

# Planning Appeals

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Whether you are considering making an appeal, commenting on an appeal or researching the planning history of a property the following page (we hope) will provide some useful links and advice.

**Information on recent appeals and advice on how to make an appeal can be found by visiting the [Planning Casework Site](#) which allows you to search the planning inspectorate website for appeals and give information about the status and any documents relating to the appeal.**

*[The **Planning Casework Site** is an external "Central" Government site and is managed by the Planning Inspectorate. We are not responsible for the information provided through it.]*

## What is an appeal?

If you seek consent or permission to carry out particular works (such as building an extension) and the application:

- Isn't decided within a set period, or, the local authority refuses the application or grants it on conditions the applicant disagrees they will usually have a right of appeal.
- The appeal will be made to the Welsh Assembly and The Planning Inspectorate administers these appeals.

## Who can appeal?

Only the applicant can make an appeal.

**No third party right of appeal** - There is no right of appeal for interested people or organisations (known as 'third parties').

## How long have I got?

### Planning Appeals

You have six months from the date of the decision notice, or, if none has been issued, you have six months plus eight weeks (or any longer period you have agreed) from the date of your application. You only have eight weeks for advertisement appeals.

### Enforcement Appeals

Must be lodged between the time of receipt of the notice and before the date the notice takes effect.

## Who decides an appeal?

Planning Inspectors decide most appeals, but in cases where they make a report to the Welsh Assembly, the Welsh Assembly decides the appeal. Once an applicant decides to appeal our decision

then we (BBNPA) do not make the decision we can only seek to argue our case through our statement submitted to the Inspectorate.

## How does the process work?

Once an appeal has been submitted, it will be checked to make sure that everything is in order. The Case Officer (inspector) dealing with the appeal will let everyone know the timescales for submitting information so that everyone has a further opportunity to make their case. After all the documentation has been gathered together, the Inspector will consider all the evidence in the light of:

- [The development plan](#)
- [Local and national policy](#)
- The appellants statement of case,
- The local authority's statement of case,
- Comments made by both parties on the statements
- Comments submitted by anyone else.

It is the Planning Inspectorate or officials acting for the Welsh Assembly who will advise the appellant of the eventual decision.

## Is it a formal process?

The appeals process results in a binding decision on all parties. Only by going to high court can a decision be overturned (see below).

The system has been split into three types of appeal so that smaller appeals (for example a domestic extension) can be dealt with quickly without the need for a great deal of expense on the part of the appellant.

There are three different ways to make an appeal

- **Written representations:** - this is the quickest and simplest form of appeal where the appellant and the LPA write a report which is considered along with supporting information and a site visit by the case officer. For more information visit the Planning Portal's [written representations](#) information page
- **Informal hearings:** - If the appellant or the local planning authority (LPA) doesn't agree to the written procedure, there will be a hearing or inquiry instead. Hearings are less formal than inquiries and the Inspector will lead an informal discussion on the main

issues, for further information visit the Planning Portals [hearings](#) information page.

- **Inquiry:** - The Planning Inspectorate hold an inquiry if the appellant or the local planning authority (LPA) decide that you can't rely on the written procedure and a site visit, and they have decided that a hearing is unsuitable, for further information visit the Planning Portals [inquiry](#) information page.

If you have any complaints or questions about the decision, or the way The Planning Inspectorate have handled the appeal you can write to:

The Planning Inspectorate

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

### Is it worth it?

In most cases, the decisions of the National Park Authority are supported by the Planning Inspectorate. Remember that only factors relating to planning matters can be considered.

Sometimes you may be aggrieved with the National Park Authority but not by factors which are recognised as genuine planning reasons. If you think there has been maladministration you may complain to the Local Government Ombudsman. The Local Government Ombudsman has a leaflet called "How to complain about a public body" which you can download from their website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

### Is it expensive?

There is currently no fee for making an appeal on planning applications. Obviously, professional planning advice may have to be paid for. No fee is payable in respect of enforcement notices where there has been a corresponding planning application. If a fee is payable on enforcement notice appeals it is twice the normal fee, one fee to the Planning Inspectorate and one fee to the National Park Authority.

### Planning advice

If you are considering employing a planning consultant, ask the National Park Authority or the [Royal Town Planning Institute](#) (RTPI) (tel: 020 7929 9494) for information about Chartered Town Planners in your area. Consultants can give you an estimate of fees depending on how much help you need.

