



The Planning Inspectorate

Guide to taking part in planning appeals

If you want to comment
on someone else's
appeal



INVESTOR IN PEOPLE

Revised edition – May 2005

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Planning Inspectorate

Quality statement

We aim to provide the following in the appeal process:

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

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

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

You can now use the internet to send us documents and check the information and the progress of appeals on the Planning Casework Service (PCS) at www.planningportal.gov.uk/PCS

1 The appeals process

Planning applications are made to the local planning authority (LPA). The LPA is usually the district or borough council. Planning applications can be controversial and the LPA's decision can sometimes lead to an appeal. Appeals may be made for a number of reasons, but most are made because the LPA have refused planning permission.

In England, appeals are made to The Planning Inspectorate which is part of The Office of the Deputy Prime Minister.

If you had an interest in an application, whether you were for or against it, you almost certainly will be interested in the outcome of the appeal. For example, you may live close to the area, or you may be a member of a residents' association or a group with a special interest.

This guide explains how you can make your views known. There is a more detailed guide for the person making the appeal (the appellant) called 'Making your planning appeal'. There are separate guides for appeals against enforcement notices. You can see all our guides on our website (www.planning-inspectorate.gov.uk) or you can write to us at the address on page 17.

Who can appeal

Only the person who made the planning application has the right to appeal. We must receive all their appeal papers within six months of the LPA's decision notice, or within six months of the end of the decision period if the LPA haven't made a decision.

If we don't receive the appeal papers within the time limit, and there are no exceptional reasons for this delay, we won't accept the appeal.

Who decides it

Appeals are decided by Inspectors, who are completely unbiased and usually professionally qualified in planning or a similar area, such as law or architecture.

Inspectors will decide most appeals. But there are some appeals that the First Secretary of State will decide (for example, proposals that will affect more than just the local area). In those cases, the Inspector will consider all the evidence and send a report with their recommendation to the First Secretary of State. The Secretary of State then considers whether to accept the Inspector's recommendation, and issues a decision letter through the Office of the Deputy Prime Minister.

How it is decided

Both the appellant (person making the appeal) and the LPA can have their case heard by an Inspector at a hearing or public inquiry. Most appeals (about 75%) are decided through the written procedure.

What is considered

The Inspector can only consider things which are relevant to planning, for example, the fact that a proposed new building may overlook someone's garden or may need a new access that could have a harmful effect on road safety. Planning issues can be wide-ranging, but the LPA's reasons for refusing a planning application will usually set out the issues that will apply.

You can take part in the appeal process, but you can only raise planning issues about the application.

2 How you find out about the appeal

The type of publicity the appeal receives will depend on whether it is to be decided by written evidence and comments, a hearing or an inquiry.

If you wrote to the LPA about the planning application while they were considering it, they should write to tell you about the appeal within two weeks of us accepting it.

If the appeal is to be decided by a hearing, when the arrangements have been made the LPA should let you know when and where it will take place. They may also publish details of the hearing in a local newspaper if they think it's necessary.

There is usually more publicity about an appeal if there is going to be an inquiry. As with the other appeal procedures, if you have already written to the LPA, they should write to you. The LPA should send you details of the inquiry arrangements once the date is agreed. The appellant must display details of the inquiry, like the time and place, on the site of the proposed development two weeks before the inquiry.

These are the minimum publicity requirements, and you will find more details about each of these procedures later in this guide. Your LPA may give appeals more publicity.

3 What you can do

If the appeal is to be decided by the written procedure, you can write to us with your views. If there is a hearing or inquiry, you can still write to us, but you may also want to go to the hearing or inquiry and take part.

The LPA will send us copies of any letters of support or objection they received about the planning application while considering it. If you did not write at that stage, or you did write and now have something new to say, you can write to us. **But there are strict time limits for sending us your comments.**

The time limits for sending your comments

Whichever procedure is followed, if you want to make written comments, you should send them to us within six weeks of the starting date for the appeal (the LPA will tell you this period when they write to you letting you know about the appeal).

