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Guidance

Procedural Guide: Planning appeals – England

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1. Introduction

1.1. The content of this document is guidance only with no legal status. However, everyone should follow the general principles, as will Inspectors who may adapt them as necessary for an individual appeal whilst ensuring that no party is prejudiced. It should be read alongside the [Planning Practice Guidance](#) published by the Department for Levelling Up, Housing and Communities (DLUHC).

1.2. Unless otherwise specified, this guidance applies to:

- planning appeals
- householder development appeals
- minor commercial appeals
- listed building appeals
- advertisement appeals
- discontinuance notice appeals.

2. Right to appeal

2.1. Under [section 78 of the Town and Country Planning Act 1990 \(as amended\)](#), an applicant for planning permission can make an appeal to us if:

- Their planning application was refused by the local planning authority (LPA)
- Or their planning application was granted subject to conditions which the applicant objects to
- Or the LPA failed to determine the planning application within their deadline for doing so – this is known as ‘non-determination’ (please see 4.3 for LPAs’ deadlines to decide different types of planning applications)

2.2. Under [section 20 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(as amended\)](#), an applicant for listed building consent can make an appeal to us if:

- Their application was refused by the LPA
- Or their application was granted subject to conditions which the applicant objects to
- Or the LPA failed to determine the application within their deadline for doing so – this is known as ‘non-determination’ (please see 4.3 for LPAs’ deadlines to decide different types of planning applications)

3. Before making an appeal

3.1. Responsibilities of the appellant, the LPA and other parties

3.1.1. If an applicant thinks that amending their application will overcome the LPA's reasons for refusal, they should normally make a new planning application. The LPA should be open to discussions on whether it is likely to view an amended application favourably.

3.1.2. Making an appeal should not be used as a bargaining tactic but only as the last resort. The person making the appeal ('the appellant') should be confident at the time they make their appeal that they are able to make their full case.

3.1.3. When refusing an application, the LPA should consider carefully whether it has a sufficiently strong case which they can argue if an appeal is made.

3.2. Costs

3.2.1. All parties are expected to meet their own appeal expenses.

3.2.2. If a party does not behave reasonably, they leave themselves open to costs being awarded against them. This would be on the basis that their unreasonable behaviour had directly caused another party to incur expenses that would not otherwise have been necessary.

3.2.3. Costs may be awarded in response to an application for costs by one of the parties. Also, costs may be awarded at the initiative of the Inspector.

3.2.4. There is guidance about costs awards in the [Planning Practice Guidance](#). The appellant should read the information about making an application for costs before they make their appeal.

3.3. Eligibility for making an appeal

3.3.1. Only the person who made the planning application can make an appeal.

4. Time limits for making an appeal

4.1. There are different time limits to make an appeal depending on the type of appeal and the circumstances (**if enforcement action has been taken, a shorter timeline may apply – please see paragraph 4.2**):

Type of appeal and circumstance	Time limit
An appeal against refusal of a householder planning application (See 9.2 for what counts as a householder application)	We must receive notice of the appeal within 12 weeks from the date on the decision notice

Type of appeal and circumstance	Time limit
An appeal against the LPA's failure to determine a householder planning application	We must receive notice of the appeal within 6 months from the expiry of the period which the LPA had to determine the application (please see 4.3 for the LPA's deadline for deciding the application)
An appeal against the grant of permission on a householder planning application subject to conditions which the applicant objects to	We must receive notice of the appeal within 6 months from the date on the decision notice
An appeal against refusal of an application for minor commercial development (See 9.3 for what counts as minor commercial development)	We must receive notice of the appeal within 12 weeks from the date on the decision notice
An appeal against the LPA's failure to determine an application for minor commercial development	We must receive notice of the appeal within 6 months from the expiry of the period which the LPA had to determine the application (please see 4.3 for the LPA's deadline for deciding the application)
An appeal against the grant of permission on an application for minor commercial development subject to conditions to which the applicant objects	We must receive notice of the appeal within 6 months from the date on the decision notice
An appeal in relation to an application for advertisement consent	We must receive notice of the appeal within 8 weeks from the date on the decision notice or if the appeal is against the LPA's failure to decide the application, 8 weeks from the expiry of the period which the LPA had to determine the application please see 4.3 for the LPA's deadline for deciding the application)
An appeal against a discontinuance notice	We must receive notice of the appeal before the effective date on the notice
All other appeal types (for example, other planning applications or applications for listed building consent)	We must receive notice of the appeal within 6 months from the date on the decision notice or within 6 months from the expiry of the period which the LPA had to determine the application

Type of appeal and circumstance

Time limit 4.3 for the LPA's deadline for deciding the application

4.2. However, if an enforcement notice has been served on the same or very similar development as the development which the application relates to, a shorter timeline may apply:

- If the enforcement notice was served before the date the decision on the application was made or before the date by which the LPA should have made their decision but not longer than 2 years before the application was made, **we must receive notice of the appeal within 28 days from the date of the LPA's decision notice or the date by which the LPA should have decided the application**
- If the enforcement notice was served after the date the decision on the application was made or after the date by which the LPA should have made their decision and the enforcement notice was served earlier than 28 days before the expiry of the period within which the appellant can make their appeal (depending on the appeal type and circumstances – see table in 4.1) , **we must receive notice of the appeal within 28 days from the date the enforcement notice was served**

4.3. There are different time limits for the LPA to decide a planning application:

Type of application and circumstance

Time limit

A standard application for planning permission (including an application for householder development and minor commercial development)

The LPA must decide a valid application within 8 weeks starting with the day after the date the LPA received the application, or any extended period agreed in writing between applicant and LPA

An application for advertisement consent

The LPA must decide the application within 8 weeks starting with the day they received the application

An application for major development (see section 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) for what counts as major development)

The LPA must determine a valid application within 13 weeks starting with the day after the date the LPA received the application, or any extended period agreed in writing between applicant and LPA

An application where an environmental impact assessment is required

The LPA must determine a valid application within 16 weeks starting with the day after the date the LPA received

Type of application and circumstance	Time limit
	the application, or any extended period agreed in writing between applicant and LPA
An application for technical details consent for major development	The LPA must determine a valid application within 10 weeks starting with the day after the date the LPA received the application, or any extended period agreed in writing between applicant and LPA
An application for technical details consent which is not major development	The LPA must determine a valid application within 5 weeks starting with the day after the date the LPA received the application, or any extended period agreed in writing between applicant and LPA
An application for prior approval of a large single storey rear extension	The LPA must determine a valid application within 42 days starting with the day after the date the LPA received the application, or any extended period agreed in writing between applicant and LPA

5. How to make an appeal

5.1. Wherever possible the appellant should make their appeal(s) online through the [Appeals Casework Portal](#).

5.2 Appellants should use our 'How to' guides to complete the appeal form. The guides contain important advice on what information should be provided on the appeal form and which supporting documents are necessary. There are different 'How to' guides for different appeal types:

- [How to complete your planning appeal form - England](#)
- [How to complete your householder planning appeal form - England](#)
- [How to complete your listed building consent appeal form - England](#)
- [How to complete your advertisement/discontinuance notice appeals form – England](#)

5.3. Please see our guidance on system requirements and submitting documents.

5.4. If someone considering making an appeal does not have access to the internet, they should contact us (see 21), and we will send them the relevant

appeal form.

5.5. If the appellant cannot appeal online and does not have an appeal form and cannot get one to reach us before the deadline, they may make an appeal by sending us a letter or an email saying that they are appealing against the LPA's decision. The appellant must make it clear that the letter or email is a notification of appeal and include:

- the appellant's name and address
- the name of the LPA
- the address of the site/building
- the date on the LPA's decision notice

We must receive this before the time limit for making an appeal (see 4). This should immediately be followed by the completed appeal forms.

5.6. If an appellant wants to make an appeal in relation to more than one application, they must make a separate appeal for each application.

5.7. Appellants must send a copy of the appeal form and supporting documents to us and to the LPA.

6. After the appeal is submitted

6.1. Validation

6.1.1. Once an appeal has been submitted, we will check whether it is valid. If the appeal is valid, we will confirm to the LPA and the appellant:

- the procedure the appeal will follow
- the appeal start date
- the timetable for the appeal
- the address to which all correspondence should be sent.

6.2. Procedure determination

6.2.1. There are 3 procedures for handling appeals: written representations, hearings and inquiries. These procedures are explained in 9, 10 and 11.

6.2.2. The Planning Inspectorate decide which procedure each appeal will follow.

6.2.3. In making our decision, we will consider the views of the appellant and the LPA and the [criteria for procedure determination](#).

6.2.4. Where our choice differs from that of the LPA and appellant, we will explain the reasons for our choice.

6.2.5. The appellant and the LPA can ask for the choice to be reviewed by a senior officer.

6.2.6. We keep our choice of procedure under review throughout the appeal. Subject to notification and procedural requirements, we may change the procedure. We may also, either at the start or at any point throughout the appeal, combine procedures.

6.3. Combining procedures

6.3.1. [The Business and Planning Act 2020](#) allows us to ‘combine’ procedures. For example, if we decide that an appeal should follow the inquiry procedure, we may choose, based on the [criteria for procedure determination](#), to deal with certain issues by written representations.

6.3.2. Appeals proceeding by written representations will not normally be combined with other procedures

6.3.3. It is for us to decide whether combining procedures is appropriate and how it would work (for example, which procedures are combined, what the timetable would be and so on). If we are considering combining procedures, we will invite the parties to comment before any final decision is taken.

6.3.4. We keep the procedure choice, including combined procedures, under review. Subject to any notification and procedural requirement, we may change it at any point before the appeal decision is made.

7. How the decision is made

7.1. The decision-maker

7.1.1. Under [section 78 of the Town and Country Planning Act 1990](#), the original applicant has a right to make an appeal to the Secretary of State. Through legislation, for almost all appeals, the authority – ‘the jurisdiction’- to decide an appeal has been transferred to an Inspector.

7.1.2. In a very small number of cases, the Secretary of State may ‘recover’ the jurisdiction to decide the appeal. This is usually for very large or contentious appeals. See the [criteria in the planning practice guidance](#) used to decide if an appeal should be recovered.

7.1.3. The appeal may be recovered at any stage before the decision is issued even after a site visit, hearing or inquiry has taken place.

7.2. If an appeal is recovered

7.2.1. If an appeal is recovered, we will write to tell the appellant and the LPA setting out the reasons for this.

7.2.2. A recovered appeal can proceed by written representations, hearing or inquiry or a combination of procedures and will follow the rules for each procedure (see 9, 10 and 11).

