



**The Planning Inspectorate**

# **Making your planning appeal**



INVESTOR IN PEOPLE



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# Planning Inspectorate

## Quality statement

We aim to provide the following in the appeal process:

- clear, prompt and polite advice and information;
- quick and efficient handling of your appeal;
- an open exchange of views between the people involved in the appeal;
- fair and unbiased decisions by appropriately qualified people;
- clear, logical decisions and reports;
- a quick and thorough complaints procedure; and
- a service that gives the public confidence in us.

If you need this document in large print, on audio tape, in Braille or in another language please contact our helpline on 0117 372 6372

This document is also available on our website ([www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)). The Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) contains a large amount of information about the planning system in England and Wales, including lists of useful contacts and planning related services. Access to the Planning Portal is free of charge.

# About the Planning Inspectorate

We are part of the Office of the Deputy Prime Minister (ODPM) and the National Assembly for Wales. We deal with planning appeals for England from our Bristol office and planning appeals in Wales from our Cardiff office. If you want advice about appeals in Wales, you should contact our Cardiff office.

Inspectors, who judge the appeals, have a variety of backgrounds. These include town planning, surveying, engineering, architecture and law. We choose our Inspectors very carefully and train them thoroughly. They generally work from home.

When our office staff get your appeal form, they will collect all the information about your case. If you have any questions about it you can contact your case officer. We will give you their name and phone number. Just before the site visit, hearing or inquiry, the case officer will send your appeal papers to the Inspector, who will study them. In most cases after holding an inquiry or hearing, or visiting the site, the Inspector writes the decision. Your case officer will send the decision to you.

We will deal with every appeal as efficiently as we can, but to do this we rely on everyone's co-operation. Appeals to do with listed buildings or buildings in a conservation area are very similar to normal planning appeals. Appendix 2 tells you about the small differences there are.

The information in this booklet was correct when it was published, but it has no legal status.

# 1 Whether to appeal

1.1 If the local planning authority (LPA) turn down your planning application, you should look carefully at the reasons why they turned it down before you send your appeal to us. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. Often, if you change your proposal and apply again within one year of the refusal, you won't have to pay another fee. An appeal should only ever be a last resort.

## The right of appeal

1.2 You can appeal in the following circumstances.

- (i) If you applied to the 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.

## Who decides your appeal

1.3 Almost all appeals can be decided by Planning Inspectors (appointed by the First Secretary of State). The First Secretary of State can decide any planning appeal, but does so in less than 2% of cases, usually if they are large or controversial developments. He or she won't decide your appeal just because you have asked for this. But if he or she does, we will tell you why.

## Time limits for sending your appeal

1.4 If you are going to appeal, **we must receive all your appeal documents within three months from the date of the notice of the LPA's decision (but see the note below).**

Note: The time limit is six months (not three) if your appeal is to do with an application which was made to the LPA before 5 September 2003. Please remember this when reading the rest of the booklet.

1.5 If you are appealing under 1.2 (iii), the three-month period starts from the date the LPA should have given their decision. If you are appealing under 1.2 (iv), the three-month period starts from the date the LPA told you that they needed more information.

1.6 We must receive all the documents supporting your appeal within the time limit, otherwise we will not take any action on your appeal. We will only accept a late appeal in exceptional circumstances.

## Your chances of success

1.7 Inspectors allow about one third of appeals.

The chances of an appeal being successful depend on the merits of the proposals and how they fit in with local and national planning policies. You can get more information on appeal decisions in our yearly statistical report. You can get a

copy of this by writing to the address on page 8, or from our website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

- 1.8 One important thing to consider is how the proposal fits in with the development plan for the area. The development plan is made up of the approved structure plan, the adopted local plan (if there is one) and the old-style development plan (if it is still in force). Council officials will explain all these terms to you. The LPAs decision notice will tell you which policies in the development plan influenced their decision. When we consider your appeal, we will take into account:
- the development plan;
  - any plan which is still being prepared;
  - any other planning advice published by your LPA;
  - all other relevant facts; and
  - national advice and guidance on planning policy.
- 1.9 Some planning restrictions apply nationally. These include development on green-belt land, access to main roads and the development of good-quality agricultural land. You can find out about the Government's current planning policies in a number of ODPM circulars, and in a series of Planning Policy Guidance Notes. You can see these in council offices, local libraries, on the ODPM website ([www.odpm.gov.uk](http://www.odpm.gov.uk)) or buy them from The Stationery Office Ltd or other bookshops. There is a list of useful publications in appendix 1 of this booklet.
- 1.10 If you know we have considered an appeal similar to yours, and you know the reference number, you can get copies of our decision for that case. You will have to pay for this service. The address to write to is on page 8. But please remember that each appeal is considered on its own merits.

- 1.11 The Inspector will judge your appeal on its planning merits. It is unlikely that your personal circumstances will outweigh any substantial planning considerations.

#### The time and money involved

- 1.12 You don't have to pay for making an appeal, but you will have some expenses. The time and money it takes to make an appeal depends on how complicated the appeal is.
- You can get more information on how long appeals take from our website ([www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)) at the section marked 'Performance Information'. See also 'The Decision' section on page 30 of this booklet.
- 1.13 We decide around 73% of appeals after written exchanges of information. This is the quickest method. We decide the remaining 27% of appeals after a hearing or an inquiry. We tell you more about the different methods later in this booklet. You and the LPA have the right to have your appeal heard by an Inspector. This will be in the form of a hearing or inquiry. We can also decide if there should be an inquiry, for example if there is likely to be a lot of local interest or if the issues are likely to be complicated.
- 1.14 The overall cost of your appeal will depend on whether you employ professional advisers or representatives. Sometimes, when there is a hearing or an inquiry, one side may have to pay the other side's costs, as well as their own. Paragraphs 8.1 to 8.4 have more information about this.

## 2 Making an appeal

- 2.1 Only the person who made the application for planning permission can appeal. To make a valid appeal, you must use an official form. If the site is in England, you can get forms from:

Customer Support Unit  
The Planning Inspectorate  
Room 3/15 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN.  
Phone: 0117 372 6372

Please tell us whether your appeal is to do with planning permission or listed building or conservation area consent, as the forms are different. You can use the forms on our website ([www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)).

**Don't leave it too late - remember the three-month time limit.**

- 2.2 You should fill in three copies of the appeal form. One is for us, one is for the LPA and the other is for you to keep.

### Grounds of appeal

- 2.3 Your grounds of appeal made on the appeal form are your representations for your case. It is important that you set them out clearly. You need to explain why you disagree with the LPA's decision. You should deal with each of the LPA's reasons for turning your application down. It isn't enough just to say that you don't accept the LPA's reasons.

If you don't give your grounds of appeal, your appeal may not be valid. If there is anything else you want us to consider, you should tell us clearly but briefly. The LPA can then comment on these issues when they make their statement.

