Making your appeal

How to complete your lawful development certificate appeal form

England

This guide shows you how to:

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

March 2019
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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). We encourage you to continue these discussions, during the appeal. This will help to narrow the areas in dispute. 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.

All planned downtime for the appeals service will be advertised on GOV.UK https://www.gov.uk/government/organisations/planning-inspectorate. Sometimes the Planning Portal itself may also be unavailable because of updates.

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

Deadlines

If an application for a lawful development certificate (LDC) is wholly or partly refused, or is granted in a different form from the application, or is deemed to have been refused where the LPA has not determined the application within the time-limit there is a right of appeal. The time limits are

- 8 weeks for an LDC applications under section 191 or section 192
- 6 weeks for an application under section 26H of receiving a valid application.

There is no time limit for making an appeal in relation to section 191 and section 192 applications.

However an appeal under section 26K **must** be received by us within **6 months** of the date of the notice of the LPA decision, or of the expiry of the 6 week period following receipt of a valid application.

Openness and transparency

Hearings and inquiries are open to journalists and the wider public, as well as interested people. Provided that it does not disrupt proceedings, anyone will be allowed to report, record and film proceedings including the use of digital and social media. Inspectors will advise people present at the start of the event that the proceedings may be recorded and/or filmed, and that anyone using social media during or after the end of the proceedings should do so responsibly.

If anyone wants to record or film the event on equipment larger than a smart phone, tablet, compact camera, or similar, especially if that is likely to involve moving around the venue to record or film from different angles, they should contact us and the local planning authority in advance to discuss arrangements.
## Guidelines for submitting documents

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### File sizes

Documents submitted may be no bigger than 15mb each. It is your responsibility to keep your documents to a manageable size.

If you have documents that are larger than this you can try the following;

- Break long documents into several files, but note the document naming conventions below.
- Try and use black and white wherever possible (unless submitting photographs).
- If submitting images, your software may have file/image compression facilities to make them smaller.
- Note scanned documents are usually bigger than non-scanned versions.
- Provided you are using the acceptable file types above, you can use ZIP files to compress documents.

### Security

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.

### Copyright

Ensure you have the owner’s permission and have paid any copyright licence fee before sending in documents.

### File names

- Ensure all documents have descriptive names, including the type of document you are sending, eg ‘Proposed plan 1 March 2014’.
- 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 ‘Appeal statement Appendix 2 Traffic census.’
- Use ‘Part 1’, ‘Part 2’ etc in the file name if you have split up a large document eg ‘Appeal statement in Appendix 1 Environmental Assessment Part 1 of 3’.
- Include the required paper size in the document name for plans and drawings eg ‘Proposed plan A3 size 1 March 2014’.
- Include scale bar(s) on all plans and drawings.
- Do not use a colon ‘:’ in any file names.
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<th>Scanning</th>
<th>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.</th>
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| **Ordnance Survey** | People may only scan an Ordnance Survey map if they;  
  - Have an annual licence to make copies; or  
  - Have purchased a bulk copy arrangement; or  
  - 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  
  - Have purchased the site-specific map for the purposes of attaching to a planning application, appeal or representation.  
  More information on map licensing is available on the Ordnance Survey website:  
  http://www.ordnancesurvey.co.uk/support/licensing.html |
| **Images** | Send pictures, photographs, plans, maps or drawings as individual files. Avoid the use of bitmap images as they are very large. |
| **Hyperlinks** |  
  - You should not use hyperlinks within documents you send to us. Instead, you should download such documents yourself and attach them separately.  
  - You should not use hyperlinks to a website page containing multiple documents or links. |
| **Formatting** | You should ensure that you number all pages accordingly. |
| **Sending emails** | If you send anything by email you should get an automatic acknowledgement, provided it is sent to appeals@planninginspectorate.gov.uk 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.  
  For any correspondence which you send to us via email, you should;  
  - 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.  
  - If you are attaching more than one document, please list them in the covering email.  
  - 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. |
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.

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.

You should note that uses and operations cannot be considered lawful where they are in contravention of any of the requirements of an enforcement notice, in relation to the same development, which is in force1. If we consider that an enforcement notice is in force which will prevent the grant of an LDC so that the appeal will be dismissed we will write to you and explain this. If despite this you proceed with an appeal you may leave yourself open to an award of costs against you – as pursuing an appeal in circumstances where an LDC cannot be granted could be seen as being unreasonable behaviour.