7.2.3. The Inspector will write a report which contains their recommendations on whether the appeal should be allowed or dismissed. The Secretary of State takes in to account the Inspector's report when making their decision. The parties involved in the appeal will be told the expected date of the Secretary of State's decision when the Inspector's report is submitted to the Secretary of State.

7.2.4. The Secretary of State's decision will be published in a letter by DLUHC. The letter will be available to view on either DLUHC's area of the [GOV.UK website](#) or online using the [search facility](#).

7.3. What the Inspector takes into account

7.3.1. The Inspector will make their decision (or the report and recommendation to the Secretary of State for a recovered appeal) based on the circumstances at the time they make their decision. For example, site conditions, scientific knowledge or planning policy may have changed since the application was made.

7.3.2. The Inspector will take account of:

- the material submitted to the LPA
- all the appeal documents
- any relevant legislation and policies including changes to legislation, any new Government policy or guidance and any new or emerging development plan policies since the LPA's decision was issued
- any other relevant matters

8. The role of interested people

8.1. People who are interested in the outcome of an appeal but are not one of the appeal parties play an important role in appeals. Their views in support of, or opposition to, a proposed scheme are taken into account by the Inspector.

8.2. Interested people are also sometimes called 'third parties', 'interested parties' or 'interested persons'.

8.3. Interested people are notified by the LPA that the appeal is taking place.

8.4. In most appeals, interested people can make 'representations' (comments) during the appeal. The exception is where the appeal follows the part 1 written representations procedure (See 9.4) – please note that if interested people made comments on the application, these will be considered by the Inspector during the appeal.

8.5. Interested people will not be sent copies of representations made by the appellant, LPA and other interested people. These documents may be made available for inspection by the LPA.

8.6. The following guides explain how interested people can take part in appeals:

- [Planning appeals dealt with by written representations: taking part](#)

- [Planning appeals dealt with by hearing: taking part](#)
- [Planning appeals dealt with by inquiry: taking part](#)

9. Written representations

9.1. Introduction

9.1.1. In the written representations procedure, the Inspector will decide the appeal based on written material provided by all parties. The Inspector will usually visit the appeal site. This is normally the simplest, quickest and most straightforward way of making an appeal. Most planning appeals proceed by the written procedure.

9.1.2. [The Town and Country Planning \(Appeals\) \(Written Representations Procedure\) \(England\) Regulations 2009 \(Statutory Instrument 2009/452\) \(as amended\)](#) provide for 2 different written representations procedures which a planning appeal can follow:

- The part 1 procedure – see 9.4 for an explanation of this procedure
- The part 2 procedure – see 9.5 for an explanation of this procedure

9.1.3. The following types of appeals will usually follow the part 1 procedure:

- appeals against the **refusal** of householder applications for planning permission or applications for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development (see 9.2)
- appeals against **refusal** of express consent to display an advertisement
- appeals against **refusal** of a minor commercial (shop front) application (see 9.3)
- appeals against **refusal** to remove or vary a condition or conditions attached to a previous planning permission for householder or minor commercial (shop front) development or advertisement consent

9.1.4. However, a few exceptions may apply:

- Sometimes we may decide that an appeal which usually follows the part 1 procedure should instead follow a different procedure – the part 2 procedure, a hearing or an inquiry
- Where the 28-day time limit applies due to enforcement action (see 4.2) on an appeal that usually follows the part 1 procedure, the appeal will not follow the part 1 procedure

9.1.5. **Any other written representations appeal**, apart from the types of appeal outlined in 9.1.3, will follow the part 2 procedure. This includes:

- Appeals where the application does not meet the definition of a householder or minor commercial development
- Appeals against a discontinuance notice
- appeals where the LPA has failed to make a decision (non-determination)

- appeals against the decision of the LPA to impose a condition or conditions on a planning permission

9.2. Definition of a householder application

9.2.1. A householder application, as defined in in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), means:

- an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse – for example, dwellinghouse extensions, alterations, garages, swimming pools, walls, fences, vehicular access, porches and satellite dishes
- or an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development – for example, an application for prior approval of a larger single-storey rear extension

9.2.2. This does **not** include:

- an application for change of use
- an application to change the number of dwellings in a building

9.3 Definition of a minor commercial application

9.3.1. A minor commercial application, also defined by article 2, means:

- an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes falling within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (UCO) – for example, ground floor security shutters or any other ground floor level external alterations
- an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

9.3.2. This does **not** include an application for:

- change of use
- change to the number of units in a building
- development that is not wholly at ground floor level or that would increase the gross internal area of a building

9.3.3. Part A of the Schedule to the UCO 1987 is as follows:

Class A1. Shops

Use for all or any of the following purposes — (a) for the retail sale of goods other than hot food, (b) as a post office, (c) for the sale of tickets or as a travel agency,

(d) for the sale of sandwiches or other cold food for consumption off the premises, (e) for hairdressing, (f) for the direction of funerals, (g) for the display of goods for sale, (h) for the hiring out of domestic or personal goods or articles, (i) for the washing or cleaning of clothes or fabrics on the premises, (j) for the reception of goods to be washed, cleaned or repaired, (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet; where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of — (a) financial services, or (b) professional services (other than health or medical services), or (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment.

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

9.3.4. Please note that although Part A was revoked by [the Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020](#), article 5 (a) of those regulations specifies that for the purposes of article 2 of the DMPO, any references to the uses or use classes specified in the Schedule to the UCO (including part A) are to be read as if those references were to the uses or use classes which applied in England and were specified in the Schedule to the UCO on 31 August 2020. That is, before it was revoked.

9.4. The Part 1 procedure

9.4.1. Timetable

Timetable	Interested people	Appellant	LPA
Appeal received by us. We set the start date and the		Sends the appeal form, all supporting documents and any application for costs to us and to the LPA (See 9.4.2).	The LPA receives a copy of the appeal

Timetable	Interested people	Appellant	LPA
timetable (See 9.4.3)		The appeal representations should make up the full case	
5 working days after the start date	No opportunity to comment (See 8.4.6)		The LPA sends us its completed questionnaire and all application documents (See 9.4.4). Notifies interested people of the appeal (See 9.4.5) and explains there is no opportunity for further representations
Inspector usually visits the site (See 9.4.6) and the decision is issued later			

9.4.2. The appellant

9.4.2.1. The appellant must submit:

- Their appeal including their grounds of appeal
- A copy of the planning application
- The LPA's decision notice
- Any other essential supporting documents

9.4.2.2. Please use the following guides for further information on how to complete your appeal and what documents to include (for example, what to include in your grounds of appeal):

- [How to complete your planning appeal form – England](#) (this guide includes advice on completing a minor commercial appeal)
- [How to complete your householder planning appeal form - England](#)
- [How to complete your advertisement/discontinuance notice appeals form – England](#)

9.4.2.3. We must receive the appeal within the time limit. The time limits for different types of appeal are outlined in 4.1.

9.4.2.4. After the appellant has submitted their appeal to us, they must also copy their appeal to the LPA.

9.4.2.5. Having made their appeal, the appellant will not normally be able to send any further material unless further information or response is requested by the Inspector.

9.4.2.6. If your appeal relates to an application for advertisement consent or a discontinuance notice, please consider the guidance in section 14.

9.4.3. Once we receive an appeal

9.4.3.1. Within 7 days of receiving a valid appeal we will determine whether the appeal is suitable for the Part 1 procedure. If it is, we will confirm to the appellant and the LPA:

- the appeal reference number
- that the appeal will proceed by way of the Part 1 procedure

9.4.3.2 The date of this notification letter will be the start date for the appeal.

9.4.3.3 If we determine, at this stage or later, that the appeal is not suitable for the Part 1 procedure we will notify the appellant and the LPA and explain what procedure the appeal will follow.

9.4.4. LPA Questionnaire

9.4.4.1. The LPA must send a completed questionnaire and all relevant documents to us and the appellant within 5 working days of the start date.

9.4.4.2. The LPA must indicate on the questionnaire what appeal procedure it considers appropriate, taking account of the [criteria for procedure determination]<https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals>). If this differs from that determined by us, we will review the procedure.

9.4.4.3. The LPA's case will be its reasons for refusal and the documentation supplied with the questionnaire. The LPA's reasons for refusal should be clear and, where the Committee's decision goes against the planning officer's recommendation, it is good practice for the reasons for this to be stated clearly in the Committee minutes. This means that if an appeal is made the LPA's documentation will contain all its reasons and if the appellant arranges to view the documentation before they make their appeal, they will be aware of the full background to the refusal. With its documentation the LPA should identify any factual error in the appellant's grounds of appeal and any new material which were not available at the time it made its decision on the application.

9.4.4.4. The LPA will not normally be able to send any further material after it submits the questionnaire unless further information or response is required and requested by the Inspector.

9.4.5. Notification to interested people

9.4.5.1. Within 5 working days of the start date the LPA must notify interested people:

- that an appeal has been made
- that any representations made to the LPA in relation to the application, will be sent to the Planning Inspectorate and the appellant, and will be considered by the Inspector when deciding the appeal
- how they can withdraw their representations if they wish to do so
- that the decision will be published online.

9.4.5.2. The LPA will have informed interested people at the application stage that in the event of an appeal, there normally will be no further opportunity to make representations at appeal stage.

9.4.5.3. We encourage LPA's to use the [online model notification letter](#).

9.4.6. Site visit

9.4.6.1. Visits to the appeal site and any relevant neighbouring land or properties are normally carried out where it is necessary to assess the impact of a development on its surroundings. The purpose of the visit is solely to enable the site and its surroundings to be viewed.

9.4.6.2. Where the site is sufficiently visible from a road or other public viewpoints the visit will be carried out unaccompanied. This is likely to be the case for most advertisement consent appeals and minor commercial appeals.

9.4.6.3. If access to the site is clearly required, we will contact the appellant/agent with a date and usually a morning or afternoon time slot when the Inspector or their representative will carry out the site visit.

9.4.6.4. Similar arrangements will be made with individual neighbours where it is necessary to view the site from their property. The LPA should advise us (when completing the questionnaire) and the neighbour concerned if it is certain of such a need and provide us with the neighbour's contact details.

9.4.6.5. If the appellant's or agent's presence is required at the appeal site, it will be required solely to provide access to the site. The LPA will not attend the site visit.

9.4.6.6. Where, during an unaccompanied site visit, the Inspector or their representative decides that they need to access the site, they may approach the occupants to gain permission/access.

9.4.6.7. A site visit is not an opportunity for anyone present to discuss the merits of the appeal or the written evidence they may have previously provided. The Inspector or their representative will therefore not allow any discussion about the case with anyone at a site visit.