- 2.4 If you want to make a point that would be best illustrated by a plan or photograph (for example, if it would involve cutting down trees or affect a neighbour's property), you should send copies with the appeal form to us and the LPA.

- 2.5 If we consider that any of your representations contain racist or abusive comments, we will send them back to you before the Inspector sees them. If you take out the racist or abusive comments, you can send your comments back to us. **But you must send them back before the time limit ends.**

### The choice of procedure

- 2.6 If everyone agrees, we will decide the case on the basis of written exchanges of information from you, the LPA and anyone else who has an opinion on your appeal. The information could include maps, plans and photographs but not oral evidence. It depends on the choice of procedure whether we also accept video or sound tapes – see paragraph 2.17 for more information. Whichever procedure is used, the Inspector will visit the site to judge the effect of your proposal on the area.

- 2.7 If you, the LPA or we do not agree to the written procedure, we will arrange a hearing or an inquiry. You can get more details of the different procedures in sections 5, 6 and 7.

- 2.8 When you are deciding what procedure to use, you should take into account the following points.

- The result of your appeal will always depend on its planning merits.
- The written procedure is usually quicker and cheaper.
- A hearing is an informal way to give evidence. Formal cross-examination is not usually allowed.

- You or the LPA can ask for an inquiry, or we can decide that this is the best procedure for your appeal.
- At an inquiry you can talk to the Inspector personally and challenge any evidence put forward against your appeal.
- The possibility of costs being awarded. There is more information about this in section 8.

2.9 To avoid extra costs and to get a decision as quickly as possible, most people only ask for a hearing or inquiry if they think it is necessary. The written procedure is the most common.

#### Appeals involving outline planning permission

2.10 If you are appealing because your LPA has refused outline planning permission, you should remember that any details on the application plan will be treated as part of the appeal proposals unless it clearly says on the plan that those details are only shown as an example. For example, the position of the proposed building or the ways of getting to it. If you don't do this, even if the Inspector thinks the development is satisfactory in principle, he or she could still turn down your appeal if any of these details aren't acceptable.

#### Appeals against conditions

2.11 There are two ways you can ask for any conditions that the LPA have attached to your planning permission which you think are unreasonable to be altered or removed.

2.12 You can appeal against one or more of the conditions within three months of the LPA's decision. **We must receive all your appeal documents within the time limit.** In cases like this, we will look at the whole permission again. If the Inspector thinks the conditions are wrong, he or she can change or remove them. They can also:

- change other conditions which you haven't challenged;

- add more conditions; or
- take away your permission completely.

But if the Inspector thinks that any other part of the permission (that is, a part of the permission that you haven't appealed against) should be changed, we will write to you to ask what you think, unless we already know from the written information we have. If the Inspector wants to add stricter conditions or take away planning permission altogether, we will give you a chance to withdraw your appeal and keep the LPA's decision and their conditions.

2.13 The other way you can ask for the LPA's conditions to be changed is by making another application to them. If you do this and you don't get the decision you want, you can appeal against that decision without the original permission being taken away. As with all appeals, we must receive all your appeal documents within the time limit.

#### Certificates and other relevant documents

2.14 You need to fill in a certificate about who owns the land with every application for planning permission and your appeal. The LPA send certificates out with the application and we send certificates out with the appeal forms. If we do not receive these within the time limit, we will not deal with your appeal.

2.15 The certificate is to make sure that the people who own the site know that you are making an appeal, so that they have a chance to comment. There are four different certificates, each covering different circumstances. We send out guidance notes to help you choose the right certificate and explain how you should fill it in with each appeal form.

2.16 If you are appealing about approval of the details of (the 'matters reserved' under) an outline planning permission that your LPA has already given, or about approval that a condition of your planning permission says you need, you

must send us copies of:

- the original application for planning permission;
- the permission itself; and
- any plans the LPA approved.

If we do not receive these within the time limit, we will not deal with your appeal.

#### Video and audio evidence

- 2.17 We can't accept video or audio evidence for appeals dealt with by written exchanges. This is because we cannot be certain that everyone involved in the appeal will have suitable equipment to play the evidence, or that identical copies have been sent to everyone. You can send a written summary of the content of the video or audio evidence, including photographs, to us and the LPA with your appeal documents.
- 2.18 At a hearing or inquiry, the Inspector will decide whether to consider any video or audio evidence. They will let you know their decision when the hearing or inquiry opens. You must contact the LPA to find out whether they have suitable equipment to use at the hearing or inquiry, or if they will allow you to use your own.

#### 2.19 **Regulating recorded evidence**

Recorded evidence (video, audio or other recorded evidence) is governed by legislation. Any recorded evidence sent to us must have been obtained legally.

#### **Regulation of Investigatory Powers Act 2000 ('RIPA')**

RIPA does not prohibit individuals from recording evidence as long as the recording is for their own use.

Recording evidence is prohibited if the evidence is made available to another person or organisation and, where

necessary, if those involved did not give permission for its use or for the recording to take place. Those involved must also be given the opportunity to confirm the recording is accurate. If not, we will not accept it.

#### Planning obligations

- 2.20 Sometimes you may want to enter into a planning obligation to sort out unresolved objections at the same time you first apply for planning permission. If this is the case, you should send us a copy of the planning obligation you have signed with your appeal papers. Planning obligations are legally binding and you should think about getting legal advice before you sign one.
- 2.21 If your appeal is being dealt with by the written method and you and the LPA decide to enter into an agreement while we are dealing with your appeal, you must send us a signed and dated copy of the agreement ten working days before the date of the site visit.
- If your appeal is being dealt with by a hearing or inquiry, you must send us a final draft copy ten working days before the hearing or inquiry opens. You must send us a finished copy by the time the hearing or inquiry closes. We will issue the Inspector's decision even if you and the LPA are still discussing the agreement.

#### Sending in the appeal form

- 2.22 You must make sure that we receive copies of all the relevant documents. You must send a copy of the appeal form direct to the LPA, with copies of any documents or plans you are sending to us that the LPA haven't already got. You need to show clearly where the site is by sending us a location plan, using a street map or a 1:10,000 Ordnance Survey map. The address to send your appeal to is shown on the appeal form and on page 8 of this guide.

## Checklist

- 2.23 Before you send the appeal form to us and the LPA, you should make sure that you have included:
- the right appeal certificate to say who owns the land;
  - a copy of your application to the LPA;
  - a copy of the certificate concerning the ownership of the land that you sent with the original planning application;
  - a list of, and copies of, all relevant documents, drawings and plans which were part of the original planning application, including an environmental statement, if you sent one with your application, or if the LPA asked for one;
  - a copy of any decision by the LPA that the application has to be dealt with under the Environmental Impact Assessment Regulations 1999 (a screening opinion);
  - copies of all relevant letters (including any letters or drawings sent to the LPA changing the application);
  - a copy of the LPA's decision (if there is one);
  - a plan showing the site in relation to two well-established named roads; and
  - if you want approval of details of an application, a copy of the original application for outline planning permission, the plan and the outline permission itself.

