



How to... Comment on a planning appeal

You can comment on a planning appeal regardless of whether you have already commented on the planning application or not. You may find that you have additional comments to make in support of the proposal, or about concerns you did not mention previously.

This paper is designed to help you present your views effectively to the Planning Inspector, regardless of whether you support the proposal in its entirety or in part, or not.

When Local Planning Authorities refuse or fail to determine a planning application the applicant has a right to pursue an appeal to achieve a decision. Only the person who made the application can appeal - you cannot appeal if you disagree with the decision and are not the applicant.

What is an appeal?

An appeal is a review of a planning application which has been refused, or where no determination has been made within the specified timeframe.

There are three appeal procedures:

- Appeal by Written Representations, or
- Appeal by Hearing, or
- Appeal by Inquiry

Appeals Procedures

Appeal by Written Representation

The Planning Inspectorate will confirm that this is the most appropriate procedure for the appeal, and the reference number allocated to the appeal to the appellant and the Local Authority. The Local Planning Authority must then:

- Send all copies of relevant documents
- Notify all interested people that an appeal has been made
- Confirm that any representations (comments) made to the council in relation to the application will be sent to the Planning Inspectorate and will be considered by the Inspector
- Confirm how they can withdraw their representation

- if they wish to do so, and
- Confirm that the decision will be published online.

The notification letter will set out if there is opportunity for comment or representation to the appeal.

Appeal by Hearing

An Appeal by Hearing is an inquisitorial process led by the Inspector who identifies the issues for discussion based on the evidence received and any representations made. An appeal by hearing may include a discussion at the site. It may include an accompanied site visit (without discussion), or unaccompanied site visit.

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Hearings are designed to proceed quickly and fairly, and interested parties can attend the hearing, and may participate at the discretion of the Inspector.

For an appeal by hearing, the appellant must provide to the Planning Inspectorate all relevant information, along with any additional information they wish to add to the documents supplied in their planning application. The Local Planning Authority must then:

- Notify all interested people that an appeal has been made
- Confirm that any representations (comments) made to the council in relation to the application will be sent to the Planning Inspectorate and the appellant, and will be considered by the Inspector
- Confirm how they can withdraw their representation if they wish to do so
- Confirm the details of how further written representations may be sent to the Planning Inspectorate, and
- Confirm that the decision will be published on the Planning Portal.

Appeal by Inquiry

An inquiry is the most formal of the appeal procedures. It is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates. The site may be visited before, during or after the inquiry.

Interested people can attend and may participate in an inquiry at the discretion of the Inspector. Inquiries can last several days, weeks or months to conclude, and can be paused and reconvened during the process. The appellant must provide to the Planning Inspectorate all relevant information, along with any additional information they wish to add to the documents supplied in their planning application. The Local Planning Authority must then:

- Notify all interested people that an appeal has been made
- Confirm that any representations (comments) made to the council in relation to the application will be sent to the Planning Inspectorate and the appellant, and will be considered by the Inspector
- Confirm how they can withdraw their representation if they wish to do so
- Confirm the details of how further written representations may be sent to the Planning Inspectorate, and
- Confirm that the decision will be published online.

Who decides planning appeals?

Appeals are heard by Planning Inspectors or by appointed persons on behalf of the Secretary of State. Most appeals are decided by the Inspector hearing the appeal; a small number are decided by the Secretary of State, following a report and recommendation from the Planning Inspector (these tend to be the very large or contentious proposed schemes). This is referred to as a 'recovered appeal'.

Recovery of appeals can occur at any time during an appeal; even after a site visit, hearing or inquiry has taken place.

Can an appeal decision be challenged?

An appeal decision may only be challenged through the courts on certain statutory grounds. Proceedings to quash an appeal decision relating to the grant of planning permission must be brought within six weeks.

How to comment on a planning appeal

1. Review the letter or any notice about the planning appeal

Make sure you are clear about which planning application is under appeal. Read any instructions carefully - e.g. about whether you can make representation or comment to the appeal, and when this must be done by.

Insight: Any representations received by the Planning Inspectorate after the deadline will normally be returned, and will not be seen by the Inspector and will not be taken into account.