9.4.7. Audio/video evidence

9.4.7.1. We will return any audio/video evidence sent to us. We cannot accept audio or video evidence, as we cannot be sure that everyone involved has the same version or that they have the equipment needed to access the evidence. However, you may send a written summary.

9.4.8. Late documents

9.4.8.1. Sticking to the timetable is important for appeals to proceed quickly and fairly. Our start letters will include the dates by which documents, and comments must be received by us.

9.4.8.2. If we receive documents after the statutory time limits explained in this guide, normally we will return them, and they will not be seen by the Inspector. The Inspector will not accept any documents at the site visit.

9.4.8.3. Where there is a change in circumstances, we will consider accepting late documents. This includes but is not limited to:

- New or emerging policies – the LPA must alert us in writing, as soon as possible, of any newly adopted or emerging policies that are relevant to the appeal - it should indicate the anticipated date of adoption of any emerging policy (the appellant may also do this in writing)
- A relevant decision is made on another case - the LPA must alert us in writing, as soon as possible, if it makes a decision (either to grant or refuse planning permission or to issue an enforcement notice) on a similar development and it should alert us if it becomes aware of a decision on an appeal that is relevant (the appellant may also do this in writing)
- New legislation or national policy - If anyone considers that changes to legislation or Government policy or guidance are a material consideration, they should inform us, in writing, as soon as possible.

9.4.8.4. The Inspector will only accept a late document if they are satisfied that:

- the content of the statement is not covered in evidence already received
- that it is directly relevant and necessary for their decision
- that it would be procedurally fair to all parties.

9.4.8.5. If the Inspector does accept a late document, this may disrupt the appeal timetable. In this case, the party that submitted the late document opens themselves up to a costs award as a result either of a costs application by another party or at the initiation of the Inspector. See 3.2 for further information on costs.

9.4.9. Postponements, adjournments and abeyance

9.4.9.1. Unless there are exceptional reasons, we will refuse requests to postpone the appeal or put it in abeyance. Appellants should therefore not make their appeal until they are ready to proceed to the decision.

9.4.10. Linked appeals

9.4.10.1. In some circumstances, we may decide to link appeals. For example, when multiple appeals relate to the same development.

9.4.10.2. We will make decisions to link on a case-by-case basis.

9.5. Part 2 procedure

9.5.1. Timetables

9.5.1.1. Appeals following the part 2 procedure will follow this timetable:

Timetable	Interested people	Appellant	LPA
Appeal received by us. We set the start date and the timetable (See 9.4.3)		Sends the appeal form with their full statement of case and all supporting documents to us and the LPA (see 9.5.2) The appeal statement of case must make up their full case. For certain types of development, the Inspector may require specific further information (see 12).	Receives the appeal documents
Within 1 week from the start date	Receive the LPA's letter about the appeal, telling them that they must send us any representations within 5 weeks from the start date (see 9.5.3)	Receives a completed questionnaire and any supporting documents from the LPA (see 9.5.4)	Sends the appellant and us a completed questionnaire and supporting documents. It writes to interested people about the appeal (see 9.5.4 and 9.5.3)
Within 5 weeks from the start date	Send their representations to us (see 9.5.6)		If the LPA decides not to treat the questionnaire and supporting documents as its representations it sends us its full statement of case (see 9.5.5)

Timetable	Interested people	Appellant	LPA
Within 7 weeks from the start date		Sends us their final comments on the LPA's full statement of case and on any representations from interested people. If there is one, sends us a copy of the certified planning obligation (see 9.5.7). No new evidence is allowed	Sends us its final comments on any representations from interested people (see 9.5.7). No new evidence is allowed

9.5.1.2. However, in the following circumstances:

- the time limit of 28 days applies (see 4.2)
- the appeal is an advertisement appeal against the grant of consent subject to conditions which the applicant objects to or the LPA's failure to determine the application within the relevant time period
- we have decided that an appeal against the refusal of advertisement consent should not follow the part 1 procedure (see 9.1.3-9.1.4)
- the appeal is in relation to a discontinuance notice

if we decide that the appeal should be determined by written representations, it will follow a different timetable:

Timetable	Interested people	Appellant	LPA
Appeal received by us. We set the start date and the timetable		Sends the appeal form and all supporting documents to us and the LPA	Receives the appeal documents
Within 2 week from the start date	Receive the LPA's letter about the appeal, telling them that they must send us any representations within 6 weeks from the start date	Receives a completed questionnaire and any supporting documents from the LPA	Sends the appellant and us a completed questionnaire and supporting documents. It writes to interested people about the appeal
Within 6 weeks from	Send their representations to	Sends us any further representations.	If the LPA decides not to treat the

Timetable	Interested people	Appellant	LPA
the start date	us	These should relate only to issues raised by the questionnaire and any supporting documents	questionnaire and supporting documents as its representations it sends us its further representations
Within 9 weeks from the start date		Sends us their final comments on the LPA's representations and on any representations from interested people. If there is one, sends us a copy of the certified planning obligation. No new evidence is allowed	Sends us its final comments on the appellant's representations and on any representations from interested people. No new evidence is allowed
Inspector visits the site (if this is deemed necessary) and the decision is issued			

although the following section explains the timetable in 9.5.1.1, the same principles apply to this timetable.

9.5.2. The appellant

9.5.2.1. The appellant must submit: * Their appeal including their statement of case (see 12 for further information on the statement of case) * A copy of the planning application * The LPA's decision notice (if they issued a decision) * Any other essential supporting documents

9.5.2.2. Please use the following guides for further information on how to complete your appeal and what documents to include:

- [How to complete your planning appeal form – England](#)
- [How to complete your advertisement/discontinuance notice appeals form – England](#)

9.5.2.3. We must receive the appeal within the time limit. The time limits for different types of appeal are outlined in 4.1.

9.5.2.4. After the appellant has submitted their appeal to us, they must also copy their appeal to the LPA.

9.5.2.5. The appellant may add to the information they provided to the LPA in their application. There is no opportunity to add to the full statement of case later so the appellant should only make their appeal when they are sure they have finalised their case.

9.5.2.6. If your appeal relates to an application for advertisement consent or a discontinuance notice, please consider the guidance in 14.

9.5.3. Notification to interested people

9.5.3.1. Within one week of the start date the LPA must notify interested people:

- that an appeal has been made
- that any representations made to the LPA in relation to the application will be sent to the Planning Inspectorate and the appellant and will be considered by the Inspector when deciding the appeal
- how they can withdraw their earlier representations if they wish to do so
- that further written representations may be sent to the Planning Inspectorate within 5 weeks of the start date (and give the address and email address to which any further representation should be sent)
- that the decision will be published online.

9.5.3.2. We encourage local planning authorities to use the [online model notification letter](#).

9.5.4 LPA Questionnaire

9.5.4.1. The LPA must send a completed questionnaire and all relevant documents to us and the appellant within one week of the start date of the appeal.

9.5.4.2. The LPA must indicate on the questionnaire which appeal procedure it considers appropriate, taking account of the [criteria for procedure determination](#). If this differs from that determined by us, we will review the procedure.

9.5.4.3. The relevant documents considered during the application process should be sufficient to present the LPA's case. The LPA should notify us and the appellant (by indicating on the questionnaire that it does not intend to send a full statement of case at 5 weeks) if it decides to treat the questionnaire, and supporting documents, as its full representations on an appeal.

9.5.5 LPA's statement of case at the 5-week stage

9.5.5.1. If the LPA decides it needs to make further representations, it should send its full statement of case to us within 5 weeks of the start date. This should not

normally include new evidence or additional technical data. We will copy the full statement of case to the appellant. Please see 12 for further information on what to include in the statement of case.

9.5.6 Interested people's representations at the 5-week stage

9.5.6.1. Interested people notified of the appeal can rely on the representations they made to the LPA at the application stage, as these will forward these to us and the representations will be taken into account by the Inspector.

9.5.6.2. If having considered the appellant's full statement of case an interested person wishes to make representations or further representations, they should do so online using the [search facility](#). If that isn't possible, the LPA will tell interested people how to submit representations by email or post. They should ensure that we receive them within 5 weeks of the start date. We will copy any representations received to the appellant and the LPA. There is normally no further opportunity for interested people to make representations after the 5-week stage.

9.5.7. Comments at the 7-week stage

9.5.7.1. We will copy any representations from interested people received at the 5-week stage to the appellant and the LPA. We will copy any full statement of case received from the LPA at the 5-week stage to the appellant. If either the appellant or the LPA wish to comment on any representations made at the 5-week stage, they must send their comments to us within 7 weeks of the start date. These comments should be concise and should not introduce new material or technical evidence. We will copy any such comments to the other appeal party for information only.

9.5.8. Site visit

9.5.8.1. Visits to the appeal site and any relevant neighbouring land or properties are normally carried out where it is necessary to assess the impact of a development on its surroundings. The purpose of the visit is solely to allow the Inspector or their representative to view the site and its surroundings.

9.5.8.2. Where the site is sufficiently visible from a road or other public viewpoints the visit will be carried out unaccompanied.

9.5.8.3. If access to the site is required, we will contact the appellant/agent with a date and usually a morning or afternoon time slot when the Inspector or their representative will carry out the site visit.

9.5.8.4. Similar arrangements will be made with individual neighbours where it is necessary to view the site from their property. The LPA should advise us (when completing the questionnaire) and the neighbour concerned if it thinks this may be necessary and provide us with the neighbour's contact details.

9.5.8.5. If the appellant's or agent's presence is required at the appeal site, it will be solely to provide access to the site. The LPA will not attend the site visit.

9.5.8.6. Where, during an unaccompanied site visit, the Inspector or their representative decides that they need to access the site, they may approach the occupants to gain permission/access.

9.5.8.7. In some circumstances it may be necessary for the Inspector or their representative to be accompanied by both the appellant (or agent) and a representative of the LPA, and, where appropriate, interested people. This is usually where we anticipate that those present will need to point out physical features that they have referred to in their written evidence.

9.5.8.8. A site visit is not an opportunity for anyone present to discuss the merits of the appeal or the written evidence they may have previously provided. The Inspector or their representative will therefore not allow any discussion about the case with anyone at a site visit. Sometimes, if it is an accompanied site visit, the Inspector or their representative may ask the invited parties to point out physical features that they have referred to in their written evidence.

9.5.9. Audio/Video evidence

9.5.9.1. We will return any audio/video evidence sent to us. We cannot accept audio or video evidence, as we cannot be sure that everyone involved has the same version or that they have the equipment needed to access the evidence. However, you may send a written summary.

