advise interested parties of the appeal start date, and the date by which any representations should be made where applicable.

Part C: What are the options for appeal if an application for planning permission is refused or is granted but with unacceptable conditions attached?

1. If an application for planning permission is refused by the local planning authority, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions, under section 78 of the Town and Country Planning Act 1990 <http://www.legislation.gov.uk/ukpga/1990/8/section/78> .
2. Before making any appeal the applicant should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable and likely to gain planning permission. A revised planning application could then be submitted. This may be a more efficient and cost effective approach.
3. Applicants should give consideration to the merits of the case, and whether there are strong grounds to contest the conditions or reasons for refusal of planning permission before submitting an appeal. Parties who pursue an appeal unreasonably without sound grounds for appeal may have an award of costs made against them. See Part E for more detail.

Is there a right of appeal if the local planning authority does not make a decision within the statutory time period?

4. Applicants for planning permission may appeal if the local planning authority does not make a decision on the application within the deadline (8 weeks for non-major applications, 13 weeks for major applications or 16 weeks for applications subject to an environmental impact assessment), in the absence of the written agreement of the parties to extend the decision-making period. The appeal must be submitted within six months of the date by which the planning decision should have been made. For details of how to appeal see the Planning Inspectorate Procedural Guide <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>.
5. However, applicants should first consider engaging with the local planning authority to establish when an application might be decided, before deciding whether to appeal against non-determination.
6. A party may appeal against non-validation of the planning application.

How long is there in which to submit an appeal against refusal of planning permission or unacceptable conditions?

7. Most planning appeals must be received within six months of the date on the decision notice.

8. Where the appeal relates to an application for householder planning consent, and is to be determined via the fast track Householder Appeals Service, there are only 12 weeks to make the appeal (see Annex C of the Planning Inspectorate Procedural Guide <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>).
9. There are different deadlines by which to submit an appeal under the Commercial Appeals Service:
 - appeals related to shop fronts must be submitted within 12 weeks
 - advertisement consent appeals must be submitted within 8 weeks.For more detail see Annex C of the Planning Inspectorate Procedural Guide. <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>
10. If an appeal on an application for planning permission is linked to enforcement action, there are only 28 days to make the appeal.
11. All appeals must be accompanied by the relevant documents, including the full statement of case.

Who decides the appeal?

12. The vast majority of planning appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on a planning appeal rather than it being made by a Planning Inspector – this is referred to as a ‘recovered appeal’. See Part B for more detail.

How are appeals determined?

13. The Inspector (or, where the appeal has been recovered, the Secretary of State) is required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. Where any change between the original planning decision and appeal has the potential to affect the outcome, all parties will have an opportunity to comment on the new material. For more detail on how appeals are determined see Part B.
14. The procedure by which the appeal will be considered will depend on the complexity of the planning matters to be considered. For more detail see Part B.
15. All parties are expected to behave reasonably at all stages of the planning and appeal process, and ensure that they provide all the required information by due deadlines. Failure to behave reasonably may give rise to the award of costs. See Part E for more detail.

How long will it take to receive a decision?

16. The timescales for each appeal procedure are laid down in the relevant rules and regulations, and appellants and local planning authorities must provide the evidence required and meet the procedural deadlines for these timescales to be achieved. Full details of the information required and the deadlines are in the Planning Inspectorate Procedural Guide available on the Planning Portal. <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>.
17. The Planning Inspectorate will endeavour to determine every appeal as efficiently as possible, and will aim to do so in line with performance targets.

Procedure	Time to determine
Householder Appeals Service	80% within 8 weeks
Commercial Appeals Service	80% within 8 weeks
Written Representations	80% within 14 weeks
Hearings	80% within 14 weeks
Inquiries	80% within 22 weeks

18. The Planning Guarantee requires that all decisions are made within a maximum of 26 weeks, with the exception of inquiries lasting more than 3 days for which a bespoke timetable is agreed with the parties.

Is there an opportunity for interested parties to submit comments or objections regarding a proposal at appeal?

