



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. There are three types of procedure available, namely Written Representations, Informal Hearing and Public Inquiry.

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 is set out in the various booklets produced by the Inspectorate. You must adhere to this. After the Inspector has received all the written views, a visit is made to the site. The total time-scale varies considerably, five months likely to be the shortest period.

Informal Hearings follow a Code of Practice, which can be found in the various free booklets produced by the Inspectorate. The Inspector chairs an informal discussion with, usually, no more than five or six persons seated around a table. No party has legal representation and there is no cross examination of witnesses. The discussion may continue on site. The total time-scale, before a decision is reached, is likely to be at least eight months.

Public Inquiries are relatively high profile, often with press coverage. They involve a much more judicial approach with proceedings somewhat akin to a court, with witnesses called and being cross-examined. Therefore, the proceedings are formal and legal representation is highly recommended (although not essential). The Inspectorate's free booklets give clear advice on Public Inquiry procedure and set out each formal stage of the process. Appeals heard by way of a Public Inquiry take a long time to be determined. The overall process can run to at least a year.



Fact Sheet 9 - Types of Appeal

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

	<u>Advantages</u>	<u>Disadvantages</u>
Written Representations	Relatively inexpensive. Least time consuming. Usually quicker decisions.	No opportunity to present case. Slightly lower success rate than Public Inquiries. Cannot apply for costs (except in enforcement cases).
Informal Hearings	No legal representation required. Less "litigious" than Public Inquiries. Costs can be awarded.	Obtaining a date may take a while. Not acceptable to the Inspectorate when there are many objectors.
Public Inquiries	Good opportunity to explore issues thoroughly. Slightly higher chance of success. Can call other witnesses. Costs may be awarded.	Expensive, legal representation strongly recommended. The Inquiry date is often many months away. Long time-scale. Opportunity for objectors to be there in force.



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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 insists 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 unworkable in such circumstances. 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 these 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 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.