9.5.10. Late documents

9.5.10.1. Sticking to the timetable is important for appeals to proceed quickly and fairly. Our start letters will include the dates by which documents, and comments must be received by us.

9.5.10.2. If we receive documents after the statutory time limits explained in this guide, normally we will return them, and they will not be seen by the Inspector. The Inspector will not accept any documents at the site visit.

9.5.10.3. Where there is a change in circumstances, we will consider accepting late documents. This includes but is not limited to:

- New or emerging policies – the LPA must alert us in writing, as soon as possible, of any newly adopted or emerging policies that are relevant to the appeal - it should indicate the anticipated date of adoption of any emerging policy (the appellant may also do this in writing)
- A relevant decision is made on another case - the LPA must alert us in writing, as soon as possible, if it makes a decision (either to grant or refuse planning permission or to issue an enforcement notice) on a similar development and it should alert us if it becomes aware of a decision on an appeal that is relevant (the appellant may also do this in writing)
- New legislation or national policy - If anyone considers that changes to legislation or Government policy or guidance are a material consideration, they should inform us, in writing, as soon as possible.

9.5.10.4. The Inspector will only accept a late document if they are satisfied that:

- the content of the statement is not covered in evidence already received
- that it is directly relevant and necessary for their decision
- that it would be procedurally fair to all parties.

9.5.10.5. If the Inspector does accept a late document, this may disrupt the appeal timetable. In this case, the party that submitted the late document opens themselves up to a costs award as a result either of a costs application by another party or at the initiation of the Inspector. See 3.2 for further information on costs.

9.5.11. Postponements, adjournments and abeyance

9.5.11.1. Unless there are exceptional reasons, we will refuse requests to postpone the appeal or put it in abeyance. Appellants should therefore not make their appeal until they are ready to proceed to the decision.

9.5.12. Linked appeals

9.5.12.1. In some circumstances, we may decide to link appeals. For example, when multiple appeals relate to the same development.

9.5.12.2. We will make decisions to link on a case-by-case basis.

10. Hearings

10.1. Timetables

10.1.1. Appeals following the hearing procedure will follow this timetable:

Timetable	Interested people	Appellant	LPA
Appeal received by us. We set the start date and the timetable (See 10.3)		Sends the appeal form, the full statement of case, all supporting documents and the draft statement of common ground to us and the LPA (See 10.4).	Receives the appeal documents
Within 1 week from the start date	Receive the LPA's letter about the appeal, telling them that they must send us any	Receives a completed questionnaire and any supporting	Sends the appellant and us a completed questionnaire and supporting documents. It writes

Timetable	Interested people	Appellant	LPA
	representations within 5 weeks from the start date (see 10.5)	documents from the LPA	to interested people about the appeal (see 10.5-10.6)
Within 5 weeks from the start date	Send their representations to us (see 10.7)		Sends us its full statement of case and the agreed statement of common ground (See 10.9)
We confirm the hearing date			
At least 2 weeks before the date of the hearing	Receive details from the LPA about the hearing arrangements (See 10.8)		Tells interested people about the hearing arrangements and may put a notice in a local paper about the hearing (See 10.8)
No later than 10 working days before the hearing		If there is one, sends us the draft planning obligation	

10.1.2. However, in the following circumstances:

- the time limit of 28 days applies (see 4.2)

if we decide that the appeal should be determined by a hearing, it will follow a different timetable:

Timetable	Interested people	Appellant	LPA
Appeal received by us. We set the start date		Sends the appeal form and all supporting documents to us and the LPA	Receives the appeal documents

Timetable	Interested people	Appellant	LPA
and the timetable			
Within 2 week from the start date	Receive the LPA's letter about the appeal, telling them that they must send us any representations within 6 weeks from the start date	Receives a completed questionnaire and any supporting documents from the LPA	Sends the appellant and us a completed questionnaire and supporting documents. It writes to interested people about the appeal
Within 6 weeks from the start date	Send their representations to us	Sends us their hearing statement	Sends us its hearing statement
We confirm the hearing date			
At least 2 weeks before the date of the hearing	Receive details from the LPA about the hearing arrangements		Tells interested people about the hearing arrangements and may put a notice in a local paper about the hearing
No later than 10 working days before the hearing		If there is one, sends us the draft planning obligation	

although the following section explains the timetable in 10.1.1, the same principles apply to this timetable.

10.2. The hearing procedure

10.2.1. The regulations that cover the procedure are [The Town and Country Planning \(Hearings Procedure\) \(England\) Rules 2000 \(Statutory Instrument 2000/1626\) \(as amended\)](#).

10.2.2. The hearing is a structured discussion led by the Inspector. The Inspector identifies the issues for discussion based on the evidence received and any representations made.

10.2.3. The hearing may include a discussion at the site, or the site may be visited on an accompanied (without any discussion), or unaccompanied basis.

10.2.4. A ‘statutory party’ is:

- an owner of the land which the appeal is about
- a tenant of an agricultural holding which the appeal is about
- in the case of a listed building consent appeal, an owner of the building

Statutory parties are entitled to attend the hearing.

10.2.5. Interested parties (see 8) can attend the hearing if the Inspector allows it – the Inspector will usually allow this.

10.2.6. We may, at any point before the appeal decision, ‘combine’ procedures. Please see 6.3 for further information.

10.2.7. If the appeal relates to an application for advertisement consent or a discontinuance notice, please consider the guidance in section 14.

10.3. Setting the date of the hearing

10.3.1. We are responsible for setting the date of the hearing. The date will usually be 10-14 weeks from the start date so all parties must have their resources ready from the outset. We reserve the right to impose a date on either party

10.4. The appellant

10.4.1. The appellant must submit:

- Their appeal including their statement of case (see 12 for further information on the statement of case)
- A copy of the planning application
- The LPA’s decision notice (if they issued a decision)
- The draft statement of common ground (see 13)
- Any other essential supporting documents

10.4.2. Please use the following guides for further information on how to complete your appeal and what documents to include:

- [How to complete your planning appeal form – England](#)
- [How to complete your advertisement/discontinuance notice appeals form – England](#)

10.4.3. We must receive the appeal within the time limit. The time limits for different types of appeal are outlined in 4.1.

10.4.4. After the appellant has submitted their appeal to us, they must also copy their appeal to the LPA.

10.4.5. The appellant may add to the information they provided to the LPA in their application. There is normally no opportunity to add to the statement of case later so the appellant should only make their appeal when they are sure they have finalised their case.

10.5. Notification to statutory parties and interested people

10.5.1. Within one week of the start date the LPA must notify 1) any statutory parties and 2) interested people who made comments about the application:

- that an appeal has been made
- that any representations made to the LPA in relation to the application will be sent to us and to the appellant and will be considered by the Inspector when deciding the appeal
- how they can withdraw their earlier representations if they wish to do so
- that further comments may be sent to us within 5 weeks of the start date (and give the address and email address to which any further representation should be sent)
- that the decision will be published online.

10.5.2. We encourage LPAs to use the online [model notification letter](#).

10.6. LPA questionnaire

10.6.1. The LPA must send a completed questionnaire and all relevant documents to us and the appellant within one week of the start date of the appeal.

10.6.2. The LPA must indicate on the questionnaire which appeal procedure it considers appropriate, taking account of the [criteria for procedure determination](#). If this differs from that determined by us, we will review the procedure.

10.7. Statutory parties' and interested people's representations at the 5-week stage

10.7.1 Statutory parties and interested people can rely on the representations they made to the LPA on the application. The LPA will forward these representations to us, and they will be considered by the Inspector.

10.7.2 If a statutory party or an interested person wishes to make representations at the appeal stage they should do so online using the [search facility](#). If that isn't possible, the LPA will tell interested people how to submit representations by email or post. They should ensure that we receive them within 5 weeks of the start date. We will copy any representations received to the appellant and the LPA.

10.8. Who tells people about the hearing?

10.8.1 We will tell the appellant, the LPA and any statutory party the date, time and place of the hearing and the name of the Inspector who will conduct it.

10.8.2 We will ask the LPA to forward this information about the hearing to:

- Anyone with an interest in the land (other than the appellant)
- those who made representations at the application and/or appeal stages
- those entitled to appear at the hearing
- anyone else it considers to be affected by or interested in the proposed development.

10.9. The LPA's full statement of case and the agreed statement of common ground at 5 weeks

10.9.1. The LPA must send their full statement of case and the agreed statement of common ground. We must receive them within 5 weeks of the start date. We will copy these documents to the appellant.

10.9.2. We will tell the appellant and the LPA the name and address of any statutory party who makes representations on the appeal. The appellant must send a copy of their full statement of case and the LPA must send a copy of its full statement of case and the agreed statement of common ground to any such statutory party.

10.10. Audio/Video evidence

10.10.1. We will return any audio/video evidence sent to us before the hearing. You may send a written summary which will be seen by the Inspector, and the main parties. Please send this within the 5-week deadline for representations. Also, you may ask the Inspector at the hearing if they are willing to accept the audio/video evidence and allow it to be played at the hearing.

10.10.2. It is your responsibility to contact the LPA to find out if it has suitable equipment at the venue to access the evidence, or if it will allow you to use your own. The equipment must be suitable to play the evidence so that everyone can see/hear it.

10.10.3. If the evidence is accepted by the Inspector, it will become part of the hearing evidence and will be retained by the Inspector. You will need to have additional copies of the audio/video evidence available because if the Inspector allows it to be played these copies will be given to the main parties. Our Case Officer will be able to tell you how many copies you will need to provide.

10.11. Late documents

10.11.1. Sticking to the timetable is important for appeals to proceed quickly and fairly. Our start letters will include the dates by which documents, and comments must be received by us.

10.11.2. If we receive documents after the statutory time limits explained in this guide, normally we will return them, and they will not be seen by the Inspector.

10.11.3 Where there is a change in circumstances, we will consider accepting late documents. This includes but is not limited to:

- New or emerging policies – the LPA must alert us in writing, as soon as possible, of any newly adopted or emerging policies that are relevant to the appeal - it should indicate the anticipated date of adoption of any emerging policy (the appellant may also do this in writing)
- A relevant decision is made on another case - the LPA must alert us in writing, as soon as possible, if it makes a decision (either to grant or refuse planning permission or to issue an enforcement notice) on a similar development and it should alert us if it becomes aware of a decision on an appeal that is relevant (the appellant may also do this in writing)
- New legislation or national policy - If anyone considers that changes to legislation or Government policy or guidance are a material consideration, they should inform us, in writing, as soon as possible.

10.11.4. The Inspector will only accept a late document if they are satisfied that:

- the content of the statement is not covered in evidence already received
- that it is directly relevant and necessary for their decision
- that it would be procedurally fair to all parties.

