

# Making your appeal

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## How to complete your planning appeal form

### England

This guide shows you how to:

- Create an account
- Complete your form
- Submit your form
- Contact us
- Troubleshoot problems

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**If you need this guidance displayed in a larger font or to have it read out loud, please use the 'zoom' and 'view' toolbars in Adobe Reader. You will need to have Adobe 6 or higher in order for this to work.**

## Before you start

Before you make your appeal, you should enter into discussions with the local planning authority (LPA). If you think that making changes to your proposal could resolve the LPA's reasons for refusal, you should discuss these with the LPA rather than appealing to us. A further application to the LPA may be your best route.

You should make your appeal only when all else has failed.

## System Availability

Our online facilities will usually be available 24 hours a day. We will sometimes need to take the system out of service for a while to implement upgrades. Wherever possible, we will do this outside of usual office hours.

## System Requirements

Before you start, you should ensure that you have the following system requirements -

- Adobe Acrobat (Version 9 or higher recommended);
- an internet browser (Internet Explorer/Chrome/Firefox recommended);
- an email account.

## Registration

You need to create an account with us in order to make an appeal or make representations on an appeal. Registering will enable you to access our full range of electronic services, including a personal homepage.

Please click <https://acp.planninginspectorate.gov.uk/account/register.aspx> to access the registration page.

If you are already registered with us and wish to log in, please click <https://acp.planninginspectorate.gov.uk/>

# Your account

## Personal homepage

From this page you are able to –

- make a new appeal;
- view your submitted appeal forms through 'My cases'. These will not be editable as they have already been submitted to us. You will have been emailed a PDF version of any appeal form you have submitted;
- search for a case using either the quick search facility (using the 7 digit case reference number) or, alternatively, you can search using other criteria (such as site address) with our advanced search;
- access any of your appeals or representations which you are still working on via the 'Awaiting submissions' facility. Please note that any appeals or representations which are still awaiting submission after 180 days will be automatically deleted;
- view submitted representations through 'My representations'. This will include any representations you have submitted for your own case(s) and any representations which you may have submitted for other cases which you are interested in (for example, as an interested party). These will not be editable as they have already been submitted to us. You will have been emailed a PDF version of the form upon submission;
- watch any cases which are of interest to you. Once you have found a case which you want to follow, you can click the 'Watch case' button on the Case Summary screen and the case will then be added to your 'Watched cases' list. If at any time you want to remove the case from your list, simply click the 'Stop watching' button on the Case Summary screen or click the red 'x' button on your homepage and the case will be removed from your list.

## My Details

This is where all the details you entered when creating your account are held. If at any time your details change, you should make amendments to them through this page, but please note you cannot change your name once your account has been created. It is your responsibility to ensure that your details are kept up to date.

If you make a change to your address details, telephone number or fax number then these details will be updated instantly on your account. If you change your email address, you will be sent an email confirming this change and asking you to verify the new email address. Once verified, your account will be updated.

You can change your password using the 'Change Password' button. You will be sent an email confirming that a change has been made. You will then need to log into your account again, using your new password.

# Making your appeal

You must provide your full statement of case (grounds of appeal if relating to a minor commercial-shop front) when making your appeal.

## Deadlines

The LPA should decide:

- your planning application within 8 weeks of the date it accepted it as valid. However if your application relates to a major<sup>1</sup> development, the LPA has 13 weeks to issue its decision.
- your technical details consent application within 5 weeks of the date it is accepted as valid (for applications involving less than 10 houses) and 10 weeks of the date it is accepted as valid (for applications involving more than 10 houses).

You must send your appeal and essential supporting documents to us **and** at the same time to the LPA, so that they are received:

- within 12 weeks (or 28 days – see below) of the date shown on the LPA's **decision** for an appeal in relation to an application for minor commercial (shop front) permission;
- for other appeals covered by this document, within 6 months (or 28 days – see below) of the date shown on the LPA's decision notice; or
- for non-determination ('failure') appeals, within 6 months (or 28 days – see below) of the date by which the LPA should have decided the application. If you have agreed with the LPA, in writing, a period longer than the 8 or 13 weeks, for a planning application, or the 5 or 10 weeks for a technical details consent application, but it has failed to decide your application within that period we must receive your appeal within 6 months (or 28 days – see below) of the end of that extended period.

You can send them to the LPA via email. Instructions on how to do this are within the confirmation of appeal email which you will receive upon successful submission of your appeal form.

**If we do not receive your appeal and documents within the time limit, we will not accept your appeal.**

<sup>1</sup> **Major development** means development involving any one or more of the following –  
(a) the winning and working of minerals or the use of land for mineral – working deposits;  
(b) waste development;  
(c) the provision of dwellinghouses where-

- (i) the number of dwellinghouses to be provided is 10 or more; or
- (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more.

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

refuse or waste materials.

