



The Planning Inspectorate

Guide to taking part in enforcement appeals

**If you want to comment
on someone else's
appeal**



INVESTOR IN PEOPLE

Revised edition – January 2004

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 8075

This document is also available on our website (www.planning-inspectorate.gsi.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.

About the Planning Inspectorate

We are part of the Department for Communities and Local Government (DCLG) and the National Assembly for Wales. We deal with enforcement appeals for England from our Bristol office and enforcement appeals in Wales from our Cardiff office. The Inspectors, who decide most of the appeals, have a variety of backgrounds. These include town planning, surveying, and engineering, architecture and law. We choose Inspectors carefully and train them thoroughly.

Where this booklet refers to the Inspector as “he” this may also be “she”.

This booklet explains the enforcement appeal procedure for appeals in England. If you want advice about appeals in Wales you should contact our Cardiff office. The information it contains was correct when it was published. But it has no legal status. We will deal with every appeal as efficiently as we can, but to do this we rely on everyone's co-operation.

Contents

	Page
1 The enforcement appeals process	5
2 How you will find out about the appeal	8
3 What you can do	9
4 The written procedure	11
5 The hearing procedure	13
6 The inquiry procedure	16
7 Appeal Costs Awards	20
8 The Decision	21
9 Complaints	22
10 The High Court	23
<i>Contacting us</i>	24
<i>Appendices:</i>	26
<i>Appendix 1 (diagram of written procedure)</i>	26
<i>Appendix 2 (diagram of hearing procedure)</i>	28
<i>Appendix 3 (diagram of inquiry procedure)</i>	30
<i>Appendix 4 (Inspector's Code of Conduct)</i>	32
<i>Appendix 5 (Data Protection and Privacy in the Planning Inspectorate)</i>	34

1 The enforcement appeals process

When does an LPA serve an enforcement notice?

- 1.1 Your LPA is usually your local district or borough council. They are responsible for planning control in your area. If you put up a building or carry out a change of use without getting planning permission from the LPA you may be breaking planning control rules. If you already have planning permission but do not meet the conditions attached to it, you are also breaking planning control rules.
- 1.2 It is not an offence to break planning control rules. But if your LPA decide that the building or use is not acceptable, they may decide to send you an enforcement notice.
- 1.3 The LPA do not have to send you an enforcement notice just because you have broken planning control rules. They must have other good reasons and a clear idea of what they want you to do to put things right. For example, an enforcement notice might tell you to remove a building, stop a use, make the building or use acceptable, or meet the conditions of your planning permission.

Who can appeal?

- 1.4 Your LPA can serve an enforcement notice by post, by giving it to the person on the land, or by fixing it to an object on the land.
- 1.5 Anyone with an interest in the land may appeal, whether or not they have been served with a copy of the enforcement notice. This normally means the owner, tenant or leaseholder. A mortgage company or other lender can also have an interest. Nobody else can appeal against a notice, but they can make their views known about an appeal.

What happens if no appeal is made

- 1.6 An appeal must be made before the date the enforcement notice will begin to apply. If no one appeals against the notice before that date, the notice will apply from that date. This means that the notice will be recorded in the relevant planning register and will show in any 'searches' carried out if the land or building is sold.
- 1.7 The enforcement notice sets out what must be done to meet the planning control rules. If the person the notice is addressed to does not obey within the time limit given, they may be committing an offence. And if the LPA decide to take them to court, they may have to pay a fine.

Who decides an appeal

- 1.8 Appeals are judged by Inspectors, who are completely unbiased and professionally qualified in planning or a related area, like law or architecture.
- 1.9 An Inspector will decide most appeals, but there are some appeals that the Secretary of State at the Department for Communities and Local Government (DCLG) will decide for example, proposals that will affect more than just the local area). In those cases, the Inspector will still assess the appeal, but they will send a report with their recommendation to the Secretary of State. The Secretary of State then considers whether to accept the Inspector's recommendation, and issues a decision letter through DCLG.

How it is decided

- 1.10 The Inspector can deal with appeals in one of three ways.
- The LPA and the appellant can make written statements.
 - A public local inquiry can be held.
 - A hearing can be held (less formal than a full inquiry).
- 1.11 The Inspector will always take into account all the facts provided and will normally visit the site before making a decision. The decision letter will be addressed to the appellant and copies will be sent to the LPA and anyone else who has asked for one.
- 1.11 All the appeal procedures, and how you can become involved, are described in further detail in their own sections of this booklet.