10.11.5. If the Inspector does accept a late document, this may disrupt the appeal timetable. In this case, the party that submitted the late document opens themselves up to a costs award as a result either of a costs application by another party or at the initiation of the Inspector. See 3.2 for further information on costs.

10.11.6. The Inspector will not accept any documents at the site visit.

10.12. Postponements, adjournments and abeyance

10.12.1. Unless there are exceptional reasons, we will refuse requests to postpone the appeal or put it in adjournment or abeyance. Appellants should therefore not make their appeal until they are ready to proceed to the decision.

10.13. Linked appeals

10.13.1. In some circumstances, we may decide to link appeals. For example, when multiple appeals relate to the same development.

10.13.2. We will make decisions to link on a case-by-case basis.

11. Inquiries

11.1. Timetable

11.1.1 Appeals following the inquiry procedure will follow this timetable:

Timetable	Interested people	Appellant
At least 10 working days before appeal submission (If the appellant wants to follow the inquiry procedure)		Send notification of intention to submit an appeal to us (at inquiryappeals@planninginspectorate.gov.uk and the LPA (See 11.5)
Appeal received. We ask the LPA for their views on the need for an inquiry. We set the start date and the timetable.		Sends the appeal form, statement of case, draft statement of common ground and all supporting documents to us and the LPA (see 11.5)
If we decide that the appeal will proceed by inquiry, we will set the inquiry date which will normally be within 13 -16 weeks of the start date.		
Within 1 week from the start date	Receive the LPA's letter about the appeal, telling them that they must send us any representations within 5 weeks of the start	Receives a completed questionnaire and any supporting documents from the LPA (See 11.7).

Timetable	Interested people	Appellant
	date and if any of them would wish to apply for Rule 6 status they should do so immediately (See 11.6).	
Within 5 weeks from the start date	Send their representations to us (see 11.8)	
Within 7 weeks from the start date. Case Management Conference (CMC). An Inspector will normally hold a Microsoft Teams call with the appellant, the LPA, any party who has been afforded Rule 6 status and anyone else invited by the Inspector		attend the CMC and be prepared to assist the Inspector in relation to any matters that have been set out in the agenda (See 11.11)
4 weeks before the inquiry	Rule 6 parties send us their	Sends us their proof of evidence (See 11.12).

Timetable	Interested people	Appellant
At least 2 weeks before the inquiry	Receive details from the LPA about the inquiry arrangements (11.9).	Displays a notice on site giving details of the inquiry.
No later than 10 working days before the inquiry		If there is one, sends us the draft planning obligation.

11.1.2. However, in these circumstances:

- the time limit of 28 days applies (see 4.2)
- recovered appeals (See 7.2)

if we decide that the appeal should be determined by an inquiry, it will follow a different timetable:

Timetable	Interested people	Appellant
At least 10 working days before appeal submission (If the appellant wants to follow the inquiry procedure)		Send notification of intention to submit an appeal to us (at inquiryappeals@planninginspectorate.gov.uk and the LPA
Appeal received. We set the start date and the timetable. We set the inquiry date		Sends the appeal form and all supporting documents to us and the LPA. The grounds of appeal should make up the full case.

Timetable	Interested people	Appellant
which will normally be within 13 -16 weeks of the start date		
Within 2 weeks from the start date	Receive the LPA's letter about the appeal, telling them that they must send us any representations within 6 weeks of the start date and if any of them would wish to apply for Rule 6 status they should do so immediately	Receives a completed questionnaire and any supporting documents from the LPA
Within 6 weeks from the start date	Send their representations to us	Sends us their inquiry statement and the statement of common ground that they have agreed with the LPA.
Within 7 weeks from the start date. Case Management Conference (CMC). An Inspector will normally hold a Microsoft Teams call with the appellant, the LPA, any party who has been afforded		attend the CMC and be prepared to assist the Inspector in relation to any matters that have been set out in the agenda

Timetable	Interested people	Appellant
Rule 6 status and anyone else invited by the Inspector		
4 weeks before the inquiry	Rule 6 parties send us their proofs.	Sends us their proof of evidence.
At least 2 weeks before the inquiry	Receive details from the LPA about the inquiry arrangements.	Displays a notice on site giving details of the inquiry.
No later than 10 working days before the inquiry		If there is one, sends us the draft planning obligation.

although the following section explains the timetable in 11.1.1, the same principles apply to this timetable.

11.2. The Inquiry procedure

11.2.1. The regulations that cover the vast majority of inquiries are The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (Statutory Instrument 2000/1625)(as amended).

11.2.2. However, in the very small number of appeals where the appeal is 'recovered' by the Secretary of State (see 7.2), different regulations apply - The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (Statutory Instrument 2000/1624) (as amended).

11.2.3. An inquiry is the most formal of the procedures. Although it is not a court of law the proceedings will often seem to be quite similar. An inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

11.2.4. A formal site visit won't usually take place before the inquiry. However, the Inspector may visit the site alone before the inquiry.

11.2.5. A 'statutory party' is:

- an owner of the land which the appeal is about
- a tenant of an agricultural holding which the appeal is about
- in the case of a listed building consent appeal, an owner of the building

Statutory parties are entitled to participate in the inquiry.

11.2.6. Interested parties (see 8) can participate in the inquiry if the Inspector allows it – the Inspector will usually allow this.

11.2.7. We may, at any point before the appeal decision, 'combine' procedures. Please see 6.3 for further information.

11.3 Rule 6

11.3.1. Under rule 6 (6) of the inquiry regulations, we can require any interested person(s) that will attend the inquiry to submit a statement of case. They should send their statement of case to us. We will copy the statement of case to the LPA and the appellant.

11.3.2. An interested person that is required to submit a statement of case under this rule, becomes a 'rule 6 party'. We treat rule 6 parties like the main parties. For example, rule 6 parties will receive copies of the documents sent by us to the other main parties and can take part in drafting the statement of common ground. An interested person may apply for rule 6 status.

11.3.3. We usually grant rule 6 status to groups rather than individuals.

11.3.4. For further information, please see our [Guide to Rule 6 for interested parties involved in an inquiry – planning appeals and called-in applications](#).

11.4 Setting the date of the Inquiry

11.4.1. We are responsible for setting the inquiry date. The inquiry date will usually be within 13-16 weeks of the start date. This means that all parties must have their resources ready from the start.

11.4.2. Once set, we will expect the length of the inquiry to stay within the agreed timetable.

11.5. The appellant

11.5.1. If the appellant wants their appeal to follow the inquiry procedure, they need to tell us and the LPA at least 10 working days before the appeal is submitted. They should complete the template and email it to the LPA and us at inquiryappeals@planninginspectorate.gov.uk.

11.5.2. The appellant must submit:

- Their appeal including their statement of case (see 12 for further information on the statement of case)
- A copy of the planning application
- The LPA's decision notice (if they issued a decision)
- The draft statement of common ground (see 13)
- Any other essential supporting documents

11.5.3. Please use the following guides when making your appeal:

I* [How to complete your planning appeal form – England](#) * [How to complete your advertisement/discontinuance notice appeals form – England](#)

11.5.4. We must receive the appeal within the time limit. The time limits for different types of appeal are outlined in 4.1.

11.5.5. After the appellant has submitted their appeal to us, they must also copy their appeal to the LPA.

11.5.6. The appellant may add to the information they provided to the LPA in their application. There is normally no opportunity to add to the statement of case later so the appellant should only make their appeal when they are sure they have finalised their case.

11.6. Notification to statutory parties and interested people

11.6.1. Within one week of the start date the LPA must notify 1) any statutory parties and 2) interested people who made comments about the application:

- that an appeal has been made
- that any representations made to the LPA in relation to the application will be sent to us and the appellant and will be considered by the Inspector when deciding the appeal
- that any request for Rule 6 status should be made to the Planning Inspectorate at this time
- how they can withdraw their earlier representations if they wish to do so
- that further written representations must be sent to the Planning Inspectorate within 5 weeks of the start date (and give the address and email address to which any further representation should be sent); and
- that the decision will be published online.

11.6.2. We encourage LPAs to use the [online model notification letter](#).

11.7. LPA questionnaire

11.7.1. The LPA must send a completed questionnaire and all relevant documents to us and the appellant LPA within one week of the start date of the appeal.

11.8. Statutory parties' and interested people's representations at the 5-week stage

11.8.1 Statutory parties and interested people can rely on the representations they made to the LPA at the application stage, as it will forward them to us, and the representations will be considered by the Inspector.

11.8.2 If a statutory party or an interested person wishes to make further representations at the appeal stage, they should do so online using the [search facility](#). If that isn't possible, the LPA will tell interested people how to submit representations by email or post. They should ensure that we receive them within 5 weeks of the start date. We will copy any representations received to the appellant and the LPA.

11.9. Who tells people about the inquiry?

11.9.1 We will tell the appellant, the LPA and any statutory party the date, time, place and length of the inquiry and the name of the Inspector who will conduct it.

11.9.2 We will ask the LPA to forward this information about the inquiry to:

- Anyone with an interest in the land (other than the appellant)
- those who made representations at the application and/or appeal stages
- those entitled to appear at the inquiry
- anyone else it considers to be affected by or interested in the proposed development.

11.10. The LPA's full statement of case and the agreed statement of common ground at 5 weeks

11.10.1. The LPA must send their full statement of case (see 12) and the agreed statement of common ground (see 13). We must receive them within 5 weeks of the start date. We will copy these documents to the appellant.

11.10.2. We will tell the appellant and the LPA the name and address of any statutory party who makes representations on the appeal. The appellant must send a copy of their full statement of case and the LPA must send a copy of its full statement of case and the agreed statement of common ground to any such statutory party.

11.10.3. If there are any Rule 6 parties (see 13) they can be involved in producing a statement of common ground.

11.11. Case management conference (CMC)

11.11.1. This will take place with the appellant, LPA, Rule 6 parties and anyone else invited by the Inspector. It is normally conducted via a Microsoft Teams call hosted by us.

11.11.2. We may usually circulate a pre-meeting note. Amongst other things this will set out what the Inspector considers the main issues are likely to be and any other matters that may need to be addressed. The note will also set out how the Inspector thinks that the evidence can best be addressed, whether by cross examination, hearing, written representations or a combination of these procedures in order to conduct the inquiry in the most efficient and effective manner (see 6.3).

11.11.3. The parties are requested to consider these matters, which will be discussed at the conference. The note will also be accompanied by an agenda.