The time limits for sending comments to us are important, and everyone taking part in an appeal must follow them. **If you send us comments after the end of the time limits, we will not normally accept them. Instead we will return them to you. This means that the Inspector will not take them into account.**

See the written, hearing and inquiry procedure sections later in this booklet and the diagrams and template at the appendix.

Regulating recorded evidence

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

Regulation of Investigatory Powers Act 2000 ('RIPA')

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

Recording evidence is prohibited if the evidence is made available to another person or organisation and, where necessary, if those involved did not give permission for its use or for the recording to take place. Those involved must also be given the opportunity to confirm the recording is accurate. If not, we will not accept it.

Getting help

If you would like help in taking part in a planning appeal, you can contact Planning Aid. Planning Aid provides free and independent advice on town and country planning issues to people and groups who cannot afford consultancy fees. You can contact:

Ian Silvera
National Planning Aid Co-ordinator
Royal Town Planning Institute
Unit 319
The Custard Factory
Gibb Street
Birmingham
B9 4AA.

Phone or fax: 0121 693 1201
E-mail: planaidcoord@rtpi.org.uk
Website: www.rtpi.org.uk

4 The written procedure

With this type of appeal, we only consider written evidence from the appellant, the LPA and anyone else who, like you, has an interest in the appeal. We cannot accept any form of taped evidence, as we cannot be sure that everyone involved has exactly the same version.

Sending us your comments

The LPA will send us copies of any letters of support or objection which they received about the planning application.

If you want to make comments (or add to those already made), you **must** send them to us within the time limit given in your letter from the LPA telling you about the appeal. **This is within six weeks of the date that we accept the appeal — we call this ‘the starting date’.** We will not normally accept comments that have been sent late. Instead we will return them to you. This means that the Inspector will not take them into account.

We will send copies of your letter to the appellant, the LPA and the Inspector. If we consider your letter contains racist or abusive comments, we will send it back to you before the Inspector or anyone else sees it. If you take out the racist or abusive comments, you can send your letter back to us. **But, you must send it back before the time limit ends.**

If possible, please send us three copies of your letter. We will not acknowledge your letter unless you ask us to. If you would like a copy of the appeal decision, you must ask for one in your letter.

The site visit

The Inspector will want to see the site involved in the appeal before making a decision. But, because everyone concerned has to make their case in writing, no discussion is allowed during the visit.

If the Inspector can see enough of the site from the road or a public viewpoint, they will visit the site alone. If that is not possible, the appellant and the LPA's representative will go with the Inspector.

There is normally no need for other people to take part in the site visit. However, if you own a property nearby and you want the Inspector to see the appeal site from your property, you should tell us this when you write to us. We will then tell you the date and time of the visit.

The Inspector will decide whether they need to come onto your property. If they do, the appellant and an LPA representative must come too. You will not be able to discuss the case, but you can point out relevant facts and features.

It is sometimes difficult to know what you are allowed to say, but here is an example.

Your neighbour has applied to build an extension on his home, and you have written to tell us that this extension will overlook some of your windows.

You can say to the Inspector: 'These are the windows I mentioned in my letter.'

But you cannot say: 'These windows will be overlooked because ...'

After the site visit the Inspector writes the decision or sends a report to the Secretary of State. See chapter 8.

See the diagram of the written procedure at appendix 1, and the suggested layout of your comments at appendix 4.

5 The hearing procedure

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry.

Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest; or
- involve cross-examination (questioning) of witnesses.

Sending us your comments

The LPA will send us copies of any letters of support or objection they received about the planning application.

You do not have to go to the hearing. If you prefer, you can write to us. If you want to make comments (or add to those already made), you **must** send them to us within the time limit given in your letter from the LPA telling you about the appeal. **This is within six weeks of the date that we accept the appeal — we call this ‘the starting date’.** We will not normally accept comments that have been sent late. Instead we will return them to you.