2 How you find out about the appeal

- 2.1 If your LPA has served a notice and there is a valid appeal against it, they will write to everyone who lives in nearby property and others who they think are affected, to tell them about the appeal. The LPA will also write to anyone who has already written to them about the site.
- 2.2 If the appeal is dealt with at an inquiry, the LPA will normally advertise the details of the inquiry in the local press. The appellant must display details of the inquiry, like the time and place, on the site of the alleged development 2 weeks before the inquiry.
- 2.3 These are the minimum publicity requirements Your LPA may give appeals more publicity.

3 What you can do

- 3.1 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.
- 3.2 The LPA will send us copies of any letters they have received about the site. If you have not written about the matter before, or you 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

- 3.3 Whichever procedure is followed, if you want to make written comments you should send them to us within 6 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).
- 3.4 The time limits for sending comments to us are important, and everyone taking part in an appeal must follow them.
If comments are sent outside 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 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.

3.6 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.

What you should comment on

3.7 The Inspector and the Secretary of State can only take into account information and evidence that is relevant to the appeal. This could cover a wide range of issues, but those that apply are usually set out in the LPA's letter that tells people about the appeal.

3.8 You may have other worries about the appeal. But if they are not relevant, the Inspector will not consider them. For example, they cannot normally consider how a development has affected property values in the area.

Getting help

3.9 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 Phone or fax: 0121 693 1201
Gibb St e-mail: planaidcoord@rtpi.org.uk
Birmingham B9 4AA website: <http://www.rtpi.org.uk>

4 The written procedure

4.1 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

4.2 If you want to make any comments on the alleged development 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 start date**'. We will not normally accept comments sent late. Instead we will return them to you. This means that the Inspector will not take them into account.

4.3 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.**

4.4 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

4.5 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.

- 4.6 If the Inspector can see enough of the site from the road or public viewpoint, he will visit the site alone. If that is not possible, the appellant and the LPA's representative will go with the Inspector.
- 4.7 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.
- 4.8 The Inspector will decide whether he needs to come onto your property. If he does, 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.
- 4.9 It is sometimes difficult to know what you are allowed to say, but here is an example.
- Your neighbour has built 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 are overlooked and this stops me from...'
- 4.10 After the site visit the Inspector writes the decision or sends a report to the Secretary of State (see section 8).

A diagram of the written procedure is at appendix 1.

5 The hearing procedure

- 5.1 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.
- 5.2 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*
- 5.3 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 start date'.** We will not normally accept comments sent late. Instead we will return them to you.
- 5.4 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.**
- 5.5 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

- 5.6 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.
- 5.8 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.

People with disabilities

- 5.9 We want to hold all hearings in buildings that give 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

- 5.10 Hearings are usually held in council offices, village halls or community centres. They normally start at 10.00am and last about half a day.
- 5.11 The Inspector will open the hearing by explaining what the appeal is about. He or she 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.
- 5.12 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.

Giving your views at the hearing

- 5.13 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.
- 5.14 Although hearings are informal they must be orderly if everyone involved is to have a fair hearing. So, you must make your comments and questions to the Inspector. The Inspector will not allow any interruptions or bad behaviour.
- 5.15 In most cases, the Inspector will suggest that the hearing is continued at the site of the appeal. 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 section 8).

A diagram of the hearing procedure is at Appendix 2.

6 The inquiry procedure

- 6.1 This is the most formal of the appeal procedures, because it usually involves larger or more complicated appeals.
- 6.2 These are often where expert evidence is presented and witnesses are cross-examined. 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.
- 6.3 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

- 6.4 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 sent late. Instead we will return them to you.
- 6.5 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.**

- 6.6 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

- 6.7 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 also put a notice in a local paper and the appellant must put one on the appeal site 2 weeks before the inquiry, giving the same information.
- 6.8 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.

People with disabilities

- 6.9 We want to hold all inquiries in buildings that give 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

- 6.10 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. 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.

6.11 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

6.12 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.

6.13 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 the appeal or objecting to it.

6.14 The Inspector will then give an outline of what will happen at the inquiry. The appellant will usually present their case first, then call any witnesses. The LPA and the Inspector can ask questions. The LPA will then present their case in the same way, and the appellant and the Inspector can ask them or their witnesses any questions.

Giving your views at the inquiry

6.15 When each witness has been formally cross-examined, the Inspector will normally ask if anyone else who supports or objects to the appeal 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.

6.16 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 stage will be reached. 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.

6.17 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 appeal, the appellant's representative will ask these questions. Do not feel intimidated. The Inspector will not let anyone ask you hostile or unfair questions.

