



FACT SHEET 9 - Types of appeal

If your planning application has been refused, or unreasonable conditions have been imposed, you can appeal. Information attached to the decision notice should explain how to do this. The same applies to Lawful Development Certificates (Fact Sheet 12 refers). There are three types of procedure available, namely Written Representations, Hearings and Public Inquiries.

Written Representations are exchanges of written evidence primarily between yourself as appellant and the Local Planning Authority (**LPA**). However objectors/supporters, the Parish Council and other bodies may also submit their views both for, and against, the proposal. The procedure follows a strict timetable, which must be adhered to. After the Inspector has received all the written views, a visit is made to the site. The total time-scale varies considerably with some five to six months from beginning to end likely to be the shortest period.

Hearings comprise a structured round table meeting. The Inspector chairs an informal discussion with, usually, no more than five or six persons. No party should have legal representation (although it does happen) and there is no cross examination of witnesses. The discussion may continue on site. It could take some eight months before a decision is reached.

Public Inquiries are relatively high profile, often with press coverage. They involve a much more formal judicial approach with proceedings somewhat akin to a court, with witnesses being called and being cross-examined. Legal representation is highly recommended (although not essential). Appeals heard by way of a Public Inquiry take the longest time to be determined. From first lodging the appeal to receiving a decision can run to at least a year.

The advantages and disadvantages of the three types of appeal are summarised in the table, overleaf. This relates to the situation in England and Wales, but similar processes apply in Scotland and Northern Ireland.

General Aviation Awareness Council

Bicester Airfield, Skimmingdish Lane, Bicester, Oxfordshire OX26 5HA
www.gaac.org.uk e-mail: info@gaac.org.uk



The General Aviation Awareness Council

President: The Lord Rotherwick

	<u>Advantages</u>	<u>Disadvantages</u>
Written Representations	Relatively inexpensive	No opportunity to present Case to Inspector
	Least time consuming	Slightly lower success rate than Hearings or Public Inquiries
	Usually quicker decisions	
<hr/>		
Informal Hearings	No legal representation required	Obtaining a date may take a while
	Less "litigious" than Public Inquiries	Not acceptable to the Inspectorate when there are many objectors
<hr/>		
Public Inquiries	Good opportunity to explore issues thoroughly and test witnesses	Expensive. (Legal representation is strongly recommended)
	Slightly higher chance of success	Long time-scale
	Can call other witnesses	Possible platform for objectors to attend in force

The above summarises a complex process and you are advised to study the website most relevant to your area (see footnote). All provide good step-by-step guides to the appeal process and answers to frequently asked questions.

You can choose the type of appeal but may not get your choice. For example, you may have opted for Written Representations on cost grounds, but the Inspectorate or the LPA insist upon a Public Inquiry as complex issues are raised or evidence needs to be given under oath. This is important, as your carefully calculated budget may be totally unworkable in such circumstances. However, it is possible to challenge the Inspectorate on its decision but there is no guarantee of success. Sadly some appellants have been forced to withdraw in such circumstances.

It is possible to change from one type of appeal to another during its processing, but do not assume that your request will be granted. Much will depend on the stage in the appeal

General Aviation Awareness Council

Bicester Airfield, Skimmingdish Lane, Bicester, Oxfordshire OX26 5HA
www.gaac.org.uk

e-mail: info@gaac.org.uk

This is one of a series of GAAC Factsheets



The General Aviation Awareness Council

President: The Lord Rotherwick

process – the earlier the better. If you change your mind at a late stage, after the LPA has undertaken work, you could find yourself open to a claim for costs against you.

Costs can be awarded to either side (and sometimes even third parties) in the context of all types of appeal so it is vital to ensure that all your actions could not lay you open to any such claim. Equally, you may be able to claim costs against other parties in some circumstances. However, these tend to be procedural matters. The fact that a planning application or Lawful Development Certificate has been refused is not, of itself, sufficient justification for an award of costs. It would only be applicable if a LPA failed to provide evidence to endorse its grounds of refusal.

Useful websites

For appeals in England and Wales:

www.planningportal.gov.uk/planning/appeals

For appeals in Scotland:

www.scotland.gov.uk

For appeals in Northern Ireland:

www.nidirect.gov.uk/planning

For further information please contact the below address or go to www.gaac.co.uk

Anna Bloomfield BA(Hons) MRTPI
Planning Co-ordinator
2013

DISCLAIMER

This advice is, of necessity, general in nature and for produced for guidance only so readers will need to adapt it to suit their individual circumstances. You would be well advised to seek professional advice in any matter of substance. Changes in planning law or Central Government advice may supersede some of the information contained in this Fact Sheet. You are advised to check with your Local Planning Authority and/or check whether an updated version of this advice has been published. The advice is given in good faith, based upon considerable experience, but the GAAC cannot be held liable for any adverse decisions received or for actions taken solely in reference to this document.

General Aviation Awareness Council

Bicester Airfield, Skimmingdish Lane, Bicester, Oxfordshire OX26 5HA
www.gaac.org.uk e-mail: info@gaac.org.uk

This is one of a series of GAAC Factsheets