We will send copies of your letter to the appellant, the LPA and the Inspector. If we consider your letter contains racist or abusive comments, we will send it back to you before the Inspector or anyone else sees it. If you take out the racist or abusive comments, you can send your letter back to us. **But, you must send it back before the time limit ends.**

If possible, please send us three copies of your letter. We will not acknowledge your letter unless you ask us to. If you would like a copy of the appeal decision, you must ask for one in your letter.

Arranging the hearing

We will agree a date for the hearing with the appellant and the LPA. We do not involve anyone else when we fix the date. The LPA will write to everyone they told about the appeal and give them details of the hearing, like the time and place. The LPA may also put a notice in a local paper, giving the same information.

People with disabilities

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

What happens at the hearing

Hearings are usually held in council offices, village halls or community centres and normally last about half a day.

The Inspector will open the hearing by explaining what the appeal is about. They will then go through some routine points, including asking who wants to speak. You should tell the Inspector if you want to speak at this stage, or you can comment on the planning application later in the hearing.

The Inspector will usually give a summary of the appellant's and the LPA's cases, and say which topics will be discussed at the hearing.

Before going to the hearing, if you want to see what the appellant and the LPA have said, you should be able to see copies of their appeal documents at the local council's offices.

Giving your views at the hearing

The appellant will usually give their views on a topic first, followed by the LPA, and then anyone else who wants to comment. This is your chance to comment.

Although hearings are informal, they must be orderly if everyone involved is to have a fair hearing. So, you may comment on and question the evidence presented but your comments should be made through the Inspector. The Inspector will not allow any interruptions or bad behaviour.

In most cases, the Inspector will suggest that the hearing is continued on the site of the proposed development. This will only happen if everyone taking part in the hearing (or their representatives) can attend, and they don't object to the arrangement. Most hearings end after any discussion at the appeal site. After the hearing the Inspector writes the decision or sends a report to the Secretary of State. See chapter 8.

See the diagram of the hearing procedure at appendix 2, and the suggested layout of your comments at appendix 4.

6 The inquiry procedure

This is the most formal of the appeal procedures, because it usually involves larger or more complicated appeals.

These are often cases where expert evidence is presented, and witnesses are questioned. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and the LPA usually have legal representatives.

Inquiries are open to members of the public, and although you do not have a legal right to speak, the Inspector will normally allow you to do so. Local people are encouraged to take part in the inquiry process. Local knowledge and opinion can often be a valuable addition to the more formal evidence given by the appellant and the LPA.

Sending us your comments

The LPA will send us copies of any letters of support or objection they received about the planning application.

You do not have to go to the inquiry. If you prefer, you can write to us. If you want to make comments (or add to those already made), you **must** send them to us within the time limit given in your letter from the LPA telling you about the appeal. **This is within six weeks of the date we accept the appeal — we call this ‘the starting date’.** We will not normally accept comments that have been sent late. Instead we will return them to you.

We will send copies of your letter to the appellant, the LPA and the Inspector. If we consider your letter contains racist or abusive comments, we will send it back to you before the Inspector or anyone else sees it. If you take out the racist or abusive comments, you can send your letter back to us. **But, you must send it back before the time limit ends.**

If possible, please send us three copies of your letter. We will not acknowledge your letter unless you ask us to. If you would like a copy of the appeal decision, you must ask for one in your letter.

Arranging the inquiry

We will agree a date for the inquiry with the appellant and the LPA. We do not involve anyone else when we fix the date. The LPA will write to everyone they told about the appeal and give them details of the inquiry, like the time and place. The LPA may put a notice in a local paper and the appellant must put one on the appeal site two weeks before the inquiry, giving the same information.