11.11.4. The matters to be discussed will be decided by the Inspector but are likely to include:

- a preliminary identification of the main issues
- witnesses and the scope of their evidence
- how the evidence is to be examined, including consideration of topic-based approaches to formal evidence, potential round table discussions and written representations
- agreement on further matters through position statements, topic papers or updated statements of common ground
- identification of any additional technical reports, including timetable for sharing technical information
- potential for S106 agreements
- management of documents in the pre-inquiry period and at the inquiry
- pre-inquiry timetable for submission of documents

11.11.5. A note of the proceedings, which will include our decision on how the evidence is to be dealt with and which procedure or procedures will apply accordingly, will be produced within 5 working days of the case conference.

11.11.6. For some appeals the Inspector may decide to issue a Case Management Note rather than hold a Conference. In the largest cases the Inspector may decide to hold a Pre-Inquiry Meeting.

11.12. Proofs of evidence

11.12.1. A Proof of evidence is the document containing the written evidence about which a person appearing at an inquiry will speak.

11.12.2. It must be received by us no later than 4 weeks before the inquiry.

11.12.3. The case for the appellant, the LPA (and any Rule 6 party) should be set out in full in their 'statement of case'. The main role of a proof of evidence is to allow expert witnesses to:

- have previously provided evidence in one document which helps them to present their case at the inquiry
- give their professional opinion on evidence provided by other parties in their statements of case.

11.12.4. Proofs of evidence should:

- refer to the information that witnesses representing the appellant or the LPA wish the Inspector to consider
- cover only areas which remain at issue between the parties
- contain the witness's concisely expressed opinion and argument
- contain a clear cross reference to any supporting documents, for example containing data, analysis or copies of legal cases which should have been provided with the full statement of case
- not include new areas of evidence, other than any additional technical reports that were agreed at the CMC
- not repeat or quote national or local policy, but should provide policy name and paragraph numbers
- not include long irrelevant biographical detail of the witness

11.12.5. The evidence of each witness should address distinct topics and not overlap another's.

11.12.6. Witnesses and their advocates should limit the length of proofs. If the proof exceeds 1,500 words, it should be accompanied by a summary. It is normally only the summaries that will be read out at the inquiry.

11.12.7. Summaries should concentrate on the main points at issue. They must not introduce new or different evidence nor go beyond the scope of the text they summarise. It may sometimes be difficult to summarise complex technical evidence effectively, and the above advice is not intended to prevent witnesses properly explaining their evidence. Successful summaries of complex evidence will help to make the key points clearer and save time.

11.12.8. If the proof of evidence includes evidence given by an expert witness, please see 15.

11.13 Audio/Video evidence

11.13.1. We will return any audio/video evidence sent to us before the inquiry. You may send a written summary which will be seen by the Inspector, and the main parties. Please send this within the 5-week deadline for representations. Before the inquiry, you may ask the Inspector if they are willing to accept the audio/video evidence and allow it to be played at the inquiry.

11.13.2. It is your responsibility to contact the LPA to find out if it has suitable equipment at the venue to access the evidence, or if it will allow you to use your own. The equipment must be suitable to play the evidence so that everyone can see/hear it.

11.13.3. If the evidence is accepted by the Inspector, it will become part of the inquiry evidence and will be retained by the Inspector. You will need to have additional copies of the audio/video evidence available because if the Inspector

allows it to be played these copies will be given to the appeal parties. Our Case Officer will be able to tell you how many copies you will need to provide.

11.14. Late documents

11.14.1. Sticking to the timetable is important for appeals to proceed quickly and fairly. Our start letters will include the dates by which documents, and comments must be received by us.

11.14.2. If we receive documents after the statutory time limits explained in this guide, normally we will return them, and they will not be seen by the Inspector.

11.14.3. Where there is a change in circumstances, we will consider accepting late documents. This includes but is not limited to:

- New or emerging policies – the LPA must alert us in writing, as soon as possible, of any newly adopted or emerging policies that are relevant to the appeal - it should indicate the anticipated date of adoption of any emerging policy (the appellant may also do this in writing)
- A relevant decision is made on another case - the LPA must alert us in writing, as soon as possible, if it makes a decision (either to grant or refuse planning permission or to issue an enforcement notice) on a similar development and it should alert us if it becomes aware of a decision on an appeal that is relevant (the appellant may also do this in writing)
- New legislation or national policy - If anyone considers that changes to legislation or Government policy or guidance are a material consideration, they should inform us, in writing, as soon as possible.

11.14.4. The Inspector will only accept a late document if they are satisfied that:

- the content of the statement is not covered in evidence already received
- that it is directly relevant and necessary for their decision
- that it would be procedurally fair to all parties.

11.14.5. If the Inspector does accept a late document, this may disrupt the appeal timetable. In this case, the party that submitted the late document opens themselves up to a costs award as a result either of a costs application by another party or at the initiation of the Inspector. See 3.2 for further information on costs.

11.14.6. The Inspector will not accept any documents at the site visit.

11.15. Postponements, adjournments and abeyance

11.15.1. Unless there are exceptional reasons, we will refuse requests to postpone the appeal or put it in adjournment or abeyance. Appellants should therefore not make their appeal until they are ready to proceed to the decision.

11.16. Linked appeals

11.16.1. In some circumstances, we may decide to link appeals. For example, when multiple appeals relate to the same development.

11.16.2. We will make decisions to link on a case-by-case basis.

12. Statement of case

12.1. General

12.1.1. A full statement of case contains all the details and arguments (as well as supporting documents and evidence) which a person will put forward to make their case in the appeal. For certain types of development, specific further information may be needed by the inspector – please see 12.4 – 12.7.

12.1.2. The full statement of case conclusions should be briefly summarised at the end with appropriate references. The full statement of case should not normally exceed 3,000 words. Whilst this might not be appropriate in all circumstances, we expect it to be concise.

12.1.3. The appellant must provide their full statement of case, copies of any documents it refers to and any other evidence at the time of making their appeal.

12.1.4. For appeals following the part 1 written representations procedure (see 9), appellants must submit their ‘grounds of appeal’ rather than a statement of case at the time of making their appeal. The present guidance on statement of case also apply to grounds of appeal.

12.1.5. The LPA provide their statement of case, copies of any documents it refers to and any other evidence later, depending on which procedure the appeal will follow. Please see 9.4.1, 9.5.1, 10.1 and 11.1 for the different timetables.

12.2. The appellant’s statement of case

12.2.1. In their statement of case, the appellant should fully support their opinion that the development should be granted planning permission.

12.2.2. It is the appellant’s responsibility to ensure that, at the time they make their appeal, they can fully make their case.

12.2.3. The appellant’s statement of case:

- Must contain full details of relevant facts and planning/legal arguments
- Must contain all available evidence
- Must be accompanied by all documents (including for example data, analysis or copies of legal cases), maps and plans and any relevant extracts to which the statement refers
- Should cite any statutory provisions, and if any case law is cited it should include the full legal citation and report reference

- Must include any data referred to and outline any assessment methodology and the assumptions used to support the arguments - this should be submitted as text with relevant imagery only
- should respond to the reasons for refusal set out in the LPA's decision notice focusing on areas of difference - where the appeal is against non-determination (See 2), it must address the areas that the appellant considers most likely to comprise the LPA's objections to the development proposed
- Should include any responses to points raised at application stage – especially points raised by interested people and planning officer reports/communications
- Should contain any policies or other documents not referred to by the LPA in their decision but considered to support the appellant's case
- should describe any suggested mitigating factors
- should suggest any conditions (see 17) which they would be prepared to accept and provide the reasons for suggesting these
- should focus on the areas of disagreement
- should indicate whether any discussions are ongoing to narrow or resolve areas of dispute, and/or whether any such discussions are anticipated
- must not contain inflammatory, racist or otherwise abusive language
- must not normally include any personal or otherwise sensitive information unless this information is essential to a fair determination of the case - If the submission of such information is considered essential, please keep in mind that we may need to make aspects of this information available to other parties or/and publicly available but subject to relevant legislative and regulatory constraints (The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#))
- must not contain links to websites, as websites can change over time

12.3. The LPA's statement of case

12.3.1. The LPA's full statement of case should be a succinct statement supporting the reasons for opposing the development.

12.3.2. The LPA's statement of case:

- Must be accompanied by all the factual evidence and documents the LPA relies on (including for example data, analysis or copies of legal cases) maps and plans and any relevant extracts to which the statement refers
- Must include any data referred to, and outline any assessment methodology and the assumptions used to support the arguments – this should be submitted as text with relevant imagery only
- Must set out both the planning and legal arguments which the LPA is putting forward as to why they consider planning permission should be refused (or why any conditions on a permission should be retained) -
- Must respond to the appellant's full statement of case, addressing each of the reasons for refusal set out in the decision notice (where a decision has been

made) which are being pursued, focusing on areas of difference, or the likely reasons for refusal where the appeal is against non-determination

- Should cite any statutory provisions and case law (and contain the full report reference) it considers supports its arguments
- Should take due account of any representations received from interested people at application stage
- Should suggest any conditions which it would be prepared to accept and provide the reasons for suggesting these
- Should not, normally, introduce additional policies or raise new issues beyond those in the reasons for refusal (or likely reasons if the appeal is against non-determination)
- should not repeat or duplicate the planning officer's report
- Must not include any personal or otherwise sensitive information
- Should not contain links to websites, as websites can change over time.

