



# The Planning Inspectorate

## Making your appeal

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### How to complete your householder planning appeal form



INVESTOR IN PEOPLE

May 2009





<b>Contents</b>	<b>Page</b>
Introduction – <b>Important.</b> Please read this first	1
Appeal costs awards	5
Choice of procedure	6
Section A – Appellant details	7
Section B – Agent details	7
Section C – Local planning authority details	7
Section D – Appeal site address	8
Section E – Description of the development	9
Section F – Reason for the appeal	9
Section G – Grounds of appeal	10
Section H (part one) Site ownership certificate	12
Section H (part two) Agricultural holdings certificate	14
Section I – Essential supporting documents	15
Section J – Other appeals	15
Section K – Check, sign and date	15
Section L – Now send	15
How we use your personal information	16
Contacting us	17
Annexe 1 Notice to owners	18
Annexe 2 Certificate C	20
Annexe 3 Certificate D	21
Annexe 4 Criteria for determining the procedure	22
Annexe 5 Awards of costs in householder appeals	24

**If you need this guidance in large print, in audio format or in Braille, please contact our Customer Services Team on 0117 372 6372.**



## Introduction

**Your appeal and essential supporting documents must reach the Planning Inspectorate within 12 weeks of the date shown on the local planning authority's decision notice. If we do not receive your appeal and documents within this time limit, we will not accept your appeal<sup>1</sup>.**

**The local planning authority (LPA) should decide your application within 8 weeks of the date it accepted it as valid.**

As your application was for a householder development your appeal will normally proceed by written representations under the expedited Householder Appeal Service<sup>2</sup>. However, there are some exclusions, and so before you start filling in your form you should use the table below to check that you have the correct one. The table will also tell you the deadline for the Inspectorate to receive your appeal(s) and which service it will follow.

- 1.** Use the householder appeal form (as shown right) if either of the following circumstances apply:
- a. the LPA have **refused** your householder application.
  - b. the LPA have **refused** your householder application to **vary or remove a condition** attached to a previous grant of permission.

Appeal service: Your appeal will normally proceed by written representations under the expedited Householder Appeal Service.

Appeal deadline: The time limit for the Inspectorate to receive your appeal is **12 weeks** from the date shown on the LPA's decision notice.

PLANNING CASEWORK SERVICE  This service is provided by The Planning Inspectorate.

### Householder Planning Appeal Form

#### INTRODUCTION

HELP 

You can use this form to submit an appeal online to The Planning Inspectorate.  
You can find help with completing this form by clicking on the Help buttons throughout this form.  
Information that you must provide is indicated by \*.  
Your appeal and essential supporting documents must reach the Inspectorate within 12 weeks of the date shown on the Local Planning Authority's decision notice.  
**WARNING: If any of the 'Essential supporting documents' listed are not received by us within the 12 week period, the appeal will not be accepted.**  
The name of the person(s) making the appeal must be the same as on the planning application form.  
You can save the form partially completed and return to it at a later time (see button at the end of the form). Once the form is complete and you submit it, you will be given the opportunity to save a copy of the finished form so you can keep it for your records, and print or e-mail a copy to the local planning authority.

#### AGENT DETAILS (IF ANY)

HELP 

\* Are you an Agent acting on behalf of the appellant(s)? Yes ☐ No ☐

#### APPELLANT DETAILS

HELP 

Please record your name and correspondence details below. Correspondence details are not required where an agent is acting for the appellant.

#### \*Person Details

\* Have you previously submitted a case online? Yes ☐ No ☐

<sup>1</sup> We will consider accepting late appeals where there are exceptional circumstances for late submission. Reasons for late submission should be stated at the time of submission.

<sup>2</sup> The expedited Householder Appeal Service is a simplified appeal route under which a decision will normally be reached within 8 weeks.

2. Use a standard planning appeal form (as shown right) if either of the following circumstances apply:

- a. the LPA have **not decided** your householder application within the 8 week time limit and you want to appeal on the grounds of its non-determination (in other words its failure to decide); or
- b. you are appealing against the **grant** of permission subject to conditions to which you object.

Appeal service: Your appeal will normally proceed by written representations under the standard appeals service.

Appeal deadline: The time limit for the Inspectorate to receive your appeal is **6 months** from the date shown on the LPA's decision notice (or within 6 months of when they should have decided the application).