People with disabilities

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

Taking part in the inquiry

If you want to take part in an inquiry, you need to think about what you want to say and how you want to say it. If you want to see what the appellant and the LPA have said, you should be able to see copies of their appeal documents at the local council's offices. Most people prefer to make, or read out, a brief statement giving their views. If there are several people with the same views, it is a good idea for one person to speak on behalf of the others. Repeating arguments at the inquiry does not help the Inspector, or make the point more relevant.

If you want to take a leading role in the inquiry and call your own witnesses, you should contact us at the earliest possible stage. If we agree to this, we may ask you to provide a statement of your case and details of any documents you will produce at the inquiry. If we ask for this information, and you provide it, we will send you copies of the appellant's and LPA's statements.

What happens at the inquiry

If you want to speak at the inquiry, it is important that you are there when it opens because this is when the Inspector will tell everyone about the timetable.

At the inquiry opening, the Inspector will go through some routine matters, including asking who will be taking part in the inquiry. This is often called 'taking the appearances'. When the appellant and the LPA have given their details, the Inspector will ask if anyone else wants to speak. At this stage, you should only give your name and address, and say whether you are for or against the proposal.

The Inspector will then usually give an outline of what will happen at the inquiry. The appellant will usually be asked to make a brief opening statement first, to set the scene and describe the nature of the scheme. The LPA will then make their opening statement. Their witnesses will then give their evidence and the appellant can cross-examine (question) them. The appellant will then call their witnesses, and the LPA can cross-examine them.

Giving your views at the inquiry

After each witness has been formally cross-examined, the Inspector will normally ask if anyone else who objects to the proposed development has any questions. This is your opportunity to speak, but you must make sure that your questions are relevant to the evidence the witnesses have given. You shouldn't repeat questions that have already been asked.

At this stage, anyone who is interested in the case usually has the chance to speak. At a long inquiry, it is difficult to predict when this will be. If you can't stay at the inquiry all the time, tell the Inspector when the inquiry opens. The Inspector will understand and will try to help by hearing your comments at a different stage of the inquiry, if that is possible.

The Inspector will usually ask if you are willing to answer questions about your evidence. You do not have to do this. If you object to the proposed development, the appellant's representative will ask these questions. Do not feel intimidated. The Inspector will not let anyone ask you hostile or unfair questions.

The inquiry ends with closing speeches by the LPA and the appellant. This is normally followed by the Inspector visiting the appeal site. Because the inquiry is over, there can be no further discussion about the case during that visit. The arrangements are very similar to the visits that are made as part of the written procedure.

After the inquiry the Inspector writes the decision or sends a report to the Secretary of State. See chapter 8.

See the diagram of the inquiry procedure at appendix 3, and the suggested layout of your comments at appendix 4.

7 Awarding appeal costs

At hearings or inquiries the Inspector will say that any application for costs should be made before the end of the proceedings. This can happen when one side claims it has been caused unnecessary expense in dealing with the proceedings, because of the other side's unreasonable behaviour.

Unless you are the appellant, this is unlikely to apply to you because if you choose to take part in an appeal you do so at your own expense. We publish a guide booklet on costs. You can visit our website for a copy or write to us at the address on page 17.

8 The decision

The Inspector will write his or her decision, or send a report to the Secretary of State. If the Inspector decides the appeal, we will send a copy of the decision to:

- the appellant;
- the LPA; and
- anyone else who wrote to ask us for a copy. You must ask us for a copy when you send us your comments.

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

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

9 Complaints

If you have any complaints or questions about the decision, or the way we have handled the appeal, you can write to our Quality Assurance Unit.

The Planning Inspectorate
Quality Assurance Unit
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Phone: 0117 372 8252

Fax: 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

We will investigate your complaint and you can expect a full reply within three weeks. However, we can't reconsider an appeal if a decision has already been given on it. This can only happen if the decision is successfully challenged in the High Court.