### **Reduced time for making a planning appeal where enforcement action is being taken**

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within **28 days** of the date on the planning application, decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within **28 days** of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).

## Guidelines for submitting documents

<b>Acceptable file formats</b>	<table border="1"> <tr> <td>PDF</td> <td>.pdf</td> </tr> <tr> <td>Microsoft Word</td> <td>.doc or .docx</td> </tr> <tr> <td>TIF</td> <td>.tif or .tiff</td> </tr> <tr> <td>JPEG</td> <td>.jpg or .jpeg</td> </tr> <tr> <td>PNG</td> <td>.png</td> </tr> <tr> <td>ZIP</td> <td>.zip</td> </tr> </table>	PDF	.pdf	Microsoft Word	.doc or .docx	TIF	.tif or .tiff	JPEG	.jpg or .jpeg	PNG	.png	ZIP	.zip
PDF	.pdf												
Microsoft Word	.doc or .docx												
TIF	.tif or .tiff												
JPEG	.jpg or .jpeg												
PNG	.png												
ZIP	.zip												
<b>File sizes</b>	<p>Documents submitted may be no bigger than 15mb each. It is your responsibility to keep your documents to a manageable size.</p> <p>If you have documents that are larger than this you can try the following;</p> <ul style="list-style-type: none"> <li>• Break long documents into several files, but note the document naming conventions below.</li> <li>• Try and use black and white wherever possible (unless submitting photographs).</li> <li>• If submitting images, your software may have file/image compression facilities to make them smaller.</li> <li>• Note scanned documents are usually bigger than non-scanned versions.</li> <li>• Provided you are using the acceptable file types above, you can use ZIP files to compress documents.</li> </ul>												
<b>Security</b>	<p>Remove any document security and enable macros if necessary. Documents should not be password protected, they should not be formatted as 'read only' and printing should be enabled.</p>												
<b>Copyright</b>	<p>Ensure you have the owner's permission and have paid any copyright licence fee before sending in documents.</p>												
<b>File names</b>	<ul style="list-style-type: none"> <li>• Ensure all documents have descriptive names, including the type of document you are sending, eg '<i>Proposed plan 1 March 2014</i>'.</li> <li>• Number appendices and submit them as separate documents. Ensure the first page includes the appendix number. Name them to indicate what they form part of, and their sequence eg '<i>Appeal statement Appendix 2 Traffic census</i>'.</li> <li>• Use '<i>Part 1</i>', '<i>Part 2</i>' etc in the file name if you have split up a large document eg '<i>Appeal statement in Appendix 1 Environmental Assessment Part 1 of 3</i>'.</li> <li>• Include the required paper size in the document name for plans and drawings eg '<i>Proposed plan A3 size 1 March 2014</i>'.</li> <li>• Include scale bar(s) on all plans and drawings.</li> <li>• Do not use a colon ':' in any file names.</li> </ul>												

<b>Scanning</b>	Ensure documents are complete and legible and avoid scanning more than one document into a single file. Use black and white unless colour is essential.
<b>Ordnance Survey</b>	<p>People may only scan an Ordnance Survey map if they;</p> <ul style="list-style-type: none"> <li>• Have an annual licence to make copies; or</li> <li>• Have purchased a bulk copy arrangement; or</li> <li>• Are using a local planning authority supplied map under the 'map return scheme' (for which a fee is normally payable at the local planning authority's discretion), or</li> <li>• Have purchased the site-specific map for the purposes of attaching to a planning application, appeal or representation.</li> </ul> <p>More information on map licensing is available on the Ordnance Survey website:  <a href="http://www.ordnancesurvey.co.uk/support/licensing.html">http://www.ordnancesurvey.co.uk/support/licensing.html</a></p>
<b>Images</b>	Send pictures, photographs, plans, maps or drawings as individual files. Avoid the use of bitmap images as they are very large.
<b>Hyperlinks</b>	<ul style="list-style-type: none"> <li>• You should not use hyperlinks within documents you send to us. Instead, you should download such documents yourself and attach them separately.</li> <li>• You should not use hyperlinks to a website page containing multiple documents or links.</li> </ul>
<b>Formatting</b>	You should ensure that you number all pages accordingly.
<b>Sending emails</b>	<p>If you send anything by email you should get an automatic acknowledgement, provided it is sent to <a href="mailto:appeals@planninginspectorate.gov.uk">appeals@planninginspectorate.gov.uk</a> or to a team email address (which can be found at the top of letters from us about the appeal). If you do not get an automatic acknowledgement, then you should contact us.</p> <p>For any correspondence which you send to us via email, you should;</p> <ul style="list-style-type: none"> <li>• Quote the appeal reference and/or appellant's name, site address and local planning authority name in the subject line or in the body of your email.</li> <li>• If you are attaching more than one document, please list them in the covering email.</li> <li>• If you are sending a series of emails, include '1 of 5', '2 of 5' etc in the subject line of the email, so we know how many to expect and can check with you if any appear to be missing.</li> </ul>

## Application for appeal costs

You and the LPA normally have to meet your own appeal expenses, whether we decide it by the written procedure, a hearing or an inquiry.