Planning Appeal Form

INTRODUCTION

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**WARNING: If any of the 'Essential supporting documents' listed are not received by us within the 6 month period, the appeal will not be accepted.**

The name of the person(s) making the appeal must be the same as on the planning application form.

You can save the form partially completed and return to it at a later time (see button at the end of the form). Once the form is complete and you submit it, you will be given the opportunity to save a copy of the finished form so you can keep it for your records, and print or e-mail a copy to the local planning authority.

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\*Person Details

\* Have you previously submitted a case online? Yes ☐ No ☐

**3.** Use both a householder and listed building/conservation area appeal form (as shown right) if the following circumstance applies:

- a. the LPA have **refused** your householder application **as well as** a related application for listed building or conservation area consent

**Appeal service:** Your appeals will normally be linked and proceed by written representations under the standard appeals service.

**Appeal deadline:** The time limit for the Inspectorate to receive your appeals is different for each appeal type (i.e. 12 weeks from the date shown on the LPA's decision for the householder, and 6 months from the receipt of the LPAs decision for the listed building/conservation area consent).

So that both appeals can be linked and decided at the same time we suggest that **both appeals are made within the 12 week deadline**. **IMPORTANT:** If the householder appeal is received after 12 weeks it will be 'out of time' and we will not accept it.

You should send copies of **all** the supporting documents for **both** appeals, e.g. the applications, plans, LPA decisions etc.

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Householder Planning Appeal Form

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**Person Details**

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Listed Building Consent or Conservation Area Consent Appeal Form

INTRODUCTION

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APPELLANT DETAILS

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The name of the person(s) making the appeal must be the same as on the planning application form.

4. Use both a standard planning and a listed building/conservation area appeal form (as shown right) if either of the following circumstances apply:

- a. the LPA have **not decided** your householder application **nor a related application** for listed building or conservation area consent within the 8 week time limit and you want to appeal on the grounds of its non-determination (in other words its failure to decide).
- b. you are appealing against the **grant** of permission and listed building or conservation area consent subject to conditions to which you object.

Appeal service: Your appeals will normally be linked and proceed by written representations under the standard appeals service.

Appeal deadline: The time limit for the Inspectorate to receive your appeal is **6 months** from the date shown on the LPA's decision notice (or within 6 months of when they should have decided the application).

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**APPELLANT DETAILS** HELP

Please record your name and correspondence details below. Correspondence details are not required where an agent is acting for the appellant.

The name of the person(s) making the appeal must be the same as on the planning application form.

Your appeal should only be made when all else has failed. If you think that making changes to your proposal could resolve the LPA's reasons for refusal, you should discuss these with the LPA before appealing to us. A further householder planning application to the LPA may be your best route.

**You can submit your appeal on-line** through the Planning Portal using the Planning Casework Service. This is an on-line service that gives wider and easier access to the planning system. It allows people to track the progress of cases.

For more information about the Planning Casework Service, visit [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

### **Handwritten appeal forms and other documents**

Please complete the appeal form in **CAPITAL LETTERS** using **black ink**.

### **Typed documents**

Documents in a sans serif font are easier to read. Please use a font such as Arial or Verdana in a size of 11 point or larger.

Please

- use **A4** paper wherever possible;
- number the pages of the documents;
- make sure **photocopied** documents are clear and legible;
- put photographs (colour if possible), maps, plans etc, in a **separate appendix** and cross reference them within the main body of the document;
- bind documents so that they can be undone quickly without damaging the document. Do not use wire or plastic spiral binders;
- do not use cover sheets, sleeves or other bindings that do not add value or information;
- do not send original documents unless we specifically ask for them;
- do not include self adhesive notes or small attachments which might be dislodged easily or lost;
- print documents on both sides of a page. You should use paper of good enough quality that something printed on one side of the page does not show through to the other side;
- ensure that the scale, orientation and paper size of any maps and plans are shown clearly. This is especially important if you submit your appeal electronically through the Planning Casework Service.

### **Appeal costs awards**

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 you have good reason you can ask the Secretary of State or the Inspector to order the LPA to pay all or some of your costs. The LPA can also ask for you to pay some or all of their costs if they have good reason. The Secretary of State or the Inspector will only do this if the person applying can show that the other side behaved unreasonably, and put them to wasted expense.