10 The High Court

An appeal decision can only be challenged on legal grounds in the High Court. To be successful, you would have to show that:

- the Inspector, or the Secretary of State, had gone beyond their powers; or
- we didn't follow the proper procedures and so damaged your interests.

If your challenge is successful, the High Court will overturn the original appeal decision and return the case to us, and we will look at it again. This doesn't necessarily mean that the original decision will be reversed. We may come to the same decision, but for different reasons.

If you decide to challenge the appeal decision, you must apply to the High Court within six weeks of the date of the appeal decision. When we send you the appeal decision, we will send you a leaflet explaining your right to challenge it.

11 After the appeal

Anyone can apply to the LPA for planning permission for the same site after we issue the Inspector's decision.

If the Inspector granted planning permission with some conditions attached, the appellant can ask the LPA for permission to remove or change some, or all, of those conditions. The LPA will tell interested people about that application and you can send them any comments you may have.

If the LPA refuse that application, or don't give a decision within the time limit, there is another right of appeal. If you wrote to the LPA at application stage, they will tell you about any appeal and that you can send comments to us.

12 Contacting us

Here is the address and phone number for appeals in England.

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

Helpline: 0117 372 6372

Website: www.planning-inspectorate.gov.uk

E-mail: enquiries@planning-inspectorate.gsi.gov.uk

Appendix 1 – The written procedure

Timetable	You
<p style="text-align: center;">Appeal made <i>(within the six-month time limit)</i> We set a starting date</p>	<p style="text-align: center;">Does not apply.</p>
<p style="text-align: center;">Within two weeks from the starting date</p>	<p style="text-align: center;">↓</p> <p style="text-align: center;">You receive the LPA's letter about the appeal, telling you that you must send us any comments within six weeks from the starting date.</p>
<p style="text-align: center;">Within six weeks from the starting date <i>(We will not normally accept late statements or comments. Instead we will return them.)</i></p>	<p style="text-align: center;">↓</p> <p style="text-align: center;">You send us three copies of any comments. If you want a copy of the Inspector's decision notice you must ask us for one in writing.</p>
<p style="text-align: center;">Within nine weeks from the starting date</p>	<p style="text-align: center;">↓</p> <p style="text-align: center;">The appellant and the LPA make their final written comments. You cannot make more written comments at this stage.</p>

Decision

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

Appellant	LPA
<p>They send the appeal form and all supporting documents to us and the LPA. The grounds of appeal should make up their full case.</p>	<p>If the LPA don't want the written procedure, we will tell the appellant and arrange a hearing or inquiry.</p>
<p>They receive a filled-in questionnaire and any supporting documents from the LPA.</p>	<p>The LPA send the appellant and us a filled-in questionnaire and supporting documents. They also write to you about the appeal.</p>
<p>They send us two copies of any further statement. This should relate only to issues raised by the questionnaire and any supporting documents.</p>	<p>The LPA send us two copies of any further statement.</p>
<p>They send us two copies of their final comments on the LPA's statement and on any comments from you. No new evidence is allowed.</p>	<p>The LPA send us two copies of their final comments on the appellant's statement and on any comments from you. No new evidence is allowed.</p>

Appendix 2 – The hearing procedure

Timetable	You
<p style="text-align: center;">Appeal made (within the six-month time limit) We set a starting date</p>	<p style="text-align: center;">Does not apply.</p>
<p style="text-align: center;">Within two weeks from the starting date</p>	<p style="text-align: center;">↓</p> <p style="text-align: center;">You receive the LPA's letter about the appeal, telling you that you must send us any comments within six weeks from the starting date.</p>
<p style="text-align: center;">Within six weeks from the starting date (We will not normally accept late statements or comments. Instead we will return them.)</p>	<p style="text-align: center;">↓</p> <p style="text-align: center;">You send us three copies of any comments. If you want a copy of the Inspector's decision notice you must specifically ask for one in writing.</p>
<p style="text-align: center;">Within nine weeks from the starting date</p>	<p style="text-align: center;">↓</p> <p style="text-align: center;">The appellant and the LPA make their final written comments. You cannot make more written comments at this stage.</p>

After the nine-week stage the LPA will tell you about the arrangements for the hearing. You will be able to see all the appeal papers at the LPA's office. You can go to the hearing and take part in the discussion which the Inspector will lead.