Step 2: Look at the planning application

Review the planning application and any decision made by the Local Planning Authority. Remember that some appeals are brought because the council has failed to determine a planning application.

Review any comments you made, and if you can make further representation check that you are not simply repeating yourself.

Insight: The Inspector can only take into account information and evidence that is relevant to the appeal. This could be wide-ranging, but will usually be set out in the Local Planning Authority's decision notice. Where no decision



has been made, refer to the Development Plan and any relevant policies which may support your stance - regardless of whether you support the proposals or not.

Step 3: Comment to an appeal by written representation, by hearing or by inquiry

Making a representation to an appeal by this process is the last chance you will have to make your views known before the planning application is decided.

You should state either 'I am against the appeal proposals' and explain whether it is for the same reasons as given by the Local Planning Authority (where a decision has been made) or, if not, explain your own reasons; or 'I support the appeal proposals' and explain why.

Insight: Make sure you include your name and address, the Planning Inspectorate appeal reference number (this will start APP/...), and the address of the appeal site.

Step 4: Remember your comments will be seen by all parties

When making representation to an appeal, remember that you are primarily commenting to the Planning Inspector, although your comments will also be made available to the appellant, any statutory parties and the Local Planning Authority.

Your comments will be sent to the Planning Inspectorate, and if it is considered that your representations contain inflammatory, racist or abusive comments, they will be returned to you before the Inspector or anyone else sees them.

If you take out the inflammatory, racist or abusive comments, you can send your representations back to the Planning Inspectorate but you must send them back before the deadline.

Insight: The Planning Inspectorate does not accept anonymous representations, but you may ask for your name and address to be withheld. If you ask us to do this you should make sure that your representations do not include any other information which may identify you. Your representations, with your name and address removed, will be copied to the main parties, and they will be seen by the Inspector who may give them less weight as a result.

Step 5: Be clear when making comment

You can make your representations online through [GOV.UK](https://www.gov.uk) or you can write to or email The Planning Inspectorate. The Local Planning Authority have told you the Case Officer's contact details. The Case Officer is responsible for the administration of the appeal and all correspondence should be directed to them. Correspondence details will be shown on the letter you or another interested party is sent.

If you send your representations in a letter, unless your handwriting is very clear, typing your comments would be better. Black ink is recommended. If sending a printed copy of your comments, the Planning Inspectorate requests three copies. Note: the Planning Inspectorate does not acknowledge receipt.

Insight: Make sure you include the planning application reference number, site address and your contact details including postal address (especially if you are sending an email).

Step 6: Speaking at appeal hearings and inquiries

The Planning Inspectorate encourages local people to speak at hearings and inquiries, which are usually held at a bar to the site, within council offices, village halls or community centres.

Local knowledge and opinion can often be a valuable addition to the evidence given by the appellant and the Local Planning Authority, but remember anything you say can be challenged under examination.

Depending on whether you oppose or support the appeal you may wish to consult the Local Planning Authority or the appellant to find out what their position will be at the hearing to help you decide whether your position can be satisfactorily represented by them.

Hearings 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. If you want to speak at the hearing, you need to think about what you want to say and how you want to say it. Some 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.

Insight: If you wish to speak, it is advisable to make this clear in your representation to the Planning Inspectorate.



Step 7: Taking a leading role in an appeal by inquiry

Like hearings, 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.

It may be that you or a group want to take a leading role during the inquiry and call your own witnesses. If you do, you must provide a Statement of Case to the Planning Inspector, along with details of any documents you will produce during the inquiry, beforehand. You should contact the Planning Inspectorate at the earliest opportunity to discuss taking a leading role in the inquiry.

Insight: 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 go through routine matters, set the timetable and the order of proceedings, as well ask if any interested people want to speak at the inquiry and register their names.

Additional Guidance

Additional guidance about planning applications can be found on the Government's website:

[Planning appeals dealt with by written representations: taking part](#)

[Planning appeals dealt with by a hearing: taking part](#)

[Planning appeals dealt with by an inquiry: taking part](#)