19. There are opportunities for interested parties, such as neighbours, to make comments on the majority of planning appeals. The local planning authority will normally advise interested parties of the appeal start date and the opportunity to make comment.
20. For appeals determined via written representations and hearings such written representations must be made before the end of the fifth week after the start date of the appeal.
21. Certain parties have the right to appear at a hearing or inquiry under rule 11 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 <http://www.legislation.gov.uk/ukxi/2000/1624/contents/made>, rule 11 of the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 <http://www.legislation.gov.uk/ukxi/2000/1625/contents/made> and rule 9 of the Town and Country Planning (Hearings Procedure) (England) Rules 2000 <http://www.legislation.gov.uk/ukxi/2000/1626/contents/made>. The Inspector may also allow other interested parties to speak at a hearing or inquiry. Interested parties may occasionally want to take a more substantive role in an inquiry by

submitting a statement of case. They would then be entitled to appear at the inquiry, call their own witnesses and in turn would be open to cross-examination. Further information can be found in the Planning Inspectorate's Guide to Rule 6 for interested parties involved at an inquiry.

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>

22. In the case of appeals considered via the Householder Appeals Service and the Commercial Appeals Service, representations from interested parties made at the application stage will be provided to the Inspector by the local planning authority, but no new representations will be considered.

Part D: Can other related decisions and consents such as advertisement consent, listed building consent, and enforcement be appealed?

1. Related decisions and consents can be appealed but may involve different grounds for appeal and deadlines. More detail can be found in the Planning Inspectorate Procedural Guide available on the Planning Portal.
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess>.

Is there a right of appeal against refusal of advertisement consent?

2. An applicant may appeal against refusal of advertisement consent.
3. The majority of advertisement consent appeals in relation to applications made on or after 1 October 2013 will be suitable for the expedited Commercial Appeals Service, which allows for faster determination of less complex cases. For more detail see Annex C of the Planning Inspectorate Procedural Guide.
4. The Commercial Appeals Service is not appropriate for other advertisement consent appeals where the local planning authority:
 - refuses consent in complex cases
 - grants consent for the advertisement(s) subject to unacceptable conditions; or
 - fails to give notice of its decision within the appropriate period (usually eight weeks) of an application for consent.In these cases, any such appeal must be submitted within eight weeks of receipt of the decision notice, or the expiry of the relevant period, and will be determined through the standard written representations procedure or a hearing or inquiry (see Annex R of the Planning Inspectorate Procedural Guide).
5. Where a party is appealing against a discontinuance notice, the appeal must be submitted before the notice is due to take effect.

Is there a right of appeal against the Community Infrastructure Levy on a development?

6. There is no right of appeal against the principle of liability to pay the levy; all qualifying development is liable for the appropriate charge. There is however a right of appeal to the Valuation Office Agency, with time-limits, against the following aspects of the levy process:

The calculation of the chargeable amount:

Before submitting an appeal the person must request a review of the chargeable amount, by the collecting authority, within 28 days of the liability notice being

issued. After this review the person can submit an appeal to the Valuation Office Agency within 60 days of the original liability notice being issued.

The apportionment of liability:

If a collecting authority issues a demand notice and the recipient believes that the liability for paying the levy has been incorrectly apportioned, they can appeal within 28 days of the demand notice being issued.

Charitable relief:

If a person is unhappy about the way in which a claim for charitable relief has been calculated, they can appeal within 28 days of the decision of the collecting authority on the claim.

There is also a right to appeal to the Planning Inspectorate, with time limits, against the following aspects of the levy process:

The imposition of a surcharge:

Where a collecting authority imposes a surcharge on a person, they can appeal within 28 days of the surcharge being imposed.

A deemed commencement date:

If a person believes that the collecting authority has incorrectly determined a deemed commencement date for their development, they may appeal within 28 days of the demand notice being issued.

Community Infrastructure Levy stop notices:

If a collecting authority issues a stop notice, to halt development which is liable for the levy, a person may appeal within 60 days from when the stop notice takes effect.

Further information can be found on the Planning Portal.

<http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/cilguidance>

Is there a right of appeal against an enforcement notice?