6.18 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.

A diagram of the inquiry procedure is at Appendix 3.

7 Appeal costs awards

- 7.1 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 party claims it has been caused unnecessary expense in dealing with the proceedings, because of the other party's unreasonable behaviour. In an enforcement notice appeal you can also apply for costs if you used the written appeals procedure.
- 7.2 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 which is available from our website or you can write to us at the address on page 24.

8 The Decision

- 8.1 The Inspector will write the decision, or send a report to the Secretary of State. Where 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 and anyone served with a copy of the enforcement notice .*
- 8.2 For appeals decided by the written procedure, we aim to issue the decision no later than five weeks after the site visit. For hearings we aim to issue the decision no later than seven weeks after the date of the hearing. For inquiries which last for one or two days, our aim is to issue the decision 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.
- 8.4 If the Secretary of State is making the decision it may take longer.

9 Complaints

- 9.1 If you have any complaints or questions about the decision, or the way we have handled the appeal, please write our Quality Assurance Unit:

The Planning Inspectorate
Quality Assurance Unit
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Phone: 0117 372 8252

Fax: 0117 372 8139

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

- 9.3 They will reply to you, or they will ask a section within the Inspectorate to reply because they have specific specialist knowledge.
- 9.4 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. The only time we will do this is if the decision is successfully challenged in the High Court.

10 The High Court

- 10.1 An appeal decision can only be challenged on legal grounds in the High Court.
- 10.2 To be successful you would have to show that:
- The Inspector, or the Secretary of State, had gone beyond their powers; or
 - We did not follow the proper procedures and so damaged your interests.
- 10.3 Unless you have a legal or equitable interest in the appeal land you only have a statutory right of appeal to the High Court if the decision on the enforcement notice appeal granted planning permission or discharged conditions and as a result your interests have been substantially prejudiced. Your challenge would be made under section 288 of the 1990 Act. If you do have a legal or equitable interest in the appeal land you can challenge any part of the decision on the enforcement notice appeal under section 289 of the 1990 Act.
- 10.4 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.
- 10.5 If you decide to challenge the appeal decision under section 288, you must apply to the High Court within six weeks of the date of the appeal decision. If your challenge is under section 289 you should apply to the High Court for their permission to make the challenge within 28 days of the decision. If you request a copy of the appeal decision, we will send you a leaflet explaining in greater detail your right to challenge it.

Judicial Review

- 10.6 If you do not have any interest in the appeal land itself, but wish to challenge an enforcement appeal decision made on ground (b) to (g), or the decision to quash the enforcement notice, you may make an application to the High Court for judicial review. This is a non-statutory procedure.
- 10.7 Before you decide to challenge any appeal decision you should understand that, if unsuccessful, you will probably have to pay the other side's legal costs of defending the decision. You may well wish to seek professional legal advice first.

Contacting us

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 8075

Website: www.planning-inspectorate.gsi.gov.uk

Appendix 1

The written procedure

Timetable	You
<p>Appeal made</p> <p>We set a start date</p>	<p>Does not apply.</p>
<p>Within 2 weeks from the start date</p>	<p>You receive the LPA's letter about the appeal telling you that you must send us any comments within 6 weeks from the start date.</p>
<p>Within 6 weeks from the start date</p> <p>(Late statements and comments will not normally be accepted but will be sent back)</p>	<p>You send us 3 copies of any comments. If you want a copy of the Inspector's decision notice you must ask for one in writing.</p>
<p>Within 9 weeks from the start date</p> <p>(Comments sent late will not normally be accepted but will be sent back.)</p>	<p>The appellant and the LPA make their final written comments. You cannot make more written comments at this stage.</p>

Note: The Planning Inspectorate send copies of statements and comments to the appellant and the LPA by first-class post. The Inspectorate aims to do this within a week of the deadlines.

Appellant	LPA
<p>The appellant sends a completed appeal form and a copy of the enforcement notice to us and the LPA. The grounds of appeal and supporting facts should make up the full case.</p>	<p>If the LPA don't want the written procedure (or the Inspectorate decides the appeal needs to be heard before an Inspector), we will arrange a hearing or inquiry.</p>
<p>The appellant receives a completed questionnaire and any supporting documents from the LPA.</p>	<p>The LPA send the appellant and the Inspectorate a copy of a completed questionnaire and supporting documents. They also write to you about the appeal.</p>
<p>The appellant sends us 2 copies of any further statement.</p>	<p>The LPA send the Inspectorate 2 copies of any further statement.</p>
<p>The appellant sends the Inspectorate 2 copies of their final comments on the LPA's statement and on any comments from interested people. No new evidence is allowed.</p>	<p>The LPA send the Inspectorate 2 copies of their final comments on the appellant's statement and on any comments from interested people. No new evidence is allowed.</p>