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1 Section 191(2)(b) of the Town and Country Planning Act 1990 ("the Act") (as amended).
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.

If you want to make an appeal in relation to more than one application eg in relation to another application for an LDC or an application for planning permission you must make a separate appeal for each.

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 LDC 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.
Agent Details

You do not have to employ an agent to handle your LDC 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 if an “access required” site visit is arranged.

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.
Local Planning Authority Details

The name of the LPA, date of application, LPA reference number and decision notice (if issued) will usually be in the letter you received from the LPA confirming that your 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 it 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 restart from your homepage.
Appeal Site Details

The appeal site **must** be the same as the site given in the LDC 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.

**Postcode**

If the appeal site does not have a postcode, please provide the postcode of the nearest building.

**Health and safety at the site**

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. 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.

We take seriously our duties with regard to the health and safety of our employees and those affected by our work. 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.

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 eg 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, eg 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 a planned site visit, hearing or inquiry date.
Details of the Appeal

There are 3 types of LDC that may be applied for under section 191 and section 192 of the Town and Country Planning Act 1990 and section 26H of the Planning (Listed Building and Conservation Areas) Act 1990:

a. section 191 – whether an existing use of land, operational development or activity in breach of a planning condition is lawful; and
b. section 192 – whether a proposed use of buildings, land or operations intended to be carried out would be lawful.
c. section 26H – whether proposed works for the alteration or extension of a listed building would be lawful.

Is there an effective enforcement notice on the site?

You should note that uses and operations cannot be considered lawful where they are in contravention of any of the requirements of an enforcement notice, in relation to the same development, which is in force. If we consider that an enforcement notice is in force which will prevent the grant of an LDC so that the appeal will be dismissed we will write to you and explain this.

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2 Section 191(2)(b) of the Town and Country Planning Act 1990 (“the Act”) (as amended).
Reason for the Appeal

The LPA’s decision notice should make it clear if it has refused or partly refused to grant a certificate of lawful use or development or has granted it in a different form to the application.

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 restart from your homepage.
Choice of Procedure

There are 3 possible procedures for the determination of an appeal: written representations, hearings and inquiries. You should consider carefully which suits your circumstances before choosing your preferred procedure. Inspectors give equal attention to every appeal regardless of the procedure.

Although the criteria in Annexe 1 do not directly apply to LDC appeals they are a useful indication of which procedure would be appropriate for these appeals.

Please refer to Annexe 1 before indicating which method is your preferred procedure.

The written representations procedure

This is normally the simplest, quickest and most straightforward way of making an appeal, it is simpler to undertake than a hearing or inquiry. The Inspector will consider the LPA’s reasons for refusing the application, your grounds of appeal, any further representations received from you and the LPA and any representation received from interested people. The Inspector will usually visit the site.


We will use your responses to questions 1a) and 1b) to help us decide how the site visit should be conducted.

The hearing procedure

This procedure is likely to be suited to cases which require detailed discussion. This procedure is likely to be suited to more complicated cases 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.

If you ask for a hearing you should explain on the appeal form why you think your appeal fits the criteria for a hearing. Although you may indicate a preference for a hearing, we must also consider that your appeal is suitable for this procedure. It is unlikely to be suitable if the evidence needs to be tested ie where the factual evidence about how long the development has been on site is in dispute. If it is likely that evidence will need to be given on oath this cannot be done at a hearing so an inquiry would be necessary.


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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 and evidence will sometimes be given on oath. The site may be visited before, during or after the inquiry. It is likely to be required if the evidence needs to be tested ie where the factual evidence about how long the development has been on site is in dispute.

If you ask for an inquiry you should explain on the appeal form why you think your appeal fits the criteria for an inquiry.


For inquiry cases you are required to send to us a formal statement of common ground not later than 4 weeks before the inquiry. You should begin discussing this with the LPA before you make your appeal. The statement of common ground should include basic facts such as site description, area, planning history, evidence on technical issues and all other matters of agreement. You should also list the specific areas where agreement is not possible.


Q3a) 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, and the time you consider may be necessary for questions to be put to both your and the LPA’s witnesses. If you have instructed an advocate (eg an agent, solicitor, or barrister) to represent you it may be useful for you to get their views on the likely length of the inquiry.