If a party does not behave reasonably they leave themselves open to costs being awarded against them. This would be on the basis that the behaviour had directly caused another party to incur expenses that would not otherwise have been necessary.

Costs may be awarded in response to an application for costs by one of the parties. Also, the Inspector may make an award of costs even if neither of the parties has made an application.

If you are making a cost application with your appeal you should indicate this on the appeal form where asked. There is guidance about costs awards in the Ministry of Housing, Communities and Local Government's planning practice guidance at:

<https://www.gov.uk/guidance/appeals>

It is important that you read this guidance because it explains how, when and on what basis you can make an application or have an application made against you.

The onus is on you to ensure that a properly substantiated claim for costs is made at the appropriate time. Providing notice of intent does not justify a late application for costs.

However, if you are appealing against the LPA's refusal of planning permission for minor commercial development and you intend to apply for costs, you must make any cost application **at the time you make your appeal**.

There is a model costs application form on GOV.UK:

<https://www.gov.uk/government/publications/apply-for-an-award-of-appeal-costs-application-form>

## Selecting the correct appeal form

Once you have logged into your account, start the appeal process by clicking on the 'Make a new appeal' button.

### Enter the name of your local planning authority

Here you should type in the name of your local planning authority. As you type, possible matches will be returned. You can then select the correct one from the list. Note you cannot change your local authority once you are in the appeal form.

### Selecting your appeal form

You will be asked a series of questions about your appeal, with each answer you give determining the next question. You may need to consult your application documents, including any decision issued from your LPA.

The LPA's decision notice should make the reason for the appeal clear.

If you are also appealing in relation to an application for listed building consent for the same house, you should use the appropriate appeal form for your planning appeal - as explained above - **and** you should use a listed building consent appeal form.

If you believe that you may have selected the wrong form, please select the 'Restart' button to begin the appeals process again.

### Meaningful name

This name will be used to identify this appeal on your personal homepage. Please use a name that clearly identifies the appeal to you, for example, the first line of the site address. This is of particular importance if you are an agent who may be dealing with multiple cases.

## Completing the appeal form

In this guidance, we use the same section headers as within the planning appeal form.

### Appellant Details

#### **Name**

Only the person who made the application can make an appeal. If you are the appellant, by responding 'Yes', the details registered to your account will be displayed on the form. Select 'No' and you will be deemed to be acting as an agent for the appellant and so you should provide the appellant's details.

#### **Preferred contact method**

If you are an unrepresented appellant and you prefer to be contacted by email, where possible, we will send you our letters and appeals correspondence by email and we will not send paper copies.

If for any reason your details have changed since you created your account, you should change them through the My Details link at the top of the page.

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## Agent Details

You do not have to employ an agent to handle your planning appeal. If you decide to employ an agent he or she will probably complete the appeal form for you.

If you have an agent we will send all of our communications to them. We will not send a copy to you. You should ensure that you keep in touch with your agent about the appeal arrangements particularly times and dates for a site visit, a hearing or an inquiry.

### **Preferred contact method**

If you prefer to be contacted by email, where possible, we will send you our letters and appeals correspondence by email and we will not send paper copies.

If you are the agent completing the form, by selecting 'No' to the question 'Are you the appellant?' the details registered to your account will be displayed on the Agent Details section of the form.

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## Local Planning Authority Details

This information will usually be in the letter you received from the LPA confirming that your planning application was valid and on the decision notice if one was issued.

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

The name of the LPA will have transferred through to the form from when you entered it at the start of the process. If you need to change the LPA you will need to start a new form from your homepage.

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# Appeal Site Details

The appeal site must be the same as the site given in the planning application.

If you confirm that the address of the affected land is the same as the appellant's address then this information will transfer over from the Appellant Details section (provided you have completed the Appellant Details section before the Appeal Site Details section).

## Does the appeal relate to an existing property?

If the address of the affected building is not the same as the appellant's address you will be asked an additional question as to whether the appeal relates to an existing property. If it does, you can use the address finder to complete your details quickly.

## Health and safety at the site

We take seriously our duties with regard to the health and safety of our employees and those affected by our work. The site is likely to be inspected during the course of the appeal and the Inspector needs to be made aware of any potential problems. Inspectors may abort the site visit if the conditions on site are unsatisfactory. Failure to provide the necessary information may therefore result in a delay to your appeal.

The following questions indicate the type of information we need about the appeal site, such as the condition of the land or any building to be entered. Please note that the questions do not actually feature on the appeal form. The information should be supplied within the free text field underneath the Health and Safety question.