Decision: After any site visit (or advice that one will not be held) the Inspector writes the decision or sends a report to the Secretary of State. **The appellant and the LPA will be sent a copy of the decision notice. Anyone requesting a copy will also be sent one, as will any other person who was served with a copy of the enforcement notice.**

Appendix 2

The hearing procedure

Timetable	You
<p>Appeal made</p> <p>We set a start date</p>	Does not apply.
<p>Within 2 weeks from the start date</p>	You receive the LPA's letter about the appeal, telling you that you must send us any comments within 6 weeks of the start date.
<p>Within 6 weeks from the start date</p> <p>(Late statements will not normally be accepted but will be sent back.)</p>	You send us 3 copies of any comments. If you want a copy of the Inspector's decision notice you must ask for one in writing.
<p>Within 9 weeks from the start date</p> <p>(Comments sent late will not normally be accepted but will be sent back.)</p>	The appellant and the LPA make their final written comments. You cannot make more written comments at this stage

Note: The Planning Inspectorate send copies of statements and comments to the appellant and the LPA by first-class post. The Inspectorate aims to do this within a week of the deadlines.

Appellant	LPA
The appellant sends appeal form and all supporting documents to the Inspectorate and the LPA.	The LPA let the Inspectorate know if they don't think a hearing is suitable.
The appellant receives a completed questionnaire and any supporting documents from the LPA.	The LPA send the appellant and the Inspectorate a copy of a completed questionnaire and supporting documents. They also write to you about the appeal.
The appellant sends the Inspectorate 2 copies of any further statement.	The LPA send the Inspectorate 2 copies of any further statement.
The appellant sends the Inspectorate 2 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 2 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 2 weeks before the date and tell you about the arrangements.

Decision: After the hearing the Inspector writes the decision or sends a report to the Secretary of State. The appellant and the LPA will be sent a copy of the decision notice. **Anyone requesting a copy will also be sent one, as will any other person who was served with a copy of the enforcement notice.**

Appendix 3

The inquiry procedure

Timetable	You
<p>Appeal made</p> <p>The Planning Inspectorate sets a start date</p>	Does not apply.
<p>Within 2 weeks from the start date</p>	You receive the LPA's letter about the appeal, telling you that you must send us any comments within 6 weeks of the start date.
<p>Within 6 weeks from the start date.</p> <p>(Late statements or comments will not normally be accepted but will be sent back.)</p>	You send us 3 copies of any comments. If you want a copy of the Inspector's decision notice you must ask us for one in writing.
<p>Within 9 weeks from the start date</p> <p>(Comments sent late will not normally be accepted but will be sent back.)</p>	The appellant and LPA make their final comments. You cannot make more written comments at this stage.
<p>4 weeks before the inquiry</p> <p>(Proofs of evidence sent late will not normally be accepted, but will be sent back.)</p>	Interested people are told about the inquiry by the LPA. They may attend and, at the Inspector's discretion, express their views.

Note: The Planning Inspectorate send copies of statements and comments to the appellant and the LPA by first-class post. The Inspectorate aims to do this within a week of the deadlines.

Appellant	LPA
The appellant sends a completed appeal form and a copy of the enforcement notice to us and the LPA.	The LPA receive the appeal documents.
The appellant receives a completed questionnaire and any supporting documents from the LPA.	The LPA send the appellant and us a copy of a completed questionnaire and supporting documents. They also write to interested people about the appeal.
The appellant sends the Inspectorate 2 copies of their inquiry statement.	The LPA send the Inspectorate 2 copies of their inquiry statement.
The appellant sends the Inspectorate 2 copies of their final comments on the LPA's statement and on any comments from interested people. No new evidence is allowed.	The LPA send us 2 copies of their final comments on the appellant's statement and on any comments from interested people. No new evidence is allowed.
The appellant sends the Inspectorate 2 copies of their proof of evidence and 1 copy of the statement of common ground.	The LPA send the Inspectorate 2 copies of their proof of evidence. The LPA put a notice in a local paper about the inquiry and notify interested people.