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.

To help us to do this please indicate at Q3b) how many witnesses you intend to call to give evidence at the inquiry and the topic areas they will cover and any other information which will help us to decide on the appropriate timetable for the inquiry.
Appeal Statement

The appeal should contain a clear and concise statement of your case and the reasons why you consider the subject of the application to be lawful.

You should note that there is no provision under section 195 for the planning merits of what has been applied for to be considered on appeal in relation to applications under sections 191 and 192. As there is no power to grant planning permission it follows that the planning merits of the development are not relevant in deciding an LDC application or appeal; it rests entirely on the facts involved in each case. It is open to you to apply to the LPA for planning permission in the normal way, without prejudice to your application or appeal for an LDC.

Similarly there is no provision under section 26K to grant listed building consent on an appeal in relation to an application under section 26H. However decisions as to whether proposals affect the special architectural/historic character of a building in a particular way can involve a planning judgement.

In your appeal statement you may wish to put forward the case that the development that has taken place or the development that you propose:

- does not amount to development, under section 55 of the Act, or that the change of use is not a material one (ie it is not subject to the requirements of planning control);
- is permitted by the Town and Country Planning (General Permitted Development) Order 2015, or that the change of use is within the terms of the Town and Country Planning (Use Classes) Order 1987 (as amended);
- has been done, or built, within the terms of a planning permission;
- has become lawful as it is too late for the LPA to take enforcement action. The time limits are as follows:-
  - section 171B(1) of the Act gives a time limit of 4 years for notices alleging operational development such as building, mining or engineering works;
  - section 171B(2) gives a 4 year limit for change of use from a building/part of a building to a single dwellinghouse. This time limit applies either where the change to use as a single dwellinghouse involves development without planning permission, or where it involves a failure to comply with a condition or limitation subject to which planning permission has been granted;
  - section 171B(3) gives a 10 year limit for any other change from the date of the breach. This applies to changes of use and to breaches of any conditions attached to previous planning permissions.
It is not enough to say “the breach of planning control occurred more than 10 years ago”, or “The building was finished more than 4 years ago”. You need to be able to provide evidence to establish this and the onus of proof rests with you.

Your statement could for example refer to matters of which you have direct knowledge and where that is not possible, it would be prudent to supply wherever possible statements from other persons who have the necessary direct knowledge, and/or documentary evidence, for example dated photographs, invoices/receipts for works, etc. This evidence should show that the use or operations have existed continuously for at least 10 years or 4 years as the case may be.
Other Appeals

If you have made any other 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.
Supporting Documents

We have listed the documents currently required on the certificate of lawful use or development appeal form. We do not ‘chase’ missing documents and so please make sure that you have sent us everything; if not your appeal will be delayed.

Please ensure that you have listed all the plans/drawings that you are sending to us and that they include reference to 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”).

You should not send new material when you make your appeal that was not considered by the LPA as part of the application. Therefore, any documents sent during the appeal should be directly relevant and essential to the case and in response to the reasons for refusal (if any). The Inspector will normally only consider the documents and plans which were put before and considered by the LPA.
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 6 month time limit for an appeal under section 26k. So please make sure that you send your appeal in good time before the time limit.

There is no time limit for making an appeal in relation to section 191 and section 192 applications.

At the same time, you must send a copy of the appeal form and all supporting documents, including your appeal statement that were not part of your LDC application 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
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 and to the LPA. 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 required3); 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 matters4; or
- the status or personal circumstances of the appellant are at issue5; 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 hearing6; 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 advocate7; or

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3 A small number of appeals do not require a site visit and can be dealt with on the basis of the appeal documents.
4 For example where detailed evidence on housing land supply needs to be tested by questioning.
5 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.
6 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.
7 This does not preclude an appellant representing themselves as an advocate.
• the issues are complex\textsuperscript{8}; or
• the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing\textsuperscript{9}; or
• in an enforcement appeal, evidence needs to be given on oath\textsuperscript{10}; or
• in an enforcement appeal, the alleged breach, or the requirements of the notice, are unusual and particularly contentious.

\textbf{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.

\textsuperscript{8} For example where large amounts of highly technical data are likely to be provided in evidence.
\textsuperscript{9} 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.
\textsuperscript{10} For example where witnesses are giving factual evidence about how long the alleged unauthorised use has been taking place.