

Planning Appeals - the facts and options

HAD PLANNING PERMISSION REFUSED?

You can appeal to the Planning Inspectorate based in Bristol in the following circumstances:-

- (i) If you applied to the Local Planning Authority (LPA) for planning permission, and they:-
 - refused permission;
 - gave permission but with conditions you think are inappropriate;
 - haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for; or
 - have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.
- (ii) If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- (iii) If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- (iv) If the LPA told you that they needed more information before they could decide your outline planning application, but you do not want to supply this.



BUT HOW DO I SUBMIT AN APPEAL?

There are three methods by which an appeal can be lodged namely:-

1. Written Representations
2. Informal Hearing
3. Public Inquiry

HOW LONG DO APPEALS TAKE UNTIL A DECISION IS MADE?

The appeal process initially involves the submission of the appropriate appeal form and copy details of the previously submitted planning application with a statement of the grounds for appeal.

The timescale for an appeal is very strict with specific milestones for the submission of further details (statements of case, etc) and final comments on the other party's statement of case - all coordinated by an appointed Case Officer within the Planning Inspectorate.

Appeals by the written method (including a site inspection) are the quickest means to an appeal decision followed by an Informal Hearing and then the Public Inquiry. The costs of each method do vary noting the complexity of the case - consult the experts at your local Acorus office.

At present about 80% of planning appeals are decided following an exchange of written representations and a site visit (the written method), 16% are decided following an Informal Hearing, and around 4% after a Public Inquiry. The Planning Inspectorate will decide on the most appropriate means of appealing noting the complexity of the planning issues and public interest. Appeals can take between six and twelve months!

HOW MUCH WILL AN APPEAL COST?

You don't have to pay for making the appeal, but you will inevitably have some expenses in employing appropriate advisors.

KEY ISSUES

- Of all appeals nationally, only approximately 30% are allowed.
- As part of the appeal process, an opinion as to what is considered to be the most appropriate method of appeal is expressed. However, the Planning Inspectorate make the ultimate decision as to the method of appeal following consultation with the LPA.
- The appeals could be considered by way of written representations, informal hearing or public inquiry. We would recommend that appeals by way of a hearing should be sought in anything other than simple cases allowing you to fully express your evidence in person.
- The appeal application would need to be accompanied by a wide range of supporting documentation.
- A proposed date for the appeal is provided by the Planning Inspectorate. Once agreed, alteration of the date should not be proposed by you if at all possible.
- The delay between application decision and the date for the appeal should be no more than six months.
- The Planning Inspectorate will appoint an appropriately qualified Inspector for the appeal. Their job is to balance evidence and they might not necessarily be an expert in the subject of the case.
- From experience, correspondence between the Planning Inspectorate, the Local Planning Authority (LPA) will be both significant and time consuming.



Successful Appeal for a High Ropes Course

- If the case is heard by way of informal hearing it is normal for the Inspector to adjourn the hearing in order to make a site visit accompanied by at least one representative for the LPA and the Appellant. The site visits are usually held on the same day as the hearing although it could conceivably be carried out on another day if time is short or weather is poor etc. During the site inspection, the Inspector may ask additional questions of either party.
- Formal decisions are made in writing, usually four to six weeks after the date of the hearing.
- Costs can be applied for and awarded in cases where either party has acted unreasonably.



Successful Free Range Appeal

THE SOLUTION

It is clear that to ensure a smooth passage a planning appeal submission needs to be detailed and be able to address all of the relevant issues. Time in preparation, is time well spent, identifying the issues and providing evidence in line with adopted planning policy. Getting it wrong or excluding relevant information will usually result in an appeal being dismissed and could even result in a costs claim from the Local Planning Authority.

Consult the experts and contact your local Acorus office

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