If the LPA haven't seen any of the documents you are sending to us, please remember to send copies to them. We explain what you must send on the appeal form.

**Remember, if we don't receive all your appeal documents within the three-month time limit, we won't deal with your appeal.**

## Arranging the hearing, inquiry or site visit

- 2.24 We try our best to make the arrangements for a hearing, inquiry or site visit as early as possible. If you and the LPA agree to the first date we offer, we can better manage our Inspector resources.

Each side is allowed to refuse a date offered for a hearing or an inquiry only once before we fix a date, time and place.

Once we have fixed a date, it is not easy for us to change it, and we will only agree to do so in exceptional circumstances.

### Suspending action on your appeal (abeyance)

- 2.25 We are committed to dealing with all appeals as quickly as possible.

We do not normally agree to hold up appeals, but in exceptional circumstances we may do so for a short period of time. For example, to allow you and the LPA to come to an agreement that will lead to the appeal being withdrawn.

However, we will only agree to do this if we are satisfied that it is the most appropriate way forward, and have evidence that a quick conclusion is likely.

If you want us to hold an appeal in abeyance, you should write to the case officer. We will ask the LPA for their comments. Even if they agree, we may not. It is for us to decide.

### Withdrawing your appeal

- 2.26 You can withdraw your appeal at any time before we give our decision. You may want to do this if, for example, you and the LPA agree a different proposal or realise that a new application will sort out your differences without an appeal.

If you decide you want to withdraw your appeal, you should phone your case officer straightaway and then write to confirm the withdrawal, giving the appeal reference number. You should also tell the LPA immediately. This is especially important if

we have arranged for a hearing or inquiry to take place. If you unreasonably withdraw your appeal after we have written to you to tell you the hearing or inquiry date, you may have to pay the costs of the other people involved in the hearing or inquiry. Section 8 has more information about costs.

### 3 Is anyone else involved?

#### Other people can offer their views

- 3.1 Any other people who have an interest in your appeal, for example, environmental groups or neighbours, are called 'interested people'. We will give them a chance to tell us what they think of your proposals.

#### How will they find out about the appeal?

- 3.2 We will ask the LPA to tell the people who took part in the consultations when you first applied for planning permission that you have appealed. The views they first gave to the LPA will be sent to us and you. If they want to make more comments, they should write direct to us. We will send copies to you and the LPA. You will each have a chance to make comments on their letters.

For appeals that we are deciding by a hearing or inquiry, the LPA will tell interested people when and where this will be and let them know that they can attend. They can also inspect your appeal papers, and the LPAs written evidence supporting their decision, at the council's offices.

- 3.3 If there is going to be an inquiry, you must put a notice on the appeal site telling people about it two weeks before. We will send this notice to you. The LPA may also have to put up notices in public places and tell the local papers.
- 3.4 We must also take into account the views of certain groups

who have a right to comment, for example, owners of the site, parish councils and so on. You and the LPA will have a chance to see the comments they have made and give us your views.

## 4 Timetable for appeals

#### Setting the timetable

- 4.1 The appeal process has strict deadlines for you and the LPA to send us information.

When we have accepted your appeal, we will write to you to confirm which procedure it will follow. Our letter will also tell you the 'starting date'. This is important because it starts the timetable for you and the LPA to send us comments, statements or evidence.

#### **You and the LPA must keep to the timetable.**

#### If statements, comments or evidence are sent late

- 4.2 **If you or the LPA send your statement, comments or evidence after the deadlines set in our 'starting date' letter, we will not normally accept them. Instead we will return them to you.**

This means that for appeals following the written procedure, the Inspector's decision will not take account of statements and comments that have been sent late.

If we return items because they were sent late, there is nothing to be gained by you or the LPA copying them to each other as the Inspector will not have seen them.

You may offer items previously returned because they were sent late to the Inspector at the opening of the hearing or inquiry. But it will be up to the Inspector to decide whether or not to accept them. If they do, this will usually mean an adjournment to allow them (and other people and organisations)

to read the information. However, a successful claim for costs by the other side because of the time wasted would be likely to follow. See section 8 for more information on costs.

### Deadlines

- 4.3 The following timetable and stages apply to all appeals, whatever procedure is used.
- i. **Within two weeks** from the starting date, the LPA will send you and us a questionnaire which they have filled in. They will also tell interested people about the appeal.
  - ii. **Within six weeks** from the starting date, you and the LPA can send a statement of your case (but see the note below). We will then send you and the LPA a copy of what each other has sent, and any comments from interested people (if they were sent in time).
- Note: For appeals following the written procedure, your grounds of appeal on the appeal form must make up your full case. In these cases, the six-week statement should relate only to issues raised by the questionnaire and any supporting documents.
- iii. **Within nine weeks** from the starting date, you and the LPA can send us any comments on each other's statement and on comments from interested people.

Some other stages apply if your appeal is being dealt with at an inquiry. These are explained in section 7.

## 5 The written procedure

- 5.1 Appeals which are decided by the written procedure are governed by The Written Representations Regulations 2000 (see appendix 1 for the full title). The timetable for the written procedure is designed to make the appeal proceed quickly and fairly. Everyone involved in the appeal should keep to the timetable or we may not consider their comments.

### Grounds of appeal

- 5.2 The grounds of appeal, set out on the appeal form, make up your case. If you don't give them to us, or if we think your grounds are inadequate, we will ask you for more details. If we don't receive them in time, we won't deal with your appeal.

### Questionnaire

- 5.3 The regulations say that the LPA must fill in a questionnaire and send it to you and us with documents to support their decision. These documents include:
- copies of relevant letters from any public organisation and interested people about the application;
  - the planning officer's report to committee, if available;
  - any relevant committee minutes; and
  - extracts from the relevant plans or policies that the decision was based on.

They will say if they are going to give another written statement. If they do, you will have a chance to comment on it.

### Six-week statement

- 5.4 If you or the LPA want to add any more comments, you must send us two copies within six weeks of the starting date. Your comments should relate only to issues raised by the

questionnaire and any supporting documents. We will not normally accept late statements. Instead we will return them.

We will send a copy of your comments to the LPA and send you a copy of anything they send us. We will also send you comments we received from interested people.

#### Nine-week comments

- 5.5 You and the LPA can send us comments on each other's statement and on the comments made by interested people. Your comments must relate to these matters only - **no new evidence is allowed**. You cannot add to your grounds of appeal or six-week statement. You must send us two copies of your comments within nine weeks from the starting date. We will not normally accept late comments. Instead we will return them.

- 5.6 Don't comment just for the sake of it.

#### Late comments

- 5.7 We expect everyone involved to keep to the timetable. If you, the LPA or interested people send comments after the time limit ends, the Inspector will not normally consider them when deciding your appeal.