Decision: After the inquiry the Inspector writes the decision or sends a report to the Secretary of State. **You and the LPA will be sent a copy of the decision notice. Anyone requesting a copy will also be sent one, as will any other person who was served with a copy of the enforcement notice.**

Appendix 4

Inspector's Code of Conduct – the principles by which Inspectors* work

**Although these principles are primarily directed to Planning Inspectors they apply with equal force to all decision-makers in the Planning Inspectorate.*

1. Inspectors make their decisions and recommendations in the public interest.
2. Inspectors do not pre-judge a case.
3. Inspectors are not involved in cases where they have a pecuniary interest or a personal interest that may give rise to a reasonable perception of bias.
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 parties having an interest in a case, other than those of minimal value.
6. Inspectors conduct cases as expeditiously as possible.
7. Inspectors treat each person who appears before them with dignity and respect.
8. Inspectors do not discriminate on the grounds of race, sex, sexual orientation, marital status, religion, disability, and age, or otherwise.
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 accountable for their decisions and recommendations and submit themselves to whatever scrutiny is appropriate.

Appendix 5

Data Protection and Privacy in the Planning Inspectorate

Introduction

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

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

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

In accordance with current statutory obligations most of the documentation received will be made accessible to the public. Nevertheless, The Planning Inspectorate, as part of the Department for Communities and Local Government (DCLG), recognises the importance of the privacy of individuals. These notes set out what information we collect and how it will be used.

Data Protection

The Planning Inspectorate has put in place procedures to ensure that it complies with the Data Protection Act 1998 when handling your personal information.

In particular we will:

- only use your personal information for the purposes of dealing with and considering the relevant planning appeal;
- only hold your personal information for as long as is reasonably necessary. For completed planning appeals this is usually 12 months, although we will retain a copy of the Inspector's decision indefinitely. It may be that personal information could form part of the Inspector's decision.

Who has access to your personal information?

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

Any person entitled to be notified of the decision in an inquiry case has a legal right to apply to inspect the listed documents, photographs and plans within 6 weeks of the date of decision. Other requests to see appeal documents will not normally be refused.

In addition, when the electronic Planning Portal is available, the majority of personal information received will be placed on the Casework web site [www.planningportal.gov.uk] and will be accessible worldwide by any third party, including individuals or organisations who have no direct interest in the particular appeal.

What information do we collect?

When dealing with an appeal we could receive personal information about you from a number of parties, including:

- local planning authorities;
- yourself;
- other parties interested in the appeal.

The information we receive is varied but often includes:

- details of your name, address and occupation;
- information as to your health;
- information relating to your opinions or intentions in respect of a planning application/appeal.

What steps should you take?

- Only provide personal information if you are happy for it to be placed in the public domain.
- Do not include personal information about another third party (including family members) unless you have told the individual concerned and they are happy for you to send it.
- Tell us as soon as possible if any of the personal information you have provided should change.

The Data Controller

The data controller (the organisation responsible for dealing with personal information) is the Secretary of State at the Department for Communities and Local Government (DCLG).

Your Rights to Access Personal Data

We have to provide you with a readable copy of the personal data that we keep about you within 40 days. There is a statutory charge of £10. Evidence of proof of your identity will be required. It is both in our interest and yours to hold accurate data. If the data we hold is inaccurate in any way, then without charge and where appropriate, you may have the data:

- erased,
- rectified or amended,
- completed.

For any enquiry or concern about our privacy policy, or to request access to your personal data contact our Data Manager:

Alastair Grant
Data Manager
The Planning Inspectorate
Room 3/16 Eagle Wing
Temple Quay House
2, The Square,
Temple Quay
Bristol BS1 6PN

Telephone: 0117 372 8922

Email: alastair.grant@planning-inspectorate.gsi.gov.uk

Related information about our Privacy policy is available on our web site at <http://www.planning-inspectorate.gov.uk> at the section marked "Privacy Statement".

Dispute

We aim to ensure that we have resolved any matters satisfactorily, however, if you are not satisfied with our response you may contact:

The Information Commissioner	Switchboard: 01625 545 700
Wycliffe House	Fax: 01625 524 510
Water Lane	DX: 20819 Wilmslow
Wilmslow	Website: http://www.dataprotection.gov.uk/
Cheshire	E-mail: mail@dataprotection.gov.uk
SK9 5AF	

Published by the Planning Inspectorate January 2004.

Printed in the UK January 2004 on paper comprising 75% post consumer waste and 25% ECF recycled paper with a water-soluble varnish (cover).

© Crown copyright 1998

Copyright in the printed material and designs is held by the Crown.

You can use extracts of this publication in non-commercial in-house material, as long as you show that they come from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2 – 16 Colegate
Norwich NR3 1BQ

PINS RL12