- 1) Will the Inspector be expected to wear Personal Protection Equipment? Please give details.
- 2) Are any building works or other operations taking place on the site? If it is a workplace, is there a risk assessment in place for visitors?
- 3) Are there any animals (eg pets or livestock) within the site? If so, you **must** ensure that **ALL** animals (both livestock or pets) will be kept away from the area to be visited.
- 4) Is the site remote or in an area likely to have a poor mobile phone signal?
- 5) Are there any areas that require specialist equipment or training for access e.g. confined spaces or use of ladders / scaffolding? If a ladder will be used, you must explain why and give details of the heights involved and arrangements for securing the ladder.

- 6) Does the Inspector need to be aware of specific dangers within the site? This would include uneven surfaces, equipment or substances kept at the site, risk of exposure to chemicals, asbestos or radiation.
- 7) Will it be necessary to view the site from a height, e.g. roof, balcony? Are any railings or guards in place?
- 8) Are there any site specific safety arrangements in place?
- 9) Is the site accessible for persons with limited mobility?
- 10) Is there any overgrown vegetation that could restrict access to the site? If so, you will need to ensure that the site is made accessible to our Inspector and any other people accompanying him or her.

You **must** also inform us of any relevant changes to the site which occur in the period leading up to the planned site visit date.

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# Description of Development

You need to provide details of the proposed development. This will normally be precisely as you described it on the planning application form. However, if during the consideration of your application you have agreed a revised description of the development with the LPA, you should use that. Please provide the documents which give details of the revision and which confirm your agreement and the LPA's agreement to the revision.

If your appeal follows an application to vary or remove a condition or obtain approval of details in respect of a decision, please list the condition number(s) your appeal relates to. You can enter this information within the free text box which appears when you have answered the question 'Has the description of the development changed from that stated on the application form?'

## **Area of the appeal site**

This means the area of the whole site, not just the part that you intend to develop. For example, if you propose building an extension to an office or factory, the area of the appeal site is the area of the existing building and any area of land that belongs to it, including any driveway, parking area, grass or garden, shed, garage etc.

Site measurements are normally given in hectares. There are 10,000 square metres in 1 hectare.

## **Area of floor space of proposed development in square metres**

This means that you must include the floor space of each storey of the proposed development and give the total area in square metres.

## **Demolition of a non-listed building within a conservation area**

The LPA in their decision will probably have referred to the conservation area if the building is in one. If you are unsure whether the building is in a conservation area you should ask the LPA.

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## Reason for the Appeal

The reason for the appeal will already be selected as you did this at the start of the process. You will be unable to edit this section as it will be locked down.

The reason will have transferred through to the form from when you entered it at the start of the process. If you need to change the reason you will need to start a new form from your homepage.

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## Choice of Procedure

There are 3 possible procedures for the determination of an appeal: written representations, hearings and inquiries. We will decide which procedure your appeal should follow. Our decision will be based on published criteria which are set out in Annexe 1. We will also take into account any views you have expressed about which procedure would be most suitable for your case and the views of the LPA.

You should note that the procedure for your appeal will be reviewed in the light of any preference indicated by the LPA when they send us their questionnaire – which they will copy to you. Your appeal may not necessarily follow your preferred procedure. However, Inspectors give equal attention to every appeal regardless of the procedure.

For each procedure the Inspector will consider the LPA's reasons for refusal, your full statement of case, the full statement of case received from the LPA and any representations received from interested people.

### **Please refer to Annexe 1 before indicating which is your preferred procedure**

When we have made sure that your appeal is valid we will send you a 'start letter' which will tell you which procedure your appeal will follow.

### **The written representations procedure**

This is normally the simplest, quickest and most straightforward way of making an appeal. The majority of planning appeals proceed by the written procedure.

You may wish to look at The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, Statutory Instrument 2009/452 as amended by The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 Statutory Instrument 2013/2114.

If the appeal relates to the refusal of a minor commercial (shop front) application, the appeal will proceed by the shorter Part 1 written procedure described in Annexe C of our "Procedural Guide: Planning appeals – England": <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

The Inspector will visit the site.

We will use your responses to question 1(a) within the **Choice of Procedure** section and the health and safety question within the **Appeal Site Details** section of the appeal form to help us decide how any site inspection should be conducted.

## **If you ask for a hearing or an inquiry**

If you ask for a hearing or an inquiry you must explain on the appeal form why you think your appeal fits the criteria for that procedure. Although you may indicate a preference for a hearing or an inquiry, we must be satisfied that your appeal is suitable for this procedure.

When you send us your appeal, as well as your full statement of case, you must send us a draft statement of common ground, which you should normally discuss with the LPA when you agree hearing or inquiry dates (see below). A “draft statement of common ground” means a written statement containing factual information about the proposal that the appellant reasonably considers will not be disputed by the LPA.