If the Inspector asks for more information from you or the LPA, we will send a copy of that information to you or the LPA. We will allow time for comment.

#### The site visit

- 5.8 We will send the appeal papers to the Inspector. He or she will study the proposals, plans and comments, and will visit the site to judge the likely effect of your proposal on its surroundings.
- 5.9 If you said on your appeal form that the Inspector can view the site from public land, and the LPA agree, we will arrange an unaccompanied site visit where the Inspector will not meet anyone. Anything you want to say about a proposal must be in writing.

- 5.10 When we arrange an accompanied site visit, you and the LPA have to be there or have someone to represent you. Unless there is someone from both sides there, the Inspector will make the inspection alone. If this isn't possible, we will rearrange the visit for a time when all sides can be there.

- 5.11 If the Inspector needs to go on private land to make the inspection, you must arrange this. We will tell anyone who asks us the date and time of the visit.

- 5.12 When the Inspector makes an accompanied site visit, they will introduce themselves and find out the names of everyone there. They will make sure that everyone agrees that they are dealing with the plans the LPA has considered. If people disagree, the Inspector will ask them to sort out the disagreement between themselves. The Inspector won't take part in these discussions. They can't accept any changes to the proposal at the site visit. If you want to change the proposal, you must ask for it in writing, even for very small changes.

- 5.13 The Inspector will ask people to point out any physical features on or near the site. He or she may also want to confirm particular features people talked about in the written comments they sent us. But you can't discuss why you think your appeal should be allowed.

- 5.14 Sometimes, the owners of the land next to the appeal site ask the Inspector to look at the planned development from their property. If the Inspector thinks this is necessary they will tell you and the LPA at the site inspection. If the Inspector goes on to someone else's land as part of the site visit to look at the planned development from there, you and the LPA must go too.

**See the diagram of the written procedure at appendix 3.**

## 6 The hearing procedure

- 6.1 If you or the LPA don't agree to the written procedure, there will be a hearing or inquiry instead. Hearings are less formal than inquiries and usually involve an open discussion led by the Inspector. You and the LPA can ask for a hearing, but you don't have the right to one.
- 6.2 The hearing procedure is usually quicker and cheaper than an inquiry. We will agree to a hearing whenever it is appropriate. Hearings aren't suitable for all appeals, especially those which are complicated or controversial, or have caused a lot of local interest or where it is necessary to cross-examine witnesses.
- 6.3 The rules for dealing with hearings are The Hearings Procedure Rules (see appendix 1 for the full title). Like other procedures, there are important time limits for you to send us your comments. The Inspector will not normally consider any comments sent after the time limit ends, instead we will send them back.
- 6.4 The timetable and stages of the appeal leading up to the hearing are explained in section 4.
- 6.5 We will arrange a convenient time and date for the hearing. If you can't accept the first date we offer, we will set another date for the hearing, which we will expect you to come to. We will give you and the LPA at least four weeks' notice of the hearing date.
- 6.6 We will ask the LPA to let interested people know about it. They may also advertise it in a local newspaper if they think it's necessary.
- 6.7 At the hearing, the Inspector will lead an informal discussion on the main issues. People don't usually have a legal representative with them at hearings.

### The hearing site visit

- 6.8 The Inspector will decide whether they will visit the site or continue the discussion at the site. They will tell you this at the hearing.
- 6.9 At the site visit you can point out physical features about the site and its surroundings. You can discuss your proposals if the Inspector agrees.

### People with disabilities

- 6.10 We want to hold all hearings in buildings that give proper facilities for people with disabilities. The LPA usually choose and provide the place and we have asked them to pay particular attention to the needs of people with disabilities. If you, or anyone you know, want to go to the hearing and you have particular needs, please contact the LPA to confirm they can make proper arrangements.

**See the diagram of the hearing procedure at appendix 3.**

## 7 The inquiry procedure

- 7.1 The rules that govern appeals decided by inquiry are called the Inquiries Procedure Rules (see appendix 1 for the full title). There are two sets of rules depending on whether an Inspector or the Secretary of State will decide your appeal.
- 7.2 The early stages of your appeal will be as described in section 4. But there are some more things you and the LPA will have to do.
- 7.3 We hold an inquiry if you or the LPA decide that you can't rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, we will give you reasons for our decision. We will do the following for all inquiry cases.
- Tell you and the LPA that there will be an inquiry. Our letter will set the starting date and explain what you will have to do.
  - Set a date for the inquiry.
  - Appoint a suitable Inspector. We might have to transfer the case to another Inspector, sometimes at short notice, but we will tell you about any change.
- 7.4 We will fix the inquiry date as early as possible. We will contact you and the LPA about the arrangements. The rules say that the date of the inquiry shouldn't be more than 20 weeks after the starting date for appeals decided by Inspectors, and 22 weeks for appeals decided by the Secretary of State. If we can't keep to these dates, the Secretary of State can extend the periods. You and the LPA can normally only refuse one date before we arrange the inquiry. You are entitled to at least 28 days' notice, in writing, of the inquiry arrangements. But if the appeal is urgent, or if a cancellation releases an early date, we might ask you to accept less notice.

### Exchanging written statements

- 7.5 You and the LPA must send us two copies of the case (together with a list of any documents and plans) you each intend to make at the inquiry. You must send these within six weeks of the starting date. The statement will be available for the public to look at. The LPA statement will include any instructions from the highway authority, and will say whether any government department or local authority has comments on the proposal.
- 7.6 We will send a copy of the LPAs statement to you and a copy of your statement to them. We will also send you and the LPA a copy of any comments from interested people and anyone else who has a right to comment. You and the LPA can make written comments on these.

### Proof of evidence

- 7.7 If you, or any of your witnesses, have a statement that is going to be read out at the inquiry (a 'proof of evidence'), you must send two copies at least four weeks before the inquiry. The LPA must do the same. We will send a copy of your proof of evidence to the LPA and a copy of theirs to you. If the statement is more than 1,500 words long, there should also be a summary. The summary should reflect the content of the proof and should not introduce new evidence. Where a summary is provided, usually only that will be read at the inquiry. If you or the LPA don't do this, the inquiry may be stopped for a time and you or the LPA may have to pay costs.

### Statement of common ground

- 7.8 You must discuss all the points about your appeal that you and the LPA agree, for example, the site, area, plans and so on. At least four weeks before the inquiry date you must send us a written copy of what you have both agreed. This is called a 'statement of common ground'. The Inspector may question the information in the statement.

### Advertising the inquiry

- 7.9 We will send you a notice that gives the details of the inquiry arrangements. You must put it up on the site two weeks before the inquiry takes place. If it isn't your land, we will ask the LPA to put up the notice somewhere people can easily see it near the site. We will also ask the LPA to tell the local papers and anyone else who may be interested or affected by the proposals.