12.4. Appeals concerned with use of land for the stationing of caravans for occupation by Gypsies or Travellers

12.4.1. For the appellant's statement of case, the Inspector is likely to need the following information:

- Gypsy status: if this is being claimed, provide details of family background and travel for work purposes over the last 10 years - if no travelling for work purposes has taken place over the last 2 years, or it is proposed to give up the travelling lifestyle, please explain why
- Who will be living on the site - give names (if known) and family relationships (please consider the advice in 12.4.2)
- Whether more than one family (parent(s) and children) intend to occupy the site, how long they have travelled together and how important is it that they stay together - do they want to be treated as a single group, for the purposes of the appeal, or as individual families
- How many caravans will normally be on the site, and what type (touring or static)
- Whether any buildings are (day rooms, stables, toilet blocks and so on) proposed
- Whether any business use of the site is proposed - If so, please provide details
- Explanation of the need for a site and the reasons for choosing this site
- The efforts made to find an alternative site for example, approaches to LPA's housing and planning departments including applications for a pitch on a Local Authority site, estate agents, landowners and other gypsies and travellers - written evidence should be provided if possible
- Whether any of the residents have any health issues which affect their day to day lives or educational needs which they would like the Inspector to consider
- Whether the permission is sought on a temporary or permanent basis - If temporary, how long for and why

- If the appeal(s) was unsuccessful, what alternative accommodation options are realistically available
- If the appellant proposes that the appeal be heard at an inquiry, please provide the names and/or areas of expertise of all witnesses likely to be called and the anticipated number of sitting days needed

12.4.2 The statement of case must not normally include any personal or otherwise sensitive information unless this information is essential to a fair determination of the case. If the submission of such information is considered essential, please keep in mind that we may need to make aspects of this information available to other parties or/and publicly available but subject to relevant legislative and regulatory constraints. The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

12.4.3 For the LPA's statement of case, the Inspector is likely to need the following information:

- Copies of any adopted or emerging development plan policies concerning gypsy and traveller sites together with the supporting text
- A statement on the stage(s) reached by and/or proposed timescale for the Core Strategy and any site allocations DPD involving gypsy and traveller site provision
- Copies of (or the relevant sections from) any Gypsy and Traveller Accommodation Assessment (GTAA) or other quantitative needs assessment undertaken within the last 5 years
- A statement of any accepted level of need for additional site provision in the local authority area
- Details of any planned provision of new or enlarged gypsy sites
- Details of any authorised gypsy and traveller sites where pitches are known to be available and/or land which has been identified as suitable for such a use
- Details of and any responses to welfare enquiries made of the site occupants, or prospective occupants with regard to their accommodation needs and alternative accommodation options
- Whether the LPA accepts or disputes the gypsy status of some or all of the site occupants
- Conditions, with reasons, the LPA would wish to see imposed were the appeal to be allowed
- If the appeal is to be heard at an inquiry, please provide the names and/or areas of expertise of all witnesses likely to be called and the anticipated number of sitting days needed. An indication of the expected level of interest by third parties and whether they are likely to wish to speak would also be helpful.

12.5. Appeals concerned with applications for telecommunications development (including for prior

approval under Part 16 of the General Permitted Development Order)

12.5.1. For the appellant's statement of case, the Inspector is likely to need the following information (unless it is included in the application documents submitted with your appeal):

- The outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site
- For an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines
- For a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met
- Evidence of existing coverage gaps, and of the predicted coverage of the installation - this should include modelling plots pinpointing the existing and proposed installations and clearly showing the relationship to geographical features such as roads and railways
- Evidence of the consideration given to the siting of the installation on alternative sites, including mast sharing - this should include technical information on the relative performance of the alternative site(s), where appropriate including contour maps; or, should a suitable site be found not to be available, full information should be provided on the factors involved
- Evidence of network capacity where it is claimed that the existing network lacks sufficient capacity

12.6 Appeals concerned with the removal of an agricultural occupancy condition attached to an earlier permission

12.6.1. Both the appellant's and LPA's statement of case should include the following:

- evidence of existing demand or lack of demand for houses for agricultural or, where appropriate, other rural workers in the area
- whether there are any vacant dwellings in the neighbourhood that are suitable for agricultural or other rural workers. If so, you should provide details of the asking price or rent
- evidence of efforts to sell or lease the dwelling subject to the occupancy condition. This should include any offers to buy the property and, if it has been advertised, how frequently, for how long and the names of the publications it has been advertised in
- what the asking price or rent was, whether this reflected the reduction in value arising from the occupancy condition and, if so, by how much

- the history of the site and details of the land owned (to include details of any land with full agricultural tenancy, additional land rented and other dwellings on the site).
- whether there have been any recent applications made to their authority by agricultural or other rural workers for dwellings or for affordable housing.

12.7. For appeals concerned with the erection of a dwelling for an agricultural or, where applicable, other type of rural worker

12.7.1. Both the appellant's and LPA's statement of case should include the following:

- evidence of existing demand or lack of demand for houses for agricultural or, where appropriate, other rural workers in the area
- whether there are any existing dwellings on the holding, or other buildings that might be suitable for conversion to a dwelling, and the reasons why they are not considered appropriate to meet the need
- the history of the site and details of the land owned (to include details of any land with full agricultural tenancy and additional land rented)
- the nature of the business and its financial viability
- and the reasons why an on-site presence is considered necessary.
- whether there have been any other recent applications made to the authority by agricultural or other rural worker for dwellings or affordable housing.

13. Statement of common ground

13.1. Draft statement of common ground

13.1.1. For an appeal where the appellant wants to proceed by a hearing or an inquiry the appellant must provide a draft statement of common ground when making their appeal.

13.1.2. A draft statement of common ground is a written statement containing factual information about the proposal which the appellant reasonably considers will not be disputed by the LPA.

13.1.3. We advise the appellant to discuss the draft statement of common ground with the LPA before they make their appeal.

13.2. Agreed statement of common ground

13.2.1. Once the appeal is made the appellant and the LPA must prepare an agreed statement of common ground together. The LPA must ensure that we and any statutory party (See 10.2.4 and 11.2.5) receive a copy of it within 5 weeks of the start date.

13.2.2. A statement of common ground is essential to ensure that the evidence considered at a hearing or an inquiry focuses on the areas of disagreement between the appellant and the LPA. This should help to focus the parties' statements of case and, if the appeal is following the inquiry procedure, proofs of evidence, on areas of disagreement.

13.2.3. If before the 5-week stage there are any Rule 6 parties, they can be involved in producing the statement. For further information please see the [Guide to Rule 6 for interested parties involved in an inquiry – planning appeals and called-in applications - England](#).

13.2.4. The statement of common ground should clearly identify matters that are agreed between the appellant and the LPA. It should then identify matters that are in dispute (uncommon ground). The statement of common ground should:

- be concise and not duplicate information already submitted by any of the parties
- explain revisions or amendments to the original proposal and confirm if they were agreed at application stage
- include a list of the agreed plans and drawings on which the Inspector will be asked to base their decision and which were considered at application stage
- include a list of agreed and/or shared core documents, ministerial statements, and policies and references to any relevant passage of the [National Planning Policy Framework](#)
- include relevant statutory and emerging development plan policies, their status and the suggested weight to be attached to them and Supplementary Planning Guidance and Supplementary Planning Documents
- identify and provide the reference number(s) of any relevant appeal decisions relating to the site or neighbouring sites
- identify whether there is or is not agreement over measurements, agreed elements of the evidence and any technical studies that have been undertaken
- include a list of suggested conditions (agreed and not agreed) and include the reasons why the conditions are suggested
- say if there is a draft planning obligation which would satisfactorily address one or more of the reasons for refusal (see 18).

13.2.5 We advise appellants and LPAs to use our [statement of common ground form](#).

14. Advertisement and discontinuance notice appeals

14.1. General

14.1.1 The regulations that cover advertisement and discontinuance notice appeals are [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007 \(as amended\)](#).

14.1.2 For background information on express and deemed advertisement consent and discontinuance notices, please see the [planning practice guidance](#).

14.1.3 For information on how to make an appeal please see our guide [How to complete your advertisement/discontinuance notice appeals form – England](#)

14.2. Conditions

14.2.1. There is no need to suggest the standard conditions, which apply to all consents. These can be found at Schedule 2 of the 2007 Regulations (see 14.1.1).

14.2.2. All consents are automatically granted for 5 years, unless specifically stated (Regulation 14(7)). Therefore, you only need to suggest a time-limited condition if you think a period other than 5 years is necessary.

14.2.3. Suggested conditions for a hoarding or general advertisement should not usually seek to control content. However, conditions can control size or colour etc in relation to a specific advertisement, if required for amenity or public safety. Any suggestions for such conditions should be justified.

14.2.4. When suggesting a condition relating to illumination of advertisements it is useful to consider the 'Professional Lighting Guide 05 (PLG05) The Brightness of Illuminated Advertisements' produced by the Institution of Lighting Professionals.

14.2.5. The fact that conditions are suggested does not mean that the appeal will be allowed, and consent granted or that, if allowed, conditions will be imposed.

14.2.6. See 17 for more general information on the use of conditions in appeals.

14.3. Advertisements in special areas

14.3.1. If the appeal site is in an Area of Special Control of Advertisements, conservation area, or Area of Outstanding Natural Beauty LPA statements should include maps outlining the boundaries of such areas. In relation to a site in an Area of Special Control of Advertisements this information could be crucial to the handling of the appeal and may affect whether consent can be granted. We do not hold information on Areas of Special Control of Advertisements, and we rely on the LPA to clearly state where this applies.

14.3.2. The specific duty in section 72 of the [Planning \(Listed Building and Conservations Areas\) Act 1990 \(as amended\)](#) applies where a site is in a conservation area. However, that in section 66 regarding listed buildings does not apply, except where enforcement action is involved. Listed building consent as well as advertisement consent is normally required for advertisements attached to listed buildings, because the attachment generally comprises an alteration to the listed building affecting its character as a building of special architectural or historic interest. Where a listed building is involved the listed building description should be included in the LPA's statement.

14.3.3. If the LPA has refused listed building consent or failed to determine the application for listed building consent within time, it is helpful to make any listed building consent appeal at the same time as making the advertisement appeal so that they can be considered together.

14.4. Discontinuance notices

14.4.1. A discontinuance notice can be issued only against an advertisement displayed with deemed consent. It is a formal document that, once it takes effect, can result in conviction for non-compliance.

14.4.2. The LPA issuing the discontinuance notice is not required to notify the recipient of their right of appeal against the notice. However, LPAs are expected, as a matter of good practice, to notify recipients of their right of appeal.

14.4.3. The LPA should state (in their 6-week representations or in their hearing statement as appropriate) whether the discontinuance notice is part of a wider campaign and if not, why action has been taken against this particular site/advert. This is particularly useful where the appellant has referred to other advertisements in the area which, in their view, have a comparable impact to the appeal display/site.

15. Expert evidence

15.1. Expert evidence is evidence that is given by a person who is professionally qualified to express an opinion on a particular subject. It can be used in all appeals.

15.2. It is the duty of an expert to help the Inspector. This duty overrides any duty the expert may have to the party that involved them in the appeal or that is paying them.

15.3. The evidence should be accurate, concise, and complete and should represent the expert's honest and objective opinion. If the expert belongs to a professional body that has a code of practice on professional conduct dealing with giving evidence, the expert is expected to comply with the code.

15.4. Expert evidence should include an endorsement such as that set out below or similar (such as that required by a particular professional body):

“The evidence which I have prepared and provide for this appeal reference APP/xxx (in this proof of evidence, written statement or report) is true [and has been prepared and is given in accordance with the guidance of my professional institution] and I confirm that the opinions expressed are my true and professional opinions.” This will enable the Inspector and others involved in an appeal to know that the material in a proof of evidence, written statement or report is expert evidence.