For further information about the statement of common ground please see Annexe T of our “Procedural Guide: Planning appeals – England”:  
<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

## **The hearing procedure**

This procedure is likely to be suited to cases which require detailed discussion about the merits of a proposal or where questions need to be asked to establish the facts. The hearing is an inquisitorial process led by the Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site or the site may be visited, on an accompanied (without any discussion), or unaccompanied basis.

You may wish to look at The Town and Country Planning (Hearings Procedure)(England) Rules 2000, Statutory Instrument 2000/1626, as amended by The Town and Country Planning (Hearings and Inquiries Procedures)(England)(Amendment) Rules 2009, Statutory Instrument 2009/455, and by The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 Statutory Instrument 2013/2137.

## **Hearing date**

If there is **any** further information relevant to the practicalities of the hearing arrangements please explain this at 2(b).

## **If we agree that the hearing procedure is considered suitable**

We will seek details of your availability when sending the appeal start date letter.

## **The inquiry procedure**

This is the most formal of the procedures. Although it is not a court of law the proceedings will often seem to be quite similar. An inquiry provides for the investigation into, and formal testing of, evidence, usually through expert witnesses. Parties may be formally represented by advocates. The site may be visited before, during or after the inquiry.

You may wish to look at The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, Statutory Instrument 2000/1625, as amended by The Town and Country Planning (Hearings and Inquiries Procedures) (England)(Amendment) Rules 2009, Statutory Instrument 2009/455 as amended by and by The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 Statutory Instrument 2013/2137.

You need to indicate how many witnesses you intend to call. If you have instructed someone to represent you at the inquiry (your 'advocate') it may be useful for you to get their views on who will be your witnesses.

You will need to discuss with your witness how long it will take them to give their evidence or your advocate may be able to advise you.

How long do you estimate the inquiry will last? In answering this question you should say how long you estimate the inquiry will last, including the time you think will be required to present all of your case. Please be realistic - the estimate should include time for opening and closing the inquiry, any sessions on conditions and any section 106 obligation and the time you consider may be necessary for questions to be put to both yours and the LPA's witnesses. When you are agreeing dates with the LPA you should discuss the likely length of the inquiry. Also it may be useful for you to get your advocate's views on the likely length of the inquiry.

If you and/or the LPA think that the inquiry is likely to last 3 days or more you should look at Annexe H of our "Procedural Guide: Planning appeals – England": <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

We will take account of your estimate, the estimate we receive from the LPA and our own experience when we set the likely length of the inquiry. Once set we will expect the length of the inquiry to stay within the agreed timetable.

### **Inquiry date**

If there is **any** further information relevant to the practicalities of the inquiry arrangements please explain this at 3(e).

### **If we agree that the inquiry procedure is considered suitable**

We will seek details of your availability when sending the appeal start letter.

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## Full Statement of Case

If you wish to add to the information you supplied with your application to the LPA you may do so. However, when you make your appeal you must provide a full statement of case containing the full particulars of your case and copies of any documents which you intend to rely on. Your statement of case should be in full, as there will be **no** opportunity to add to it at a later stage.

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

It is extremely important that you set out your full statement of case when making the appeal. This should respond directly to the reasons for refusal set out in the LPA's decision notice, respond to any objections made by others at application stage, and address all relevant development plan policies and other relevant issues.

Do not repeat the LPA's reasons for refusal, but you should include a clear explanation of why you disagree with each of them. It is not enough to say that you do not accept them – this will not help the Inspector decide your appeal.

The full statement of case must provide full disclosure of facts and arguments you wish to be taken into account. There is no opportunity to add to your full statement of case during the appeal process so you **should only make your appeal when you are certain that you have finalised your case**.

You should avoid repetition and information that does not relate to the issues involved.

The statement should be clear and concise and should not normally exceed 3,000 words. Whilst this might not be appropriate in all circumstances, we do expect a concise document to be provided. The full statement of case conclusions should be briefly summarised at the end with appropriate references.

If your appeal follows the LPA's decision to refuse permission to vary or remove a condition you should state which conditions your appeal relates to.

If you consider it essential to provide email trails to support your full statement of case, you should consider if the final email in a trail contains the key points – so you would only need to provide that. If this is not possible, cross through any repetition in related emails so that the key points can be clearly picked up.

Where the effect on the neighbours is a reason for refusal, with their agreement to access, you should include measurements (in metric units) of the distances between your and your neighbours' properties, particularly the distances to any of their windows. If your neighbours do not allow you access to their property you should provide approximate measurements.

You may include details of similar developments in the immediate area if you think these are relevant to what you are proposing. You should identify them on a street map and supply their addresses and, where possible, photographs of them. Where you are aware of the history of any such development you should set it out briefly in your full statement of case or in a separate annexe.

It will be helpful to attach previous planning or appeal decisions relevant to the site.

If you are aware of any relevant appeals made by other people relating to the site or for nearby sites please provide details – including the appeal reference number or the site address.