### At the inquiry

- 7.10 The Inspector will start by introducing him or herself, announce the subject of the inquiry and ask for the names of all those who want to speak. The Inspector will then normally explain the procedure.
- 7.11 Everyone who takes part in the inquiry must follow the same rules. This is to make sure that the procedure is fair to everyone. The Inspector will make sure that he or she has all the information needed to decide the appeal.
- 7.12 The Inspector will decide the order of presentation of opening statements and evidence, but usually you or your representative will be asked to make a brief opening statement first, to set the scene and describe the nature of the scheme. The LPA will then make their opening statement and move on to present their case, and call any witnesses. You and the Inspector can ask questions. After that, you or your representative will present your case and call any witnesses, and the LPA and the Inspector can ask you and your witnesses any questions they have.
- 7.13 If you don't own all the appeal site, the other owners can also speak and question the witnesses. After this, other interested people – for example, neighbours or representatives of local amenity societies – will usually have a chance to put their point of view. The Inspector may allow them to be questioned or to question you, and will make sure that you, and the LPA, have seen any letters from interested people or groups who can't be there in person. You, and the LPA, have the right to make a

closing statement. You will usually speak last. This allows you to tell the Inspector about the important points that have come up during the questions. But you can't introduce new arguments.

- 7.14 Anyone involved can use a lawyer or other person to put their case. The Inspector will treat all arguments the same, whoever puts them, and will make sure that the appeal is conducted and reported fairly

### Representatives of public organisations

- 7.15 If a government department or another local authority has told or asked the LPA not to give planning permission, or to put conditions on it, and the LPA has agreed, you can ask us to arrange for the organisation concerned to send a representative to the inquiry. You must do this, in writing, at least 14 days before the inquiry is due to start. You can question or cross-examine the representative about their evidence.
- 7.16 If your proposal involves the development of agricultural land, the LPA may need technical help from the Department for Environment, Food and Rural Affairs (DEFRA). If so, they should send us a copy of the DEFRA report on the agricultural aspects of the case. We can also ask DEFRA for a report. In this case we will send you a copy. If you or the LPA want to question a representative from DEFRA, you can ask us to arrange it. DEFRA don't have to send a representative to every appeal involving agricultural land. But they do if their report is quoted in the LPA statement and has influenced the decision.
- 7.17 If your proposal involves storing dangerous materials, or if the site is near to where dangerous materials are stored, the Health and Safety Executive may have made a report to the LPA. Once again, they should send someone to answer questions if we ask them to.
- 7.18 The LPA can use representatives of government departments and other public organisations as witnesses. They can be questioned or cross-examined.

### The inquiry site visit

- 7.19 The Inspector will usually visit the appeal site and surroundings alone, before the inquiry starts. Both you and the LPA can ask the

Inspector to visit the site during the inquiry, or after the inquiry has finished, and to be there or represented. During the site visit, the Inspector will ask you and the LPA if there is anything about the appeal site that you want to point out. But you can't say anything about the appeal proposals.

### Late comments

- 7.20 The Inspector will only consider any evidence we receive after the inquiry has closed in extraordinary circumstances. If we get new evidence after the inquiry but before we issue the Inspector's decision, we will pass it to the Inspector to decide if they will consider it. If, in very unusual circumstances they do, we will pass it on to the other people who were involved in the inquiry. If necessary, we will re-open the inquiry.

### People with disabilities

- 7.21 We want to hold all inquiries in buildings that give proper facilities for people with disabilities. The LPA usually choose and provide the place and we have asked them to pay particular attention to the needs of people with disabilities. If you, or anyone you know, want to go to the inquiry and you have particular needs, please contact the LPA to confirm they can make proper arrangements.

### Meetings before an inquiry

- 7.22 Sometimes, if a lot of people want to go to the inquiry or the appeal is complicated, we will arrange a meeting before the inquiry (a pre-inquiry meeting). We will tell you if we decide to do this, and will explain what the meeting will cover. We normally arrange this type of meeting if we think the inquiry will last for more than eight days.

- 7.23 This type of meeting will only deal with things like the order in which you, the LPA and any other people will present their evidence. You cannot discuss your appeal representations at this meeting.

See the diagram of the inquiry procedure at appendix 3.

## 8 Awarding appeal costs

- 8.1 You and the LPA normally have to pay your own expenses for your appeal, whether we decide it by the written procedure, a hearing or an inquiry.
- 8.2 If the appeal is to be decided by a hearing or an inquiry, 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.
- 8.3 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 unnecessary or wasted expense.
- 8.4 If we are to decide your appeal by a hearing or inquiry, we will send you our separate guide 'Cost awards in planning appeals'. It is important that you read this guide because it explains how, when and why you can make an application or have an application made against you.

You can get more information on costs from our website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

## 9 The decision

### The Inspector's decision

- 9.1 The Inspector will write to you with his or her decision. It will usually:
- briefly describe the proposals;
  - identify the important planning issues; and
  - explain why the Inspector has come to the decision.
- 9.2 We will send a copy of the decision to the LPA and anyone else who is entitled to a copy or who asked for one.

For appeals decided by the written procedure, we aim to issue the decision no later than five weeks after the site visit. For hearings, this will be no later than seven weeks after the date of the hearing. For inquiries which last for one or two days, this will be no later than seven weeks after the close of the inquiry. For inquiries that last longer, it will usually take longer to issue the decision. We cannot guarantee that we will meet these targets in every case.

If the Secretary of State is making the decision, it may take longer.

### Decision by the Secretary of State

- 9.3 The Inspector will send a report to the Secretary of State. The Inspector's report will include conclusions on the issues raised and a recommendation as to whether or not the appeal should be allowed.
- 9.4 The Secretary of State doesn't have to accept the Inspector's recommendation and will consider everything that is relevant. Sometimes the Secretary of State disagrees with the Inspector's recommendation. This may be because he or she takes into account new evidence introduced after the inquiry, or because he or she disagrees with one of the Inspector's findings. In these cases you and the LPA will have a chance to comment

before the decision is made. If it is necessary, we may re-open the inquiry. Someone appointed by the Secretary of State will sign the letter telling you the decision.

- 9.5 The Secretary of State will send a copy of the decision letter and the Inspector's report to the LPA and anyone else who is entitled to a copy or who asked for one.

## 10 Complaints and challenges

### Complaints about us

- 10.1 If you have any complaints or questions about the decision, or the way we have handled the appeal, please write to:
- The Planning Inspectorate  
Quality Assurance Unit  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN.
- Phone: 0117 372 8252  
Fax: 0117 372 8139  
E-mail: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)
- 10.2 We will investigate your complaint and you can expect a full reply within three weeks. However, we can't reconsider an appeal if we have already given a decision on it. This can only happen if you successfully challenge the decision in the High Court.
- ### The High Court
- 10.3 The only way you can appeal against the Inspector's decision is in the High Court. To be successful, you would have to show that the Inspector misinterpreted the law.
- 10.4 If your challenge is successful, we will look at your appeal again.

But this doesn't necessarily mean that the original decision will be reversed. The Inspector may come to the same decision again but for different reasons.