15.4.1. Giving expert evidence does not prevent an expert from acting as an advocate so long as it is made clear through the endorsement or otherwise what is expert evidence and what is not.

16. Amending the proposed scheme once an appeal has been made

16.1. If an appeal is made the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme LPA that was considered by the LPA and interested parties at the application stage.

16.2. Where, exceptionally, amendments are proposed during the appeals process the Inspector will take account of the Wheatcroft Principles when deciding if the proposals can be formally amended. In the ‘Wheatcroft’ judgment the High Court considered the issue of amendments in the context of conditions and established that “the main, but not the only, criterion on which... judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation” (Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992]). It has subsequently been established that the power to consider amendments is not limited to cases where the effect of a proposed amendment would be to reduce the development (See Breckland DC v. Secretary of State for the Environment (1992) 65 P&CR.34).

16.3. Whilst amendments to a scheme might be thought to be of little significance, in some cases even minor changes can materially alter the nature of an application and lead to possible prejudice to other interested people.

16.4. The Inspector must consider if the suggested amendment(s) might prejudice anyone involved in the appeal or if the amendment would result in impacts on people or the environment that have not been properly assessed. They may reach the conclusion that the proposed amendment(s) should not be considered and that the appeal has to be decided on the basis of the proposal as set out in the application.

17. Planning conditions

17.1. The appellant should state on the appeal form if they wish to accept or can suggest a planning condition(s) that they think would mitigate the impact of the proposal. The LPA should do this in their questionnaire or on a separate document alongside its full statement of case.

17.2. The appellant and LPA should read the [planning practice guidance on the use of planning conditions](#); and Appendix A – “Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances” (which is still in existence) to [Circular 11/95: Use of conditions in planning permission](#) (which has been cancelled).

17.3. The fact that conditions are suggested does not mean that the appeal will be allowed and planning permission granted or that, if allowed, conditions will be put

on the permission. A hearing or inquiry will usually include a discussion about the conditions which may be imposed if the proposal is granted planning permission.

18. Planning obligations

18.1. For guidance on how to use planning obligations please see our [good practice guide to planning obligations](#).

18.2. Deadlines for the receipt of planning obligations

18.2.1. Planning obligations received after the following deadlines will be taken into account only at the Inspector's discretion. The Inspector will not delay the issue of a decision to wait for an obligation to be executed unless there are very exceptional circumstances.

18.2.2. Written representations

18.2.2.1. If the appeal is following the part 1 written representations procedure (see 9) the appellant must ensure that we receive an executed and certified copy of the planning obligation at the time of making their appeal.

18.2.2.2. If the appeal is following the part 2 written representations procedure (see 9), the appellant must ensure that we receive an executed and certified copy of the planning obligation no later than 7 weeks from the start date.

18.2.3. Hearings and inquiries

18.2.3.1. There should be continuous dialogue between the parties before the hearing or inquiry about the draft planning obligation to ensure that the final draft is as good as it can be.

18.2.3.2. The appellant should make sure that a final draft, agreed by all parties to it, is received by us no later than 10 working days before the hearing or inquiry opens. The Inspector's and other parties' preparation for the hearing or inquiry is likely to be significantly disrupted if this deadline is not met.

18.2.3.3. We ask for a final draft, rather than an executed planning obligation, to allow for the possibility that the wording may need to be changed at the hearing or inquiry. The planning obligation should normally be executed before the hearing or inquiry closes, without the need for an adjournment. However, if that is not practicable the Inspector will agree the details for the receipt of the executed planning obligation with the appellant and the LPA at the hearing or inquiry.

18.2.3.4. The Inspector will normally ask the appellant to certify that the executed obligation is identical to that discussed at the hearing or inquiry, save only for the signing and dating of the document.

19. The decision

19.1 When made, the decision will be published online and can be viewed using the [search facility](#).

20. Complaints, challenges and feedback

20.1. Challenge an administrative decision

20.1.1. If the appellant, LPA or an interested person believe that we have made an incorrect administrative decision in the way we have processed the appeal, they should write to our Case Officer giving clear reasons why they think we should review our decision. We will review the decision and if we choose to stick with the original decision, we will explain why.

20.1.2. There is no statutory right to challenge an administrative decision in the High Court. However, it is possible to make an application for judicial review. Rule 54.5(5) of the [Civil Procedure Rules 1998 \(as amended\)](#) requires that an application for judicial review relating to a decision of the Secretary of State (our administrative staff make decisions about the processing of an appeal on behalf of the Secretary of State) under the planning acts, must be made not later than 6 weeks after the grounds to make the claim first arose.

20.1.3. However, if the appeal is decided before the end of this time limit then the only way to challenge decisions by administrative staff would be as part of the challenge to the appeal decision itself through the High Court (see 20.4).

20.2. Complaints

20.2.1. If after the decision on an appeal has been published, we receive a complaint against an Inspector's decision or the Inspector or the way we administered a case, it is dealt with by our Customer Quality team who are independent of the teams that process cases. All complaints are investigated thoroughly and impartially. See our [guide to our complaints procedure](#).

20.3. Slip rule

20.3.1. Please note that, once issued, we are unable to change the appeal decision. The only way to do so is a successful High Court challenge.

20.3.2. However, under [section 56 of the Planning and Compulsory Purchase Act 2004](#), we have the power to correct certain types of errors on our decision notices. This is known as the 'Slip Rule'. The only corrections we can make are ones which would not change the appeal decision.

20.3.3. If any person wants us to consider correcting a decision, they should explain clearly what error they think has been made.

20.3.4. Any request must be received within the High Court challenge period – 6 weeks beginning with the day after the date of the decision.

20.3.5. On receipt of a request, we will decide whether a correction should be made. If we issue a correction notice, it will be accompanied by an amended decision (superseding the original decision) which has full legal status. That decision will carry a fresh date and will replace (and be subject to the same provisions as) the original in all respects.

20.3.6. To make a request, contact the Customer Quality team:

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

Phone: 0303 444 5000

Email: feedback@planninginspectorate.gov.uk.

20.4. High Court challenges

20.4.1. There is a statutory right to challenge the decision on whether to allow or dismiss the appeal (the appeal decision) in the High Court. To do this, you must first apply for permission to submit the challenge.

20.4.2. There is also a statutory right to challenge costs decisions made in connection to an appeal decision in the High Court. To do this, you must first apply for permission to submit the challenge.

20.5. Deadlines for making a High Court challenge

20.5.1. Permission to make a challenge must be sought within 6 weeks beginning with the day after the date of the appeal or costs decision.

20.6. Eligibility for making a High Court challenge

20.6.1. Any aggrieved person may make a High Court challenge.

20.7. Further guidance on High Court challenges

20.7.1. Please see the Administrative Court's detailed guidance on making a High Court challenge for further information:

- [Administrative Court: bring a case to the court](#)
- [Administrative Court](#)

20.8. If a High Court challenge succeeds

20.8.1. The appeal returns to the Planning Inspectorate for ‘re-determination’. The Inspector re-determining the appeal may come to the same decision that gave rise to the challenge but for different or expanded reasons. We usually appoint a different Inspector to make the decision.

20.8.2. We give priority to re-determination cases and they are usually handled quickly.

20.8.3. Where the appeal was originally dealt with by written representations, we would normally re-determine it by means of further written representations. However, where there has been a material change in circumstances, we may opt for a different procedure, having regard to the [criteria for procedure determination](#).

20.8.4. Where the appeal was originally dealt with by hearing, we would normally re-determine it with an inquiry because we consider that an inquiry would be needed to fully examine the legal issues raised in court. However, where all parties agree that a hearing would be appropriate, we will take this into account when determining the procedure for the re-determined appeal.

20.8.5. Where the appeal was originally dealt with by an inquiry, we would normally re-determine it with an inquiry.

20.8.6. All the documents from the original appeal will be seen by the Inspector appointed to the re-determination. Where there have been significant changes in circumstances since the original decision, the Inspector would normally allow parties to submit further evidence to address these.

20.8.7. The redetermination will not normally follow the usual timetables. We will write to the main parties, and interested parties if appropriate, to let them know what will happen.

20.8.8. Arrangements for redetermination of costs decisions may differ.

20.8.9. We would normally try to agree dates for a hearing or an inquiry through our standard procedure. Where the re-determined case is proceeding by written representations, we would normally contact the parties to arrange a further site visit, unless it has been agreed that a further site visit is unnecessary.

20.9. Commencing development before the time limit for a High Court challenge passes

20.9.1. There is a risk in commencing development before the High Court challenge time limit has expired. This is because if the planning permission is quashed by the Court, development will become unlawful. The LPA may take enforcement action against development that exists without a valid planning permission.

20.10. Further information on High Court challenges

20.10.1. Further advice about making a High Court challenge can be obtained from:

Administrative Court at the Royal Courts of Justice
Queen's Bench Division
Strand
London
WC2A 2LL

Phone: 020 7947 6655

[The Administrative Court's GOV.UK website](#)

10.4.8.2. The contact details of our High Court team are:

High Court Team
The Planning Inspectorate
Temple Quay House
2 The Square,
Bristol
BS1 6PN

Phone: 0303 444 5000

Email: HighCourt@planninginspectorate.gov.uk

10.4.8.3. To contact the Ombudsman:

The Parliamentary & Health Service Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP

Helpline: 0845 0154033

[Ombudsman website](#)

Email: phso.enquiries@ombudsman.org.uk

20.11. Feedback

20.11.1. We welcome feedback about people's experience of dealing with us. This can be provided to us at any time. Please send your feedback to feedback@planninginspectorate.gov.uk.

21. Contacting us

21.1 To discuss a particular appeal please contact our Case Officer – the LPA can provide their details, or they can be found online using the [search facility](#). For general enquiries our contact details are:

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

[Customer Form: Customer Services and general enquiries.](#)

Email: enquiries@planninginspectorate.gov.uk

Helpline: 0303 444 5000

22. Getting help

22.1. The following organisations offer free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees:

Planning Aid

Planning Aid England
41-42 Botolph Lane
London
EC3R 8DL

Advice Line: 0330 123 9244

Switchboard: 020 7929 9494

Fax: 020 7929 9490

Email: info@planningaid.rtpi.org.uk

[Planning Aid website](#)

The Environmental Law foundation

Helpline: 0330 123 0169

Email: info17@elflaw.org

[Environmental Law foundation website](#)

Advocate

Advocate
The National Pro Bono Centre,
48 Chancery Lane,
London,
WC2A 1JF

DX: 188 London Chancery Lane

Telephone: 020 7092 3969

[Advocate Website](#)

23. How we use your personal information

23.1. The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

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