The reason(s) for refusal will refer to policies in the Development Plan and/or supplementary planning documents as found in the Local Development Framework. Before making your appeal you should read the policies referred to. For each policy you should say why you think that it is not relevant or why the proposed development complies with it. Simply give the number and the name of the relevant development plan or supplementary planning document and give paragraph numbers if appropriate. The LPA will provide copies of the policies to which it has referred for the Inspector so you do not need to.

If you think there are other relevant policies, not referred to in the LPA's decision but on which you intend to rely, you should attach the relevant extracts to your appeal, indicating their status, ie whether they have been adopted by the LPA and, where appropriate, whether they have been saved by a direction of the Secretary of State and form part of the Local Development Framework.

There is no need to set out national policy (such as the National Planning Policy Framework) as Inspectors have access to these documents. However, you should refer to any paragraphs by number that you think are relevant.

For further information please see Annexe J of our "Procedural Guide: Planning appeals – England":

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

### **Supporting documentation**

Any supporting documentation other than that listed in the Supporting Documents section, should be kept to a minimum and be essential and directly relevant to the appeal. Such documentation should be clearly cross-referenced in the full statement of case and must be provided when you make your appeal.

You may provide appendices to your full statement of case. These can include reports and information that relate directly to the reasons for refusal and any issues that are in dispute. Appendices should be used sparingly and they must be sent with your full statement of case. You need to remember that there is no opportunity later in the appeal process for you to send further information. Do not send copies of the Delegated Officer's Report, or the Committee Report, and other documents sent to the LPA, such as consultation responses and letters from interested people, as the LPA will provide these.

You may use photographs (preferably colour) to illustrate your full statement of case – e.g. to show your house and its relationship to its neighbours. If you send photographs you must give details of where they were taken on a map showing the viewpoints, and when and what they show. If you take photographs in public places please take reasonable care to respect the privacy of individuals whose images you may inadvertently capture.

## **Planning conditions**

You should indicate if you wish to accept or can suggest a planning condition(s) that you think would mitigate the impact of the proposal.

You should look at:

- the Ministry of Housing, Communities and Local Government’s planning practice guidance on the use of planning conditions: <https://www.gov.uk/guidance/appeals> and
- Appendix A – “Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances” (which is still in existence) to Circular 11/95: Use of conditions in planning permission (which has been cancelled).

The fact that conditions are suggested does not mean that the appeal will be allowed and planning permission granted or that, if allowed, conditions will be imposed.

## **Planning obligation**

If you intend to rely on a planning obligation<sup>2</sup> you should send a draft version with your appeal form. The start letter we will send you will tell you when you must send the final draft to us. For further information please see Annex N of our “Procedural Guide: Planning appeals – England ”: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

<sup>2</sup> A planning obligation - often referred to as a 'section 106 agreement' – is either:

- a legal agreement made between the LPA and a person 'interested in the land'; or
- a legally binding undertaking signed unilaterally by a person 'interested in the land'.

## **Costs Applications**

If you are making an application for **costs** you should indicate this as required when making your appeal. The onus is on you to ensure that a properly substantiated claim for costs is made at the appropriate time. Providing note of intent does not justify a late application for costs.

However, if you are appealing against the LPA's refusal of planning permission for minor commercial development and you are making an application for costs, you must send your costs application, supported by a full statement of why you think an award is justified, **with** your appeal.

Please attach your costs application as a separate document to the full statement of case.

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# Site Ownership Certificates

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

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

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

## Certificate A

If you own **the whole appeal site** you should tick **Certificate A**. You can now go to the Agricultural Holdings section.

## Other certificates and giving notice

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

## Serving notice

In Annexe 2A is the form you must use to serve notice on all other owners and any tenant of an agricultural holding. However if your appeal is against the refusal of an application for minor commercial development you must use the form in Annexe 2B.

3 Agricultural Holdings Act 1986: what is an agricultural holding?

S1(1) of the 1986 Act defines an agricultural holding to mean the aggregate of the land (whether agricultural land or not) comprised in a contract of tenancy which is a contract for an agricultural tenancy. Whether a contract is that of an agricultural tenancy is determined by reference to the terms of the tenancy, the actual or contemplated use of the land and 'any other relevant circumstances.' However, the substantial use of the whole should be agricultural. So, if most of the land comprised in the tenancy agreement is let for use as agricultural land it will be an agricultural holding and protected under the legislation.

Land can only qualify as agricultural land protected by the 1986 Act if it is used for agriculture, and is so used for the purposes of a trade or business.

You can:-

- cut and paste this notice; or

- type your own version that must contain exactly the same wording.

### What you must do with the notice

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

- handing the notice personally to them; or
- by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address; or
- sending the notice by registered or recorded delivery post; or
- in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications.

If it appears that the land is unoccupied, if you have not been given an address for the service of notice for some or all of the other owners you may address the notice to “the owners and any occupiers” and fix the notice conspicuously to some object on the land.