7. There is a right of appeal for anyone who has an interest in the land to which the enforcement notice relates, or who is a relevant occupier, whether or not they have been served with a copy of the notice. Anyone occupying the land by virtue of a licence is a relevant occupier.
8. An appeal must be received before the enforcement notice comes into effect. This date will be on the enforcement notice.
9. Under section 174(2) of the Town and Country Planning Act 1990, <http://www.legislation.gov.uk/ukpga/1990/8/section/174>, an appeal may be made on one or more of the following grounds:
 - a) planning permission ought to be granted or the condition or limitation concerned ought to be discharged;

- b) the matters stated in the enforcement notice have not occurred;
- c) the matters stated in the enforcement notice (if they occurred) do not constitute a breach of planning control;
- d) at the date when the notice was issued, no enforcement action could be taken;
- e) copies of the enforcement notice were not served in accordance with the relevant statutory requirements;
- f) the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary either to remedy any breach of a planning control or to remedy any injury to amenity which has been caused by any such breach; and/or
- g) any period specified in the notice falls short of what should reasonably be allowed.

10. An appeal on ground (a) is not possible where a related application for planning permission has been made and the local planning authority issued an enforcement notice before the time for determining the application has expired.
11. A ground of appeal that is cited unreasonably, even if later withdrawn, may be subject to a claim for costs where it has caused unnecessary expense for the local planning authority. See Part E for more detail.

Is there a right of appeal against the decision on an application for hazardous substances consent?

12. An appeal against the decision on an application for hazardous substances consent can be made to the Secretary of State if the hazardous substances authority:
- refuses to grant consent;
 - refuses an application for a continuation of consent upon change in ownership of part of the land;
 - refuses to grant any consent, agreement or approval required by a condition imposed on a consent;
 - refuses an application to vary or remove conditions attached to a previous grant of consent;
 - grants consent but imposes conditions which are unacceptable; or
 - fails to reach a decision within the statutory time limit of eight weeks, or any longer period which has been agreed.
13. Appeals may be made at any time within six months of the decision or, if no decision has been made, within six months from when a decision should have been given. This gives the applicant time to discuss matters with the hazardous substances authority to see if there is any possibility of finding a way of overcoming its objections bearing in mind that an appeal is intended to be a last resort.
14. Further information about hazardous substances consent appeals can be found on the Planning Portal.
<http://www.planningportal.gov.uk/planning/countryside/environmental/hazsubstances>

Is there a right of appeal against the refusal of a lawful development certificate?

15. An appeal can be made to the Secretary of State under section 195 of the Town and Country Planning Act 1990 <http://www.legislation.gov.uk/ukpga/1990/8/section/195> if an application for a lawful development certificate is:
- wholly or partly refused (including cases where the local planning authority issues a certificate in a different form); or
 - not determined within the statutory eight week period unless an extension has been agreed upon in writing.
16. There is no time limit in which to appeal.

Is there a right of appeal against refusal of listed building consent?

17. An appeal can be made to the Secretary of State under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 <http://www.legislation.gov.uk/ukpga/1990/9/section/20> where:
- an application for listed building consent is refused or granted subject to conditions;
 - an application for the variation or discharge of conditions imposed on a grant of consent is refused or granted subject to new conditions;
 - an application for approval required by a condition imposed on the granting of consent with respect to details of works is refused or granted subject to conditions; and/or
 - the local planning authority has failed to determine the application within the prescribed time period of eight weeks or such longer period as may have been agreed.
18. Such appeals must be submitted within six months of the date of the decision notice or expiry of the determination period.

Is there a right of appeal against a listed building enforcement notice?

19. A person having an interest in the building to which the enforcement notice relates or a relevant occupier may appeal to the Secretary of State. A relevant occupier is anyone occupying the building to which the notice relates by virtue of a licence. Appeals may be made under section 39 and section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 <http://www.legislation.gov.uk/ukpga/1990/9/contents> on any of the following grounds:
- the building referred to in the listed building enforcement notice is not of special architectural or historic interest;
 - the matters alleged in the enforcement notice have not taken place or do not constitute a contravention;
 - that the following criteria are all satisfied:
 - the works were urgently necessary in the interests of safety, health or the preservation of the building;

- it was not practicable to secure safety, health or the preservation of the building through works of repair or works affording temporary support or shelter; and
- the works undertaken were the minimum measures immediately necessary;
- consent ought to be granted or any relevant condition imposed on the grant of consent ought to be discharged or different conditions substituted;
- copies of the notice were not properly served; and/or
- certain grounds relating to requirements of the enforcement notice are excessive e.g. period for compliance is unreasonable.