If you intend to make an application for costs against the LPA, you should:-

- **say this in the first sentence of your grounds of appeal;** and
- submit your application along with your appeal form, see Annexe 5 for further information.

If you are submitting your appeal through the Planning Casework Service, please attach your costs application as a separate document to the grounds of appeal.

### **Choice of procedure**

Before completing the appeal form, please complete the 'choice of procedure' appendix enclosed with the appeal form.

We anticipate that the vast majority of Householder Appeals will follow the Householder expedited written representations procedure. However, there are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which suits your circumstances before indicating your preferred procedure by completing the 'choice of procedure' appendix enclosed with the appeal form.

The written representations procedure is normally the simplest, quickest and most straightforward way of making an appeal and the Householder Appeals Service written procedure is particularly suited to small-scale development.

Note: There may be circumstances where we need to transfer your appeal to a longer written representation process. We will inform you if this is necessary.

Inspectors give equal attention to every appeal regardless of the procedure. To help you decide which procedure to choose we have criteria which indicate which is likely to be the most suitable procedure, see Annexe 4.

You may also wish to look at Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, Statutory Instrument 2009/452 which gives detail of the procedure.

## **Completing the householder appeal form**

In this guidance we use the same lettering and numbering as the householder planning appeal form.

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### **SECTION A**

#### **Appellant details**

##### Name

Only the person who made the original application to the LPA has the right to appeal. All appeals must therefore bear the name of the original applicant.

If you did not make the original planning application (eg you may have recently purchased the site) and you wish to appeal you must obtain the written permission of the original applicant(s) to allow you to do this. You would become responsible for any costs arising from the appeal. In these circumstances put your name in the "Name" line followed by "for" and then the name of the original applicant. You must send the signed written permission to us with your appeal form.

##### Email

If you tick the box to say that you prefer to be contacted by email, we will send you our letters by email and we will not send paper copies.

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### **SECTION B**

#### **Agent details**

You do not have to employ an agent to handle your householder 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 letters or emails to the agent. We will not send a copy to you. You should ensure that you keep in touch with your agent about the appeal arrangements.

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### **SECTION C**

#### **Local planning authority details**

This information will probably be on the letter you received from the LPA confirming that your planning application was valid and on the decision notice.

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## SECTION D

### Appeal site address

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

#### Postcode

This information is very important to us

#### Health and safety at the site

The site will be visited during the course of the appeal and we need to know what safety equipment and protective clothing will be required. The following questions indicate the type of information we need about the appeal site and any land or building that will need to be entered. Please supply any relevant information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required, and will this be supplied at the site? (Please list)
2. Is there any likelihood of exposure to pets or other animals which may present a risk to personal safety?
3. Is the site remote and/or can it be seen from other occupied buildings/property/public land/roadside?
4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?
5. Are there any areas that require specialist equipment or training for access – any confined spaces?
6. Are there any dangerous pieces of equipment or substances stored at the location?
7. Is there any likelihood of exposure to chemicals, asbestos, radiation or are there any other risks, requiring the use of Personal Protection Equipment, which may affect personal health & safety? (Asbestos is referred to directly as it was present in buildings built before it was banned in 1977).
8. Will a ladder be required to view the appeal site?, If so please:-
  - explain why this will be necessary;
  - give the height to which it will be necessary to climb the ladder;
  - state whether the ladder is fixed or removable – if removable how will it be secured?
9. Will it be necessary to view the site from a height, eg roof, balcony?

10. Is the site easily accessible for someone in a wheelchair?

**NOTE: No representative from the local planning authority will attend the site visit. If access to the site is required your presence may be needed, but solely to allow access to the site.**

**The purpose of the site visit is to view the site and surroundings in the context of the written material provided on the appeal. No representations will be accepted and no discussions of the grounds of refusal and appeal will be permitted at this visit.**

We will use your responses to questions 2 and 3 of Section D of the appeal form to help us decide how the site visit should be conducted.

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## **SECTION E**

### **Description of the development**

You need to provide details of the proposed development. This will normally be as you described it on the householder 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 the LPAs decision to refuse permission to vary or remove a condition, please provide a copy of the original permission, a description of the approved development and list the condition numbers your appeal relates to.