- 10.5 If you are going to challenge the Inspector's decision, you must apply to the High Court within six weeks of the date of the appeal decision. We will send you a leaflet explaining this right with the Inspector's decision.

#### The Parliamentary Commissioner for Administration (the Ombudsman)

- 10.6 If you think that we haven't treated you fairly, you can ask the Ombudsman to investigate. You can't approach the Ombudsman direct – an MP must do it for you. This doesn't have to be your MP but this will usually be the easiest person to ask. Your local library will be able to give you the name and address of your MP. The Ombudsman has no power to question the merits of your appeal or to alter the decision. He or she is only concerned with the way we deal with appeals. The Ombudsman will usually expect you to have made a complaint to us first before he or she investigates your case.

#### The Council on Tribunals

- 10.7 If you feel that there was something wrong with the basic procedure we used for your appeal, you can complain to the Council on Tribunals at:

22 Kingsway  
London  
WC2B 6LE.

The council will take up your complaint if they think it concerns them. Like the Ombudsman, they aren't concerned with the merits of your appeal and have no power to alter the decision.

#### The Local Government Ombudsman

- 10.8 If you have a complaint about the way the LPA dealt with your planning application, you can, in some cases, ask the Local

Government Ombudsman to investigate. However, the Local Government Ombudsman can't investigate a complaint about a planning decision just because you and the LPA don't agree about it and the Ombudsman has no power to alter the decision. You can get a booklet explaining how to make a complaint by writing to the appropriate Local Government Ombudsman's office, or from their website [www.lgo.org.uk](http://www.lgo.org.uk)

There are three Local Government Ombudsmen in England. Each of them deals with complaints from different parts of the country.

London boroughs north of the river Thames (including Richmond but not including Harrow or Tower Hamlets), Essex, Kent, Surrey, Suffolk, East and West Sussex, Berkshire, Buckinghamshire, Hertfordshire and the City of Coventry:

Tony Redmond  
Local Government Ombudsman  
Millbank Tower  
Millbank  
London SW1P 4QP

Phone: 020 7217 4620  
Fax: 020 7217 4621

London Borough of Tower Hamlets, City of Birmingham, Cheshire, Derbyshire, Nottinghamshire, Lincolnshire and the north of England (except the Cities of York and Lancaster) :

Patricia Thomas  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
York YO30 5FZ

Phone: 01904 380200  
Fax: 01904 380269

London boroughs south of the river Thames (except Richmond and Harrow) the Cities of York and Lancaster and the rest of England, not included in the areas of Mr Redmond and Mrs Thomas:

Jerry White  
Local Government Ombudsman  
The Oaks No 2, Westwood Way  
Westwood Business Park  
Coventry CV4 8JB

Phone: 024 7682 0000  
Fax: 024 7682 0001

### **We also deal with other types of appeal.**

If you are appealing against an **enforcement notice**, this is who you should contact.

Enforcement Appeals  
The Planning Inspectorate  
Room 3/10 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8075  
Fax: 0117 372 8782

If you are appealing against being refused **advertisement consent**, this is who you should contact.

Advertisement Appeals  
The Planning Inspectorate  
Room 3/17 Eagle Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8577  
Fax: 0117 372 8181

## **Appendix 1 – Some relevant publications**

You can buy copies of all these documents from The Stationery Office Ltd or any other bookshop, or you may be able to see them at the LPA offices or your local library.

### **Statutory provisions**

#### **The Town and Country Planning Act 1990**

This contains the main rules that govern the planning control system. Part III – 'Control over Development' – is to do with applications for planning permission and the Secretary of State's powers. Schedule 6 talks about the appeal decision process.

#### **The Planning and Compensation Act 1991**

This says that costs can sometimes be awarded if we arrange an inquiry or hearing which doesn't take place.

#### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

This contains the main rules about consent applications and appeals for listed buildings and conservation areas.

#### **The Town and Country Planning (General Permitted Development) Order 1995 (SI 1995 No. 418)**

This tells you the types of development which you don't need planning permission for.

#### **The Town and Country Planning (General Development Procedure) Order 1995 (SI 1995 No. 419 – as amended by SI 2000 No. 1627 and SI 2003 No. 2047)**

This explains in detail the procedures the LPA will follow when they consider your application and the time limit for making an appeal.

**The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1981 (SI 1981 No. 804) 1986 (SI 1986 No. 623) and 1989 (SI 1989 No. 1087)**

These give Inspectors the power to decide most appeals under section 78 of the 1990 Act and most appeals relating to listed building consent (LBC) and conservation area consent (CAC). But the Secretary of State still has the power to decide any appeal.

**The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000 (SI 2000 No. 1628)**

These explain the procedures and time limits for the various stages of the written appeals procedure.

**The Town and Country Planning (Hearings Procedure) (England) Rules 2000 (SI 2000 No. 1626)**

These explain the procedures and time limits for the various stages of appeals decided by hearings. They explain the rights and responsibilities of everyone involved in an appeal that is dealt with by a hearing.

**The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 2000 No. 1624)**

**The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI 2000 No. 1625)**

These explain the procedures and time limits for the various stages of appeals decided by an inquiry. They explain the rights and responsibilities of everyone involved in an appeal that is dealt with by an inquiry.

**The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990 No. 1519 – as amended by SI 2003 No. 2048)**

These set out special rules for applications and appeals about consent for listed buildings and conservation areas.

## Circulars

Here is a brief list of some relevant circulars. You might be able to get copies from your local library, the ODPM website ([www.odpm.gov.uk](http://www.odpm.gov.uk)), or look at them in council offices.

### **9/95 General Development Order Consolidation 1995**

This sets out the procedure for making planning applications and appeals, planning registers and related matters.

### **2/99 Environmental Impact Assessment**

This gives advice about the circumstances in which we will need to assess the environmental effects of a proposal. It also describes how we will carry out this assessment.

### **5/2000 Planning Appeals Procedures**

This sets out best practice in the operation of procedures for deciding planning appeals under section 78 of the Town and Country Planning Act 1990.

### **01/01 Heritage Applications**

This sets out Directions by the Secretary of State. It repeats much of the advice on the historic environment in '14/97 Planning and the Historic Environment'.

## Planning policy guidance notes

These are also available on the ODPM website ([www.odpm.gov.uk](http://www.odpm.gov.uk)).