Decision

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

Appellant	LPA
They send the appeal form and all supporting documents to us and the LPA.	The LPA let us know if they don't think a hearing is suitable.
They receive a filled-in questionnaire and any supporting documents from the LPA.	The LPA send the appellant and us a filled-in questionnaire and supporting documents. They write to you about the appeal.
They send us two copies of their hearing statement.	The LPA send us two copies of their hearing statement.
They send us two copies of their final comments on the LPA's statement and on any comments from you. No new evidence is allowed.	The LPA send us two copies of their final comments on the appellant's statement and on any comments from you. No new evidence is allowed. They may put a notice in a local paper about the hearing two weeks before the date and tell you about the arrangements.

Appendix 3 – The inquiry procedure

Timetable	You
<p align="center">Appeal made <i>(within the six-month time limit)</i> We set a starting date</p>	<p align="center">Does not apply.</p>
<p align="center">Within two weeks from the starting date</p>	<p align="center">↓</p> <p align="center">You receive the LPA's letter about the appeal, telling you that you must send us any comments within six weeks from the starting date.</p>
<p align="center">Within six weeks from the starting date <i>(We will not normally accept late statements or comments. Instead, we will return them.)</i></p>	<p align="center">↓</p> <p align="center">You send us three copies of any comments. If you want a copy of the Inspector's decision notice you must ask us for one in writing.</p>
<p align="center">Within nine weeks from the starting date</p>	<p align="center">↓</p> <p align="center">The appellant and LPA make their final written comments. You cannot make more written comments at this stage.</p>
<p align="center">Four weeks before the inquiry</p>	<p align="center">↓</p> <p align="center">The LPA should tell you where you can see the appeal papers. They should also tell you about the inquiry arrangements.</p>

You can go to the inquiry and give your views.

Decision

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

Appellant	LPA
They send the appeal form and all supporting documents to us and the the LPA.	The LPA receive the appeal documents.
They receive a filled-in questionnaire and any supporting documents from the LPA.	The LPA send the appellant and us a filled-in questionnaire and supporting documents. They write to you about the appeal.
They send us two copies of their inquiry statement.	The LPA send us two copies of their inquiry statement.
They send us two copies of their final comments on the LPA's statement and on comments from you. No new evidence is allowed.	The LPA send us two copies of their final comments on the appellant's statement and on any comments from you. No new evidence is allowed.
They send us two copies of their proof of evidence and one copy of the statement of common ground. They put up a notice on the site about the inquiry two weeks before.	The LPA send us two copies of their proof of evidence. The LPA put a notice in a local paper about the inquiry and tell you about the arrangements.

Appendix 4 - Layout for sending your comments

We recommend that you use this layout when you send us your comments about an appeal. If you are able to get your comments typed, this will help the Inspector.

- 1 Your name and address.
- 2 The Planning Inspectorate appeal reference number (this will start APP/...).
- 3 The address of the appeal site.
- 4 'I am against the appeal proposals' or 'I support the appeal proposals'.
- 5 Your comments.

If you are against, say whether it is for the same reasons as given by the LPA or, if not, explain your own reasons.

Or, say why you support the appeal proposals.

- 6 Say if you would like us to send you a copy of the decision notice.

Guidelines on putting forward appeal documents, statements and proofs of evidence

Why we have published these guidelines

We are publishing these guidelines now to prepare everyone for when our Planning Casework Service (our new on-line system for making and tracking appeals) will be available.

At that time, you will be able to put forward your appeal documents electronically if you want to. If you decide to put forward your appeal documents on paper, we will then scan them to create an electronic copy on our system.