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

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

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## **SECTION F**

### **Reason for the appeal**

The LPA's decision notice should make it clear if they have refused planning permission or if they have refused permission to vary or remove a condition.

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## SECTION G

### Grounds of appeal

Your grounds of appeal should be in full, as there will be **no** opportunity to add to your grounds of appeal at a later stage.

- You should continue to discuss your proposed scheme with the LPA before you submit your appeal
- You should set out all your grounds of appeal clearly and concisely and focus upon the merits of the proposed scheme. You should avoid repetition and information which does not relate to the issues involved. It is not necessary to 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 – that will not help the Inspector decide your appeal. We would not expect the grounds of appeal to exceed 3,000 words.
- 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. You do not need to describe any local policies in full. Simply give the number and the name of the relevant development plan or supplementary planning document. The LPA will provide the detail to the Inspector so you do not need to.
- Before submitting 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 development complies with it.
- There is no need to set out national policy (such as PPGs or PPSs<sup>1</sup>) as Inspectors have these documents. However, you should refer to any paragraphs by number that you think are relevant.
- 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.
- Any supporting documentation other than that listed in Section I should be kept to a minimum. It should be essential and directly relevant to the appeal. Such documentation should be clearly cross-referenced in the grounds of appeal.
- You may wish to submit appendices to your grounds of appeal. These can include reports and information which relate directly to

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<sup>1</sup> Planning Policy Guidance notes (PPGs) or Planning Policy Statements (PPSs)

the application and any issues that are in dispute. Appendices should be used sparingly.

- Do not send copies of the Delegated Officer's Report, or the Committee Report, the plans, other documents submitted to the LPA such as consultation responses and letters from interested people, as the LPA will provide these.
- If you consider it essential to submit e-mail trails to support your grounds of appeal you should carefully edit the e-mails to remove repetition so that the key points can be readily identified.
- You may wish to include a short description of the benefits the proposal might deliver which, in your view, would outweigh any harmful effects identified by the LPA.
- You may wish to accept or suggest a condition(s) that would limit the proposal in a way acceptable to you and, you hope, to the LPA. However, this section should be no more than 200 words in length. A list of model conditions can be found on our website: [The Planning Inspectorate - Model Conditions](#)
- Where the effect on the neighbours is a reason for refusal you should include measurements of the distances between you and your neighbours' properties, particularly the distances to any of their windows.
- You may use photographs (preferably in colour) to illustrate your grounds of appeal – eg to show your house and its relationship to its neighbours. If you submit photographs you must give details of where and when they were taken and what they show. Also make sure you state what lens you are using i.e. wide angle, standard lens or fisheye. If you take photographs in public places please take reasonable care to respect the privacy of individuals whose images you may inadvertently capture. We are unable to return photographs.
- 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 planning history of any such development you should set it out briefly in your grounds of appeal 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 appeals made by other people relating to the site or for nearby sites please provide the appeal reference number or the site address.

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

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## SECTION H

### H (part one) 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.

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 H (part two) Agricultural holdings certificates.

#### 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 you send your appeal to us.

If any part of the site is part of an agricultural holding<sup>1</sup> and there is a tenant you must also serve notice on the tenant. You must do this during the 21 days immediately before you send your appeal to us.

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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.

## Serving notice

In Annexe 1 is the form you must use to serve notice on all other owners and any tenant of an agricultural holding.

You can:-

- cut out this notice; or
- photocopy it; or
- download it from the appeals area of the Planning Portal; or
- type your own version that must contain exactly the same wording

## How to complete the notice

After the words "Proposed development at" you should insert the address or location of the proposed development

After the words "I give notice that" you should insert the appellant(s) names

After the words "having applied to the" you should insert the name of the local planning authority

After the word "to" you should insert the description of the proposed development

After the word "by" you should insert the date that is either:

- 21 days after the day on which you served the notice; or
- 14 days after the day on which the notice was published in the newspaper.

## 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
- sending the notice by registered or recorded delivery post.

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 householder planning appeal form. You can now go to Section H (part two) Agricultural holdings certificates.

## **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 2.

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

You can now go to Section H (part two) Agricultural holdings certificates.

## **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 3.**

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

You can now go to Section H (part two) Agricultural holdings certificates.