20. Such appeals must be made before the date on which the enforcement notice comes into effect. This date will be specified in the enforcement notice.

Is there a right of appeal against the local planning authority's refusal to grant prior approval for development under the neighbours' consultation scheme?

21. Appeals against the local planning authorities refusal to grant prior approval for development under the neighbours' consultation scheme, will be made under the householder appeals process (see Annex C of the Planning Inspectorate Procedural Guide).

22. Such appeals must be submitted within 12 weeks.

Is there a right of appeal against local planning authority decisions in regard to Tree Preservation Orders?

23. Following an application for consent to cut down or carry out work on a tree subject to a Tree Preservation Order applicants can appeal to the Secretary of State under section 208 of the Town and Country Planning Act 1990 <http://www.legislation.gov.uk/ukpga/1990/8/section/208> and regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 <http://www.legislation.gov.uk/uksi/2012/605/regulation/19/made>. An appeal may be made if the authority:

- a) refuses consent;
- b) grants consent subject to a conditions;
- c) refuses an application for any consent, agreement or approval required under the terms of a condition of consent, or grant it subject to conditions;
- d) fails to determine the application for consent within eight weeks from the day after they received the application; or
- e) serves a tree replacement notice.

24. The appeal must be received by the Planning Inspectorate within 28 days of the date of notification of the authority's decision, or such later date as may be allowed, except:

- in relation to (d) above, where following the eight weeks an appeal can be made at any time until the applicant is notified of the authority's decision, when the 28 day limit applies
- in relation to (e) above, where the appeal must be made before the tree replacement notice takes effect.

25. Detailed guidance on the procedures for appeals made to the Secretary of State under regulation 19 of the 2012 Regulations can be found on the Planning Portal:
http://www.planningportal.gov.uk/uploads/pins/tpo_app_guidance.pdf

Part E: Can an award of costs be sought if a party behaves unreasonably?

1. Parties in planning and appeal proceedings normally meet their own expenses. To support an efficient and timely appeals process, it is vital that all parties to an appeal behave reasonably in providing all the required evidence and ensuring that timetables are met. Where a party has behaved unreasonably, and this has caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

How can a party apply for an award of costs?

2. The appellant, local planning authority, and interested parties including statutory consultees, may apply for an award of costs or have costs awarded against them. Costs may be awarded in full or in part.
3. Details of how to apply for an award of costs and some examples of the type of behaviour that may give rise to an award of costs can be found on the Planning Portal; <http://www.planningportal.gov.uk/planning/appeals/guidance/costs>.

Can any party have an award of costs made against them?

4. Any appeal party may have an award of costs made against them if they behave unreasonably and cause other parties to incur unnecessary or wasted expense. The Planning Inspector has the discretion to take into account extenuating circumstances when considering an application for costs or in making an award. Further information can be found on the on the Planning Portal; <http://www.planningportal.gov.uk/planning/appeals/guidance/costs>.

Can an Inspector make an award of costs even though none of the parties has applied for costs?

5. Where an award of costs has not been sought but the Inspector or the Secretary of State considers that a party has behaved unreasonably, they may make an award of costs against a party.

How is the decision about the award of costs made?

6. A decision as to whether to make an award of costs is an entirely separate matter to the outcome in the appeal decision. The award relates to those costs necessarily and reasonably incurred in the appeal process. This could be the expense of the entire appeal or only for part of the process. Costs applications may relate to events before the appeal was lodged but costs that are unrelated to the appeal itself are ineligible. Costs awards cannot extend to indirect losses. The Inspector can only address the principle of whether costs should be awarded and not the amount which is settled subsequently between the parties. Where costs are awarded against a party and the parties cannot agree on a sum, an application can be made

to the Senior Courts Costs Office <http://www.justice.gov.uk/courts/rcj-rolls-building/senior-courts-costs-office> for an independent assessment.