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01727 819344 or 819345



The District Council Offices textphone number is **01727 819570**. The service is for customers with a hearing impairment.

এই লিফলেটে যে তথ্য দেওয়া হয়েছে যদি আপনি আরও বুঝার সাহায্য চান তবে কোন্ করনন Telephone: 01727 866100

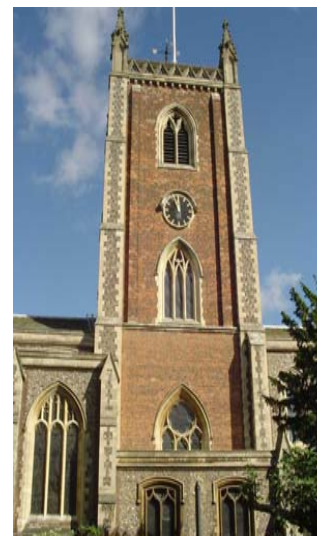
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Planning Advisory Leaflet



PLANNING APPEALS: A GUIDE FOR THIRD PARTIES

Who can lodge an appeal?

Only the person who has applied for planning permission can appeal against a decision made by the Local Planning Authority (the Council). This must be made within six months of the date of the Decision Notice.

Will I be informed if an appeal has been lodged?

If the Council has received a letter from you relating to the application, you will be informed of the appeal by post and invited to make further comments to the Planning Inspectorate. If you then wish to be informed of the outcome of the appeal, you must notify the Planning Inspectorate that you would like a copy of the appeal decision.

The notification procedure to interested parties depends upon the type of appeal. If it takes place via a written report (see the Written Procedure below) and you wrote to the Council whilst it was considering the application, the Council will write to tell you about the appeal within five days of it being lodged. This also applies if the application is due to be considered at an informal hearing (see the Hearing Procedure below). If the appeal is due to be considered at a public inquiry (see the Inquiry Procedure below) greater publicity will be generated. Again, the Council will notify you of the arrangements if you have written to them. The appellant must display details of the inquiry on the site of the proposed development.

How are appeals made and decided?

Appeals are made to the Planning Inspectorate acting on behalf of the Secretary of State for Communities and Local Government. They are normally judged by an appointed Inspector who will be totally impartial and also fully qualified in planning or a related area, such as law or architecture.

What can I do as an interested party?

Your involvement will depend on the form of the appeal taking place.

The Written Procedure

Written evidence from the Council, as the Local Planning Authority, and the appellant is considered by the Planning Inspectorate. This will include copies of any letters of objection or support that have been received during the application stage.

If you wrote to the Council when the planning application was submitted and wish to make further comments, you should write directly to the Planning Inspectorate within the time limit set in the Council's letter to you informing you of the appeal. This is normally within six weeks of the date the appeal was accepted. These letters will not be acknowledged unless requested, and copies of your letter will be sent to the Council and the appellant.

The Inspector will view the site before a decision is made. As everyone concerned has had to make their case in writing, no discussion is allowed during this visit. The planning officer, along with appellant or their agent, generally attends such visits, unless it is possible for the Inspector to view all of the site from a public area. In this case, the Inspector will make an unaccompanied site visit. Normally, there is little or no need for other people to take part in the visit. However, if you own the property next door to the site and would like the Inspector to see the appeal site from there, you should mention this when you write to the Inspectorate. They will decide whether or not they need to come onto your property. If they do, the appellant and a Council representative must come too. You cannot discuss the case during this visit but may point out relevant aspects or features.

After the site visit, the Inspector will write the formal decision letter. A copy will be sent to the appellant and the Council and to anyone else who has requested a copy. This should normally be sent no later than five weeks after the visit.

The Hearing Procedure

This is a discussion of the appeal proposal, which is led by the Inspector. At an informal hearing, everyone concerned is given the opportunity to put forward their views in a more relaxed and informal atmosphere than would be the case at a public inquiry.

If there is a hearing for an appeal that you are interested in, you do not have to attend. If you prefer, you can write down your views and send them directly to the Planning Inspectorate. Again, this must be done within the time limit set down in the letter sent by the Council informing you of the appeal. As with the Written Procedure, a copy of your letter will be sent to the Council and the appellant. The original letter will be sent to the Inspector.

The informal hearing will normally be held in the Council offices and starts at 10am. Most last no longer than half a day.

The Inspector will open the hearing by explaining what the appeal is about and will ask who wishes to speak. The Inspector will then give a summary of the cases put forward by the Council and the appellant. The appellant will give their views on the topic first, followed by the Council, and then anyone else who wishes to comment has the opportunity. Any comments or questions should be addressed to the Inspector.

A copy of the decision will be sent to the appellant, the Council and anyone else who requested a copy. This should be done no later than seven weeks after the date of the hearing.

The Inquiry Procedure

This is the most formal of the three appeal procedures and usually involves only the more complicated or controversial appeals. Both the Council and the appellant will have legal representation.

Expert evidence is presented by both sides and witnesses are cross-examined. An Inquiry may last several days or even weeks.

Planning inquiries are open to members of the public and although you, as a member of the public, do not have a legal right to speak, the Inspector will normally allow you to do so. However, as with the Hearing Procedure, you do not have to attend to make your views

known, but can write to the Inspectorate. Again, a copy of this letter will be sent to the appellant and the Council.

If you wish to take part in the Inquiry it is important that you prepare what you want to say beforehand. Most people prefer to read out a brief prepared statement setting out their views. If there are several people with the same views, it is sensible for one person to speak on their behalf.

If you attend the opening of the Inquiry, you will be informed when you will be given the opportunity to speak as the Inspector outlines the timetable of the hearing. At the opening, the Inspector will run through some routine matters. It is at this point that he or she will ask if anyone other than the appellant and the Council will want to speak. At this stage, you need only give your name and address and say whether you are for or against the proposal.

The appellant will normally be asked to make a brief opening statement first. The Council will then make its opening statement. Its witnesses will then give evidence and the appellant can cross-examine them. The appellant will then call its witnesses, and the Council can cross-examine them.

After the witnesses have been formally cross-examined, the Inspector may ask if anyone else who objects to the proposed development has any questions and you may ask questions relevant to the evidence the witnesses have given. At this stage, anyone who is interested in the case usually has a chance to speak. The Inspector will ask you if you are willing to answer questions relating to your evidence but you are not obliged to do so. If you are opposed to the application, the appellant's representative may ask you questions regarding your evidence.

The Inquiry ends with closing speeches from the Council and the appellant. This is normally followed by a visit to the appeal site by the Inspector, the Council and the appellant. As the Inquiry is over by this stage, there can be no further discussion about the case during the visit. The arrangements are similar to those made as part of the Written Procedure.

After the Inquiry, the Inspector will write a formal decision letter. For Inquiries that last one or two days, this is usually issued no later

than seven weeks after the close of the Inquiry. For Inquiries that last longer, this may take more time.

Contact details

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

Helpline: 0117 372 6372

Fax: 0117 372 8624

Website: www.planning-inspectorate.gov.uk

Note: Appeal decision letters are not published on the Planning Inspectorate's website but are available on the government Planning Portal: www.planningportal.gov.uk

Further information

This advisory leaflet is intended to be a helpful and useful source of information and not binding on any party. The Council offers no guarantee or warranties concerning the accuracy of the information supplied.

For more information about the contents of this leaflet contact:

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