## **Section H (part two)**

### **Agricultural holdings certificate**

We need to know if the appeal site forms part of an agricultural holding. If it does not you should tick A.

If part or all of the appeal site is an agricultural holding the notice given above should be served on any tenant. "Tenant" means a tenant of an agricultural holding any part of which is part of the appeal site.

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## SECTION I

### Essential supporting documents

**You must send a copy of the original planning application and a copy of the LPA's decision to us with your householder planning appeal form and the appendix showing your preferred procedure. (Please do not send plans, the LPA will provide these)**

If we do not receive these essential appeal documents by the end of the 12 week appeal period we will not be able to deal with it and you will lose your right to appeal. Due to the number of appeals we receive, we do not routinely 'chase' missing documents.

The Inspector will normally only consider the documents and plans which were put before and considered by the LPA. However, if there has been a change in circumstance since the LPA decided the application which is directly relevant to the consideration of the appeal, this should be made clear.

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## SECTION J

### Other appeals

If you have 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. Although we need to know about other appeals they will normally be considered separately.

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## SECTION K

### Check, sign and date

This section provides a useful summary of the things you need to have done. Please check your completed form carefully, then sign and date it.

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## SECTION L

### Now send

Please note that we must receive your appeal form and all supporting documents within the 12 week time limit. So please make sure that you send your appeal in good time before the 12 week time limit.

You must send a copy of the completed appeal to the LPA. If you do not do this we may not accept your appeal. You do not need to send them all the documents again. If you are submitting any supporting documents that were not part of your householder planning application you must send these to the LPA with the appeal form.

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## **How we use your personal information**

Under the Data Protection Act 1998 we have a legal duty to inform you about the personal information that we collect and how we use it.

When considering an appeal, the Inspectorate receives personal information from a number of sources including:

- the appellant – eg. name, address and contact details on the application and appeal form,
- the local planning authority – eg. in copies of the application documents and representations that they have received,
- other statutory appeal parties and interested parties - eg. their name and contact details in their representations.

Sometimes other personal information, such as details about a medical condition, may be relevant to the development. You should only provide personal information about yourself if you are happy for it to be placed in the public domain. You should only provide information about others, including family members, if you have their consent.

We will circulate copies of documents received to the appellant and the local planning authority. The appeal papers will also be open for inspection at the local planning authority's office where anyone can view them. We will not normally refuse any requests to the Inspectorate to inspect the appeal documents.

In addition, copies of appeal documents may be made accessible over the internet. This may include your name and address, but we will remove telephone numbers, email addresses and signatures of individuals. The Inspector's decision, may contain some personal information, such as the name of the appellant or interested party, and will be made available on the internet or on request.

We may also use the personal information you submit on an appeal to contact you and seek views on the service that you received. In doing so, we may pass your contact information to a third party for the sole purpose of conducting a survey on our behalf. Although the survey may be published, any information you provide will be made anonymous unless you have otherwise been notified and provided your consent.

## **Further information**

Further information about our privacy policy is available on our website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk), or on request. If you have any queries about our policy, or wish to make a request for your personal data then please contact our Data Manager through the address below:

## **Contacting us**

The Planning Inspectorate  
Customer Services Team  
Room 3/05  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Telephone: 0117 3726372  
Fax: 0117 3728782  
Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

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

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

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

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

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Proposed development at:

Property number or name .....  
Street .....  
Locality .....  
Town .....  
County .....  
Postcode .....

I give notice that:

**Applicant's name** Title.....Forename.....  
Surname.....

having applied to the .....Council

to (Description of proposed development)

is appealing to the Secretary of State against the refusal of the Council to grant planning permission for the proposed development.

In the event that the appeal is dealt with by the expedited procedure under the written representations procedure♦ any representations made by the owner\* or tenant\*\* to the Council about the application will be passed to the Secretary of State and there will be no opportunity to make further representations in relation to the appeal.

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

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

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

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

Signed.....Title.....Forename.....  
Surname.....  
Signature.....

On behalf of ..... Date .....  
(Delete if not applicable)

**Statement of owners' rights**

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

**Statement of agricultural tenants' rights**

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

**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 .....

**Criteria for determining the procedure (indicative) (planning appeals)**

These criteria have been approved by Ministers and will be applied from the 6 April 2009.

