

Planning Appeals

HAS PLANNING PERMISSION BEEN REFUSED?

An appeal can be submitted to the Planning Inspectorate in the following circumstances:-

- 1) If you applied to the Local Planning Authority (LPA) for planning permission, and they:-
 - refused permission;
 - gave permission but with conditions you think are inappropriate; or
 - haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for.
- 2) If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- 3) If the LPA doesn't decide your application within the time allowed. Normally the time allowed is eight weeks from when your application is validated (13 weeks for a major application).
- 4) If the LPA require additional information before your outline planning application can be decided, but you do not want to supply this.

THE APPEAL PROCESS

The appeal process initially involves the submission of the appropriate appeal form, a copy of the original planning application and a 'statement of case' regarding the appeal.

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

Appeals by the Written Representation method are the quickest means to an appeal decision, followed by an Informal Hearing and then the Public Inquiry. The method for determining the appeal is essentially determined by the Planning Inspectorate, depending on the complexity of the case.

Appeals can take between five and twelve months, depending on the workload of the Planning Inspectorate and the number of Inspectors available.

HOW MUCH WILL AN APPEAL COST?

There is no application fee for making an appeal but you will inevitably have expenses in employing appropriate advisers.

KEY POINTS

- Of all appeals nationally, approximately 30% are allowed.
- The appeal application needs to be accompanied by supporting documentation.



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- A proposed date for an appeal hearing (or site visit regarding a written submission) is provided by the Planning Inspectorate. There is limited opportunity to change the date.
- The Planning Inspectorate will appoint an appropriately qualified Inspector for an appeal. The Inspector's role is to review the proposal in light of prevailing planning policy at the time of the appeal decision. The appointed Inspector may not necessarily be an expert in the subject of the case.
- If the appeal is heard by way of informal hearing it is normal for the Inspector to adjourn the hearing in order to make a site visit accompanied by a representative for the LPA and the Appellant.
- Appeal decisions are made in writing, usually four to six weeks following the date of an informal hearing.
- Costs can be applied for and awarded in cases where either party has acted unreasonably.

SUMMARY

The outcome of an appeal will be based on the proposal in respect of the prevailing planning policy and the Inspector's interpretation and view of the case.

Although at the outset of an appeal the chances of success may be considered good, the ultimate outcome can never be guaranteed.

Even if an appeal is not successful the wording of the appeal decision could facilitate and enable a re-submission application to the LPA which could then be granted.

For advice concerning a Planning Appeal contact your local Acorus office.



Successful Appeal by Acorus
for a High Rope Course



Successful Acorus Appeal for a
Free Range Poultry Unit