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

### Certificate B

If you know the names and addresses of **all** the owners of the appeal site and you have served notice on them you should tick and complete **Certificate B** on the planning appeal form.

Please click the 'Add this person' button to ensure that the details you have entered upload. You then have the option to add further owners by selecting 'Add Another'.

You can now go to the Agricultural Holdings section.

### Certificate C

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

In these circumstances you should complete **Certificate C** given in Annexe 3 within this guidance.

You must send us a copy of the completed Certificate C, and the notice as published, with your planning appeal form.

You can now go to the Agricultural Holdings section.

## **Certificate D**

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

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

You must send us a copy of the completed Certificate D, and the notice as published, with your planning appeal form.

You can now go to the Agricultural Holdings section.

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# Agricultural Holdings

We need to know if the appeal site forms part of an agricultural holding. If it does not you should select option (a).

If part or all of the appeal site is an agricultural holding<sup>1</sup> the notice given in Annexe 2A should be served on any tenant. You must do this during the 21 days immediately before, or on the day, you send your appeal to us.

“Tenant” means a tenant of an agricultural holding any part of which is part of the appeal site.

If you have selected (b)(ii) and have entered details of a tenant, please click the 'Add this person' button to ensure that the details upload. You then have the option to add further tenants by selecting 'Add Another'.

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## <sup>1</sup> **Agricultural Holdings Act 1986: what is an agricultural holding?**

S1(1) of the 1986 Act defines an agricultural holding to mean the aggregate of the land (whether agricultural land or not) comprised in a contract of tenancy which is a contract for an agricultural tenancy. Whether a contract is that of an agricultural tenancy is determined by reference to the terms of the tenancy, the actual or contemplated use of the land and 'any other relevant circumstances.' However, the substantial use of the whole should be agricultural. So, if most of the land comprised in the tenancy agreement is let for use as agricultural land it will be an agricultural holding and protected under the legislation.

Land can only qualify as agricultural land protected by the 1986 Act if it is used for agriculture, and is so used for the purposes of a trade or business.

## Supporting Documents

**If we do not receive all your essential appeal documents by the end of the appeal period we will not be able to proceed with it and you will lose your right to appeal. We do not 'chase' missing documents, so make sure that you have sent us everything; if not your appeal will be delayed or possibly turned away.**

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

Any documents sent with the appeal should be directly relevant and essential to the case and in response to the reasons for refusal (if any). Revised proposals which seek to overcome the LPA's reasons for refusal should normally be sent to the LPA as a new application.

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

For further information please see Annexe M of our "Procedural Guide: Planning appeals – England ":  
<http://www.gov.uk/government/publications/planning-appeals-procedural-guide>

**If your appeal follows the LPA's refusal or failure to decide an application which relates to a condition, please provide a copy of the original permission with the condition attached.** You should attach it along with a copy of the LPA's decision notice

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## Other Appeals

If you have made any other related appeals (including appeals against enforcement notices) which are awaiting a decision for this site or for nearby sites, please supply the reference numbers. Where practical, and depending on the relevant timescales, we may consider related cases together.

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## Submitting your appeal

You must read this section carefully and then check the box to confirm you have read the content. If you have any queries regarding our Data Protection policy, further information can be found on our website under Privacy Statement.

Please note that we **must receive** your appeal form and **all** supporting documents within the 12 weeks (for minor commercial appeals), 6 months or 28 days time limit. So please make sure that you send your appeal in good time before the time limit.

**At the same time you must send a copy of the appeal form, and all supporting documents that were not part of your planning application, (including your full statement of case and any application for costs in relation to a minor commercial appeal, and a draft statement of common ground if you have requested a hearing or inquiry), to the LPA.**

**Further instructions on how to send the documents to the LPA are within the confirmation of appeal email which you will receive upon successful submission of your appeal form.**

### Contacting us

The Planning Inspectorate  
Customer Support Team  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Telephone: 0303 444 5000

Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

# Troubleshooting

- Ensure that your internet browser has JavaScript enabled, which is usually the default setting.
- Ensure that cookies are allowed.
- Ensure that the web address:  
<https://www.gov.uk/government/organisations/planning-inspectorate> is NOT added to the IE proxy server exceptions. **Note** – This is normally only applicable to corporate networks.

## How we use your personal information

We receive personal information from the appellant, LPA and other interested people who provide representations. The personal information normally includes name and contact details and any other personal information included within their representations.

We copy the representations we receive to the appellant, the LPA and any other statutory appeal parties. Representations will also be open for inspection at the LPA where anyone can ask to view them.

We publish summary details of the appeals that we process, which may include the name and address of the appellant and agent, on GOV.UK. We also publish the Inspector's decision. For further details please see our online privacy statement: <https://www.gov.uk/government/publications/appeals-casework-portal-documentation>

If you have any queries about our use of your personal information, please contact our Data Manager at the address set out above in the paragraph called "Contacting us".