**Written representations**

If your appeal meets the following criteria, the most appropriate procedure would be written representations:-

- the grounds of appeal and issues raised can be clearly understood from the appeal documents plus a site inspection; and/or
- the Inspector should not need to test the evidence by questioning or to clarify any other matters; and/or
- an environmental impact assessment (EIA) is either not required or the EIA is not in dispute.

**Hearing**

If the criteria for written representations are not met because questions need to be asked, for example where any of the following apply:-

- the status of the appellant is at issue, eg Gypsy/Traveller;
- the need for the proposal is at issue eg agricultural worker's dwelling; Gypsy/Traveller site
- the personal circumstances of the appellant are at issue, eg; people with disabilities or other special needs;

the most appropriate procedure would be a hearing if:-

1. there is no need for evidence to be tested by formal cross-examination; and
2. the issues are straightforward (and do not require legal or other submissions to be made) and you should be able to present your own case (although you can choose to be represented if you wish); and
3. your case and that of the LPA and interested persons is unlikely to take more than one day to be heard.

## **Inquiry**

If the criteria for written representations and hearings are not met because the evidence needs to be tested and/or questions need to be asked, as above, the most appropriate procedure would be a local inquiry if:-

- the issues are complex and likely to need evidence to be given by expert witnesses; and/or
- you are likely to need to be represented by an advocate, such as a lawyer or other professional expert because material facts and/or matters of expert opinion are in dispute and formal cross-examination of witnesses is required; and/or
- legal submissions may need to be made.

NOTE: Where proposals are controversial and have generated significant local interest, they may not be suitable for the written representation procedure. We consider that the LPA is in the best position to indicate that a hearing or inquiry may be required in such circumstances.

## Awards of costs in householder appeals

All parties to an appeal normally meet their own expenses. However, the costs awards regime seeks to increase the discipline of parties when taking action within the planning system. One party to an appeal may possibly have to pay another party's costs. This applies where a party has behaved unreasonably and caused another unnecessary or wasted expense in the process.

From 6 April 2009 the opportunity to apply for an award of costs applies to all appeals under the Planning Acts, including householder appeals<sup>1</sup> which are determined by written representations. **Please note: costs do not necessarily follow the appeal outcome.**

### Applying for costs

There is no required application form, but if you wish to use one a form is included in an updated guide for appellants entitled *"Costs awards in planning appeals"*. This can be accessed via the Planning Inspectorate's website on [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). A hard copy of the guide and form can be obtained from:

The Planning Inspectorate  
Customer Services Team  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL BS1 6PN

Telephone 0117 372 6372.

In accordance with the quicker procedures for householder appeals, it should normally be clear from the outset whether there is any realistic basis for you as the appellant to make a costs application. You will be expected to make any application for costs at the same time as the submission of the appeal, supported by a full statement of why an award is considered justified.

You will need to show that the decision of the local planning authority, was unreasonably made on the basis of the information available to it at the time. As there are reduced timescales and minimal procedural requirements for these appeals, *there should be little possibility of unreasonable behaviour during the appeal process*

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<sup>1</sup> as defined in Regulations

## **The local planning authority applying for costs**

Should the local planning authority see grounds for an award of costs against you as the appellant for unreasonably appealing any application should reach us, for consideration, no later than 14 days after the “start date” for the appeal.

## **Processing an application for costs**

If a timely application is made, the Inspectorate will invite the other party to comment and exchange comments within a set timescale.

## **Late applications for costs**

For appellants a late application in an appeal going by the expedited Householder Appeal Service is defined as an application made later than 5 days after the start date notified by the Inspectorate.

For local planning authorities a late application is defined as an application made after the end of the period of 14 days beginning with the start date for the appeal.

Anyone making a late application for an award of costs will need to show good reason for not having applied sooner. For example, a “good reason” will **not** simply be that you have won your appeal and therefore wish to recover your costs.

If, exceptionally, your late application is accepted we will tell the other party involved and invite them to make written representations within set time limits. These will be exchanged for comment before we reach a decision.

**Please note.** If you apply for costs you do not have to provide evidence to support the actual amount of costs involved. We do not determine the amount, only the broad extent of any award (if made). You only need to show that you have incurred quantifiable expense as result of the other party’s unreasonable behaviour.

More information about costs is on our website [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk) under publications.