If your case is complicated you may wish to seek legal advice or assistance before proceeding. Remember, you will normally have to pay your own costs and you can seldom recover them from the National Park Authority, even if your appeal is successful.

### Negotiations

Difficulties can sometimes be resolved by negotiation. A second planning application within

twelve months of a refusal does not need a further fee if the subject is the same or similar.

Remember, you must lodge your appeal within six months or less in the case of advertisements and enforcement; but pursuing an appeal should be considered as a last resort. Under certain circumstances it is possible to keep an appeal on hold while negotiations continue. You can, of course, withdraw an appeal at any time simply by informing the Planning Inspectorate and the National Park Authority. However, costs can be incurred in some instances where appeals are withdrawn. These are rare, but it can happen.

### How do I start?

To begin with, you must apply on the appropriate form to the Planning Inspectorate. You can obtain this form - together with a booklet of helpful information from the [Planning Inspectorate](#) website. It is important you fill in the form completely, attaching all the necessary copies of relevant papers. The appeal will be handled on the basis of what you put on the form, so make sure you state all your reasons. Set out the facts clearly and simply and, as far as possible, refer to events in order, quoting relevant dates. Techniques such as numbered paragraphs will help an Inspector to follow your argument. A cool and business-like statement is likely to make the most effective impact.

### How long will it take?

Most appeals are determined by a Planning Inspector appointed by the Planning Inspectorate. Once the inquiry is complete, a decision follows fairly quickly. It does however, take a little time to set up a Public Inquiry or a Hearing. As a guide:

- Appeal decisions for written representations should take approximately four months from the date you appeal.
- Appeal decisions for a Public Inquiry should take approximately nine months from the date you appeal.

### Can I challenge the appeal decision?

You can only challenge a point of law, if you feel the requirements of the Planning Acts or rules of procedure have not been carried out. When you get the appeal decision, a leaflet will be enclosed explaining the way in which it may be challenged. Any challenge must be made through the High Court, and you will need legal advice. Unless the advice you are given shows you have a reasonable case it is unlikely that you will be successful, and to proceed in these circumstances may result in substantial costs.

### Summary

It is important to make sure your information is up to date. Both the Planning Inspectorate and the National Park Authority are trying to provide a better service. Look on the web site for details of up-to-date planning policies. Remember that the National Park

Authority has been advised by the Welsh Assembly Government not to serve enforcement notices unless they have a very good case. Should you decide to appeal, it will not prejudice further negotiations with the National Park Authority.

### **Where can I see the appeal decision and information?**

All the appeal decisions and any associated documents submitted to the inspectorate as part of the appeal process are held as part of the planning record and can be viewed via our planning website [www.beacons-npa.gov.uk](http://www.beacons-npa.gov.uk)

**The information provided here relates to the most common type of planning appeal if your enquiry relates to enforcement appeals or appeals under listed building conservation area or LDC legislation then you can find general advice on the appeals processes and how they work on the [Planning Portal](#).**

[The **Planning Portal** is an external government website that holds information on topics related to Planning, and Building Control and the built environment.]

[The Planning Inspectorate's appeals page](#) -An external website that offers advice on how to make a planning appeal or take part in the process.

[\(Planning Portal\) Make an appeal online - General public](#) - Offers guidance to the general public on how to make a planning appeal

[\(Planning Portal\) Make an appeal online - Agent and professional users](#) - Offers guidance to professional planners and agents on how to make a planning appeal

Whilst every effort is made to make sure that the information provided on our website is accurate and complete. The information provided on appeals prior to **2004** may not be available to search by appeal date etc although it will form part of the planning documentation attached to the record.

In all cases it is best to check all planning documents attached to the record for a complete planning history and if you are in any doubt then you should contact the Planning Team either by writing to our contact address or e-mailing us at: [planning.enquiries@beacons-npa.gov.uk](mailto:planning.enquiries@beacons-npa.gov.uk).

If you require impartial advice on making an appeal or making representation as a community group you may be able to find help at Planning Aid Wales (Planning Aid Wales provides free, independent and professional help, advice and support on planning issues to people and communities who cannot afford to hire a planning consultant.)

**Finally, remember you may manage to achieve your objective by negotiation, which could save you time and money.**

**For further information contact:**

[www.beacons-npa.gov.uk](http://www.beacons-npa.gov.uk)

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