

## Planning Appeal Procedure – An Indicative Summary

The applicant, upon refusal of a planning application has the right to an appeal.

The appeal should be made to the Planning Inspectorate, within a timescale, and a copy to be sent to the Council.

It depends on the type of application how long the applicant has to submit an appeal. Appeals should be made within 12 weeks of the decision notice date for householder planning applications and within 6 months for any other application. Appeals against enforcement notices served are required to be submitted within 28 days after the enforcement notice is served.

The appeal is logged onto local authority planning system and ward councillors are notified of the appeal. This is also included on the weekly list.

Upon validation by the Planning Inspectorate of the appeal, a start letter will be issued to the local authority. The start letter sets the timetable for the appeal as follows:

Within **5 working days** for householder appeals and **7 working days** for all other appeals. The local authority complete a questionnaire which includes supporting documents from the planning case file including any comments and objections for third parties which is submitted to the planning inspectorate. At the same time letters are sent to residents notifying them of the appeal. For all appeals except householder appeals, further comments are invited to be sent to the Planning Inspectorate within 5 weeks of the start date.

The local authority is to submit an appeal statement of case within **5 weeks** of the start of the appeal (except householder appeals). The statement expands on the reasons for refusal.

Site visits are arranged by the Planning Inspectorate and they will only notify the local authority if required to attend. All householder appeals are conducted by the Planning Inspector only. There are an increasing number of site visits now being undertaken without the local authority being in attendance.

A decision is issued between 2 and 8 weeks following the site visit.

The majority of appeals of non-householder cases are dealt with by the written representation procedure.

Hearings are an inquisitorial process led by the Inspector who identifies the issues for discussion based on the evidence received and any representations made. The time table is as for the written representation cases. We expect a hearing date would be set normally within 10 weeks of the start date.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the “cross examination” of expert witnesses and other witnesses. Statutory parties are entitled to participate in an inquiry. Interested people can attend and may participate in an inquiry at the discretion of the Inspector. The time table is as for the written representation cases expect a hearing date would be set normally within 16 weeks of the start date. Four weeks before the inquiry a further statement is to be submitted in the form of proof of evidence.

The following link provides details of the appeals procedure in detail.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/544036/Procedural\\_Guide\\_Planning\\_appeals\\_v8\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/544036/Procedural_Guide_Planning_appeals_v8_0.pdf)

The appeal decision is uploaded onto LB website weekly.