## **Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals**

**The criteria for each procedure cannot be fully prescriptive or entirely determinative: they require judgement to be applied using common sense. More than one criterion may apply.**

**Written representations** - written representations would be appropriate if:

- the planning issues raised or, in an enforcement appeal, the grounds of appeal, can be clearly understood from the appeal documents and a site inspection (if required<sup>4</sup>); or
- the issues are not complex and the Inspector is not likely to need to test the evidence by questioning or to clarify any other matters; or
- in an enforcement appeal the alleged breach, and the requirements of the notice, are clear.

**Hearing** - a hearing would be appropriate if:

- the Inspector is likely to need to test the evidence by questioning or to clarify matters<sup>5</sup>; or
- the status or personal circumstances of the appellant are at issue<sup>6</sup>; or
- there is no need for evidence to be tested through formal questioning by an advocate or given on oath; or
- the case has generated a level of local interest such as to warrant a hearing<sup>7</sup>; or
- it can reasonably be expected that the parties will be able to present their own cases (supported by professional witnesses if required) without the need for an advocate to represent them; or
- in an enforcement appeal, the grounds of appeal, the alleged breach, and the requirements of the notice, are relatively straightforward.

**Inquiry** - an inquiry would be appropriate if:

- there is a clearly explained need for the evidence to be tested through formal questioning by an advocate<sup>8</sup>; or
- the issues are complex<sup>9</sup>; or
- the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing<sup>10</sup>; or

4 A small number of appeals do not require a site visit and can be dealt with on the basis of the appeal documents.

5 For example where detailed evidence on housing land supply needs to be tested by questioning.

6 For example whether in traveller appeals the definition in Annex 1 of MHCLG's planning policy for traveller sites is met, or in agricultural dwelling appeals.

7 Where the proposal has generated significant local interest a hearing or inquiry may need to be considered. In such circumstances the local planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event. We will take that advice into account in reaching the decision as to the appropriate procedure.

8 This does not preclude an appellant representing themselves as an advocate.

9 For example where large amounts of highly technical data are likely to be provided in evidence

- in an enforcement appeal, evidence needs to be given on oath<sup>11</sup>; or
- in an enforcement appeal, the alleged breach, or the requirements of the notice, are unusual and particularly contentious.

**Note** – It is considered that the prospect of legal submissions being made is not, on its own, a reason why a case would need to be conducted by inquiry. Where a party considers that legal submissions will be required (and are considered to be complex such as to warrant being made orally), the Inspectorate requires that the matters on which submissions will be made are fully explained – including why they may require an inquiry – at the outset of the appeal or otherwise at the earliest opportunity.

<sup>10</sup> Where the proposal has generated significant local interest a hearing or inquiry may need to be considered. In such circumstances the local planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event. We will take that advice into account in reaching the decision as to the appropriate procedure.

<sup>11</sup> For example where witnesses are giving factual evidence about how long the alleged unauthorised use has been taking place.

**You must use this notice unless you are appealing against the refusal of a minor commercial development application – in which case you must use the notice in Annexe 2B**

Town and Country Planning (Development Management Procedure) (England) Order 2015

Notice under Articles 13 and 36 of the Town and Country Planning

(to be published in a newspaper and where relevant, on a website or to be served on an owner\* or tenant\*\*)

Proposed development at (a).....  
.....

I give notice that (b).....  
having applied to the (c).....  
To (d)..... is  
appealing to the Secretary of State

against the decision of the Council +  
or the failure of the Council to give notice of a decision +

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

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

By (e).....

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

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

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

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

**Statement of owners' rights**

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

**Statement of agricultural tenants' rights**

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

+delete where in appropriate

.....

- Insert (a) address or location of the proposed development
- (b) applicant's name
- (c) name of the Council
- (d) description of the proposed development
- (e) 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)

**You must use this notice for appeals against the refusal of an application for minor commercial development**

Town and Country Planning (Development Management Procedure) (England) Order 2015

**NOTICE OF APPEAL UNDER ARTICLES 13 AND 36**

*(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 minor commercial development\*\*\*)*

Proposed minor commercial development\*\*\* at (a).....

**I give notice that** (b) .....  
having applied to the (c).....Council  
to (d) ..... 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\* of the land 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 7 years.

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

\*\*\* "minor commercial development" means development of an existing building, or part of a building, in use for certain commercial purposes. It does not include a change of use, development not wholly at ground floor level, an increase in floor space or a change to the number of units in a building.

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

Signed.....  
On behalf of (delete if not applicable).....  
Date .....

**Statement of owners' rights**

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

**Statement of agricultural tenants' rights**

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

.....

Insert

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of the Council
- (d) description of the proposed development

**Certificate C**

I certify that:

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

Owner's name

Address at which notice was served

Date on which notice was served

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

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

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

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

**Certificate D**

I certify that:

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

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

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

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