**PPG1** – General Policy and Principles

**PPG2** – Green Belts

**PPG3** – Housing (England)

**PPG4** – Industrial and Commercial Development and Small Firms

**PPG5** – Simplified Planning Zones

**PPG6** – Town Centres and Retail Developments

**PPG7** – The Countryside - Environmental Quality and Economic and Social Development

**PPG8** – Telecommunications  
**PPG9** – Nature Conservation  
**PPG10** – Planning and Waste Management  
**PPG11** – Regional Planning  
**PPG12** – Development Plans  
**PPG13** – Transport  
**PPG14** – Development on Unstable Land  
**PPG15** – Planning and the Historic Environment  
**PPG16** – Archaeology and Planning (England)  
**PPG17** – Sport and Recreation  
**PPG18** – Enforcing Planning Control  
**PPG19** – Outdoor Advertisement Control  
**PPG20** – Coastal Planning  
**PPG21** – Tourism  
**PPG22** – Renewable Energy  
**PPG23** – Planning and Pollution Control  
**PPG24** – Planning and Noise  
**PPG25** – Development and Flood Risk  
 Regional planning guidance notes  
**RPG1** – Strategic Guidance for the North East  
**RPG3** – Strategic Guidance for London  
**RPG3A** – London — Strategic Views  
**RPG3B/9B** – Thames  
**RPG6** – Regional Planning Guidance for East Anglia  
**RPG8** – Regional Planning Guidance for the East Midlands  
**RPG9** – Regional Planning Guidance for the South East  
**RPG9A** – Thames Gateway  
**RPG10** – Regional Planning Guidance for the South West  
**RPG11** – Regional Planning Guidance for the West Midlands  
**RPG12** – Regional Planning Guidance for Yorkshire and the Humber  
**RPG13** – Regional Planning Guidance for the North West

## Appendix 2 - listed buildings and conservation area consent appeals

You must apply for **listed building consent** if:

- you want to knock down all or part of a listed building (that is, a building that is on the list of buildings of special architectural or historic interest approved by the Secretary of State); or
- you want to alter or extend a listed building in a way that would affect its character.

You must apply for **conservation area consent** if:

- you want to knock down a building that isn't listed, but is in a conservation area, unless the Secretary of State has said that the building doesn't need conservation area consent. The LPA will give you more information about this.

In England you can appeal to the Secretary of State if the LPA:

- doesn't give permission;
- gives permission, but with conditions which you think are inappropriate or unreasonable; or
- doesn't give you a decision on your application within the time period laid down (normally eight weeks).

Most of the advice in this booklet also applies to listed building consent and conservation area consent appeals. However, you should bear in mind the following points.

- When you ask for appeal forms, say whether your appeal is about listed building or conservation area consent, as the forms are different from those used in planning appeals.
- Appeals are decided by an Inspector or the Secretary of State, depending on the proposal and the grade of the listed building involved.

- The Inspector or the Secretary of State will usually decide to keep listed buildings as they are, unless there is a strong case to knock them down or alter them.
- There will probably need to be a local inquiry if you want to knock down a listed building.

In your grounds of appeal, you should pay particular attention to the following.

#### Knocking down a listed building

- How important is the building, by itself and in relation to other buildings?
- What condition is it in? What is the cost of maintaining or repairing it?
- How important is an alternative use for the site or the building?

#### Altering a listed building

- Will the proposal keep as much as possible of the special interest of the building?

#### Extending a listed building

- Is the extension in sympathy with the listed building? The scale of the extension, the materials and design are also important considerations.

#### Knocking down a building that isn't listed, but is in a conservation area

- What condition is it in? What is the cost of maintaining or repairing it?
- How important is an alternative use for the site or the building?
- What is the likely effect on the character and appearance of the building or the conservation area?
- What are the proposals for redeveloping the site?

## Appendix 3

### The written procedure

Timetable	You
<p><b>Appeal made</b> (within the three-month time-limit) <b>We set a starting date</b></p>	<p>You send your appeal form and all supporting documents to us and the LPA. Your grounds of appeal should make up your full case.</p>
<p><b>Within two weeks from the starting date</b></p>	<p>You receive from the LPA a filled-in questionnaire and any supporting documents.</p>
<p><b>Within six weeks from the starting date</b> (see the note below) (We will not normally accept late statements. Instead, we will return them to you.)</p>	<p>You send us two copies of any further statement. This should relate only to issues raised by the questionnaire and any supporting documents.</p>
<p><b>Within nine weeks from the starting date</b> (see the note below) (We will not normally accept late comments. Instead, we will return them to you.)</p>	<p>You send us two copies of your final comments on the LPA's statement and on any comments from interested people. <b>No new evidence is allowed.</b></p>

LPA	Interested people
<p>If they don't want the written procedure, we will tell you and arrange a hearing or inquiry.</p>	
<p>The LPA send you and us a filled-in questionnaire and supporting documents. They also write to interested people about the appeal.</p>	<p>Interested people receive the LPA's letter about the appeal.</p>
<p>The LPA send us two copies of any further statement.</p>	<p>Interested people send us any comments.</p>
<p>The LPA send us two copies of their final comments on your statement and on any comments from interested people. <b>No new evidence is allowed.</b></p>	

Note: We send copies of statements and comments to you and the LPA by first class post. We aim to do this within a week of the deadlines.

#### Decision

After the site visit, the Inspector writes the decision or sends a report to the Secretary of State. We will send a copy of the decision notice to you, the LPA, and anyone else who asks us for a copy.

### The hearing procedure

Timetable	You
<p><b>Appeal made</b> (within the three-month time-limit) <b>We set a starting date</b></p>	<p>You send your appeal form and all supporting documents to us and the LPA.</p>
<p><b>Within two weeks from the starting date</b></p>	<p>↓</p> <p>You receive from the LPA a filled in questionnaire and any supporting documents.</p>
<p><b>Within six weeks from the starting date</b> (see the note below) (We will not normally accept late statements. Instead, we will return them to you.)</p>	<p>↓</p> <p>You send us two copies of your hearing statement.</p>
<p><b>Within nine weeks from the starting date</b> (see the note below) (We will not normally accept late comments. Instead, we will return them to you.)</p>	<p>↓</p> <p>You send us two copies of your final comments on the LPA's statement and on any comments from interested people. <b>No new evidence is allowed.</b></p>

LPA	Interested people
<p>They let us know if they don't think a hearing is suitable.</p>	
<p>The LPA send you and us a filled in questionnaire and supporting documents. They write to interested people about the appeal.</p>	<p>Interested people receive the LPA's letter about the appeal.</p>
<p>The LPA send us two copies of their hearing statement.</p>	<p>Interested people send us any comments.</p>
<p>The LPA send us two copies of their final comments on your statement and on any comments from interested people. <b>No new evidence is allowed.</b> They tell interested people about the arrangements. They may put a notice in a local paper about the hearing two weeks before the date.</p>	<p>Interested people are told about the hearing by the LPA. They may go to the hearing and, if the Inspector agrees, give their views.</p>

Note: We send copies of statements and comments to you and the LPA by first class post. We aim to do this within a week of the deadlines.

#### Decision

After the hearing, the Inspector writes the decision or sends a report to the Secretary of State. We will send a copy of the decision notice to you, the LPA, and anyone else who asks us for a copy.