Whichever method you choose, your appeal documents, together with any photographs and plans will appear on our Planning Casework Service and will be available for anyone to view through the Planning Portal

Viewing handwritten forms and other documents

It helps the people reading these documents if the originals they are scanned from are as clear and legible as possible. As a result, when filling in forms by hand please write in CAPITAL LETTERS and use **black ink**

Viewing typed documents

Most appeal documents are created using a computer, and authors can choose which typeface (font) they use.

As many people will read these documents on-screen rather than download and print them, we suggest that you use a typeface like **Arial** or **Verdana**

These are sans serif styles, a category of typeface that do not use serifs (small lines at the end of characters). Serif fonts include Times New Roman.

Research has shown that documents in a sans serif typeface are easier to read on-screen.

Ideally, we would like you to use a font size of **11 point** or larger.

Preparing your statement or proof of evidence

Because of the high number of paper documents we are likely to receive until people become familiar with the electronic service and the benefits that it offers, scanning paper documents will be a huge task.

it will help us to scan documents if paper documents are of a **standard size** such as A4 and **loosely bound**.

it would help us greatly if you would prepare your appeal documents in the following way.

- 1 Please use **A4** wherever possible.
- 2 Please number the pages of the documents
- 3 Print documents on both sides of a page if you want to. However, it helps us if the **quality** of paper is such that something on one side of the page does not show through to the other side.
- 4 Please make sure **photocopied** documents are clear and legible. We cannot improve the quality of poor photocopies when scanning them.
- 5 Please put photographs, maps, plans, and so on in a **separate appendix** and cross-reference them within the main body of the document.
- 6 Please do not stick **photographs** to sheets of paper. It is much better if you put them in an envelope and write the site address or appeal number (if you know it) on the back.

- 7 Please **bind** documents in such a way that bindings can be undone quickly without damaging the document. For this reason, it is better to avoid using wire or plastic spiral binders.
- 8 Please avoid using **cover sheets, sleeves** or other **bindings** that do not add value or information. They make it more difficult to scan the documents and will increase the size of the electronic file. This make them slower to open or download.
- 9 Please do not send **valuable original documents** unless we specifically ask for them.
- 10 Please do not include **Post-it notes** or **small attachments** which might be dislodged easily or lost.

Our Planning casework Service

We will introduce our Planning Casework Service soon. It is an on-line service that gives people in England and Wales wider and easier access to the planning system.

The service will make it easier for our staff to manage casework. It will allow people to see our work through the Planning Portal so they can track the progress of cases.

For more information about the Planning Casework Service, visit www.planningportal.gov.uk/pcs.

Appendix 5 – Data Protection and privacy in the Planning Inspectorate

Introduction

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

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

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

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

Data Protection

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

In particular we will:

- only use your personal information to deal with and consider the relevant planning appeal; and
- only hold your personal information for as long as is reasonably necessary. For planning appeals that have been decided, this is usually 12 months. It may be that personal information could form part of the Inspector's decision letter, which may be available from various sources for longer.

Who has access to my personal information?

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

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

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

What information do you collect?

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

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

The information we receive is varied but often includes:

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

What steps should I take?

You should only provide personal information if you are happy for it to be available to the public.

Do not include personal information about other people (including family members) unless you have told the person concerned and they

are happy for you to send it.

The data controller

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

Your rights to get access to personal data.

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

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

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

Phone: 0117 372 6372

You can find information about our privacy policy on our website at www.planning-inspectorate.gov.uk at the section marked 'Privacy Statement'.

Dispute

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

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF.

Switchboard: 01625 545 700

Fax: 01625 524 510

DX: 20819 Wilmslow

Website: www.dataprotection.gov.uk

E-mail: mail@dataprotection.gov.uk

Appendix 6 – Inspectors’ Code of Conduct

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

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

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

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