### The inquiry procedure

Timetable	You
<p><b>Appeal made</b> (within the three-month time-limit) We set a starting date</p>	<p>You send your appeal form and all supporting documents to us and the LPA.</p>
<p><b>Within two weeks from the starting date</b></p>	<p>↓</p> <p>You receive from the LPA a filled in questionnaire and any supporting documents.</p>
<p><b>Within six weeks from the starting date</b> (see the note below) (We will not normally accept late statements. Instead, we will return them to you.)</p>	<p>↓</p> <p>You send us two copies of your inquiry statement.</p>
<p><b>Within nine weeks from the starting date</b> (see the note below) (We will not normally accept late comments. Instead, we will return them to you.)</p>	<p>↓</p> <p>You send us two copies of your final comments on the LPA's statement and on any comments from interested people. <b>No new evidence is allowed.</b></p>
<p><b>Four weeks before the inquiry</b> (see the note below) (We will not normally accept late proofs of evidence. Instead, we will return them to you.)</p>	<p>↓</p> <p>You send us two copies of your proof of evidence and one copy of the statement of common ground. You put up a notice on the site about the inquiry two weeks before.</p>

LPA	Interested people
<p>The LPA receive the appeal documents.</p>	
<p>The LPA send you and us a filled in questionnaire and supporting documents. They write to interested people about the appeal.</p>	<p>Interested people receive the LPA's letter about the appeal.</p>
<p>The LPA send us two copies of their inquiry statement.</p>	<p>Interested people send us any comments.</p>
<p>The LPA send us two copies of their final comments on your statement and on any comments from interested people. <b>No new evidence is allowed.</b></p>	
<p>The LPA send us two copies of their proof of evidence. The LPA put a notice in a local paper about the inquiry and tell interested people.</p>	<p>Interested people are told about the inquiry by the LPA. They may go to the inquiry and, if the Inspector agrees, give their views.</p>

Note: We send copies of statements, comments and proofs of evidence to you and the LPA by first class post. We aim to do this within a week of the deadlines.

#### Decision

After the inquiry, the Inspector writes the decision or sends a report to the Secretary of State. We will send a copy of the decision notice to you, the LPA, and anyone else who asks us for a copy.

# Appendix 4 - Data Protection and privacy in the Planning Inspectorate

## Introduction

Under the Data Protection Act 1998 we have a legal duty to tell you about and protect any information we collect from you.

When considering a planning appeal, the Inspector (or the First Secretary of State) receives a variety of personal information. This information comes from a number of sources including:

- the original planning application, together with any documents of support or objection; and
- the appeal form, together with any other documents of support or objection.

In line with current statutory obligations, we will make most of the documents we receive available to the public. But, we (as part of the Office of the Deputy Prime Minister) recognise the importance of the privacy of individuals. This chapter sets out what information we collect and how it will be used.

## Data Protection

We have put procedures in place to make sure that we work in line with the Data Protection Act 1998 when we handle your personal information.

In particular we will:

- only use your personal information to deal with and consider the relevant planning appeal; and
- only hold your personal information for as long as is reasonably necessary. For planning appeals that have been decided, this is usually 12 months although we will keep a copy of the Inspector's

decision indefinitely. It may be that personal information could form part of the Inspector's decision.

## Who has access to my personal information?

The appeal papers will be available for inspection at the council's offices and anyone can view them.

Any person entitled to be told about the decision in an inquiry case has a legal right to apply to inspect the listed documents, photographs and plans within six weeks of the date of decision. Other requests to see the appeal documents will not normally be refused.

Also, when the electronic Planning Portal is available later this year, we will put most of the personal information we receive on the casework website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)). This means that anyone around the world who does not have a direct interest in an appeal can see the information.

## What information do you collect?

When dealing with a planning appeal, we could receive personal information about you from a number of people and organisations, including:

- local planning authorities;
- you; and
- other people and organisations who are interested in the appeal.

The information we receive is varied but often includes:

- details of your name, address and occupation;
- information about your health; and
- information relating to your opinions on or intentions towards a planning application or appeal.

### What steps should I take?

- You should only provide personal information if you are happy for it to be available to the public.
- Do not include personal information about other people (including family members) unless you have told the person concerned and they are happy for you to send it.

### The data controller

The data controller (the organisation responsible for dealing with personal information) is the Office of the Deputy Prime Minister.

### Your rights to get access to personal data

We have to give you a copy of the personal data that we keep about you within 40 days. There is a charge of £10, which is set by law. You will need to send us proof of your identity to get this information. It is in our and your interests to hold accurate data. If the data we hold is inaccurate in any way, you can ask us to erase, amend or add to the information. We will not charge you for doing this.

If you have a question about, or are worried about, our privacy policy, or if you would like to see the personal information we hold about you, contact our Data Manager.

Alastair Grant  
Data Manager  
The Planning Inspectorate  
Room 316 Eagle Wing  
Temple Quay House  
2 The Square Bristol  
BS1 6PN

Phone: 0117 372 8922  
E-mail: [alastair.grant@pins.gsi.gov.uk](mailto:alastair.grant@pins.gsi.gov.uk)

You can find information about our privacy policy on our website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) at the section marked 'Privacy Statement'.

### Dispute

We aim to make sure that we have sorted out any matters satisfactorily. However, if you are not satisfied with our response, you may contact:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AE

Switchboard: 01625 545 700  
Fax: 01625 524 510  
DX: 20819 Wilmslow  
Website: [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)  
E-mail: [mail@dataprotection.gov.uk](mailto:mail@dataprotection.gov.uk)

## Appendix 5 - Inspectors' Code of Conduct

Although these principles are mainly directed at Planning Inspectors, they also apply to all decision-makers in the Planning Inspectorate.

This code draws on the Seven Principles of Public Life set down by Lord Nolan as chairman of the committee on standards in public life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) as well the 'Franks' principles' of openness, fairness and impartiality. The principles set out below are as well as the duties and responsibilities placed on Inspectors by the Civil Service Code.

- 1 Inspectors make their decisions and recommendations in the public interest.
- 2 Inspectors do not judge a case before the evidence has been considered.
- 3 Inspectors are not involved in cases where they have a financial interest or a personal interest that may cause them to be seen as biased.
- 4 Inspectors are not influenced by irrelevant considerations or outside influences when making their decisions and recommendations.
- 5 Inspectors refuse all gifts, hospitality and other benefits offered by people who have an interest in a case, other than those of little or no value.
- 6 Inspectors handle cases as quickly as possible.
- 7 Inspectors treat each person who appears before them with dignity and respect.
- 8 Inspectors do not discriminate against people because of their race, sex, sexuality, marital status, religion, disability, age and so on.
- 9 Inspectors avoid unnecessary delay in reaching their decisions and recommendations.
- 10 Inspectors give reasons for their decisions and recommendations.
- 11 Inspectors keep their professional knowledge and skills up to date.
- 12 Inspectors are responsible for their decisions and recommendations.

Address and phone number (for England)

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

Helpline: 0117 372 6372

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