



PLANNING INSPECTORATE GOOD PRACTICE ADVICE NOTE 02

The Householder Appeals Service (HAS)

1. Section 3 of the Planning Inspectorate's Procedural Guidance (PINS 01/2009) refers to the use of Written Representations Procedure (Part 1) (The Householder Appeals Service) for certain types of householder appeal casework. This Good Practice Advice Note supplements the guidance contained in PINS 01/2009.

Introduction

2. The Householder Appeals Service (HAS) offers a simpler, more proportionate approach to the handling of householder appeals on the basis of written representations, so that determinations can be made quickly whilst maintaining the high quality and integrity of decision making that the Planning Inspectorate is widely recognised for.

3. The HAS should not be used as an alternative to progressing negotiations with the local planning authority. As with all appeals, applicants should not normally proceed to appeal unless all efforts to negotiate a solution with the local planning authority have been exhausted.

Which appeals can proceed by the HAS?

4. A householder appeal is an appeal against a refusal on a householder planning application. This could be a refusal to grant planning permission or a refusal to grant any consent, agreement or approval required by an existing planning permission or development order in relation to such a development.

5. Appeals where the local planning authority have failed to make a decision, applications for additional dwellings, applications relating to development to a flat and appeals against the authority's decision to impose a condition on a planning permission for a householder development are not suitable for the HAS.

How to appeal

6. Appeals must be submitted within **12 weeks** of the date shown on the decision notice. The appeal and all supporting documentation must be submitted within this period. Please note that the appeal period is 12 weeks and not 3 months.

7. Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is within **28 days** of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within **28 days** of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

8. Appeals can be made online through the Planning Portal website at www.planningportal.gov.uk/pcs or on a form obtainable from the Planning Inspectorate. Our “How to complete your householder planning appeal form” guidance (available on the Planning Portal or issued with an appeal form) provides useful information and will help to ensure that the correct appeal form is completed.

Electronic working

9. The Planning Inspectorate will, as far as possible, use email to correspond with the main parties. The main parties are strongly encouraged to correspond with the Planning Inspectorate and with each other electronically, as this will assist with speeding up processes overall, to the benefit of everyone involved. All of the documentation received on HAS appeals will be published on the Planning Portal.

What happens when we receive an appeal?

10. Within 7 days of receiving a valid appeal the Planning Inspectorate will determine whether the appeal is suitable for the HAS, and, if so, will confirm to the appellant and the local planning authority:

- the reference number allocated to the appeal;
- that the appeal will proceed by way of the HAS.

11. The date of this notification will serve as the start date for the appeal.

The appellant

12. When submitting the appeal, the appellant must also submit a copy of the original planning application form sent to the local planning authority and a copy of the decision. No other documentation (other than the grounds of appeal) should be submitted.

13. The appellant’s grounds of appeal, sent with the appeal form, is the only opportunity the appellant has to submit representations and so should be submitted in full at this stage. The grounds of appeal should respond to the reasons for refusal set out in the local planning authority’s decision. Before submission, and in preparation of your grounds of appeal you may also wish to reflect on the content of any other relevant documents, such as any representations the LPA received from interested

persons during the application stage and the planning officer's report. Please see paragraphs 19 and 21.

14. The "How to complete your householder planning appeal form" guidance gives detailed information on what can be included in the grounds of appeal and should be read thoroughly before the appeal is submitted. It is available from www.planningportal.gov.uk/pcs.

The local planning authority

15. Within 5 working days of the start of the appeal, the local planning authority must submit a completed questionnaire and supporting documents (which should comprise the entire application file).

16. Where links to documents or pages on the local planning authority website are provided, these links must lead directly to the relevant document. Where only certain sections of a document are required, either a link should be created to the relevant sections only or details of the relevant sections must be provided with the questionnaire.

17. To help prevent delays it is extremely important that the questionnaire is received in time and contains all of the documentation requested in it.

18. The local planning authority will not be able to submit any further material and its case will comprise of its reasons for refusal. Therefore, it is advised that these are clear and that, where the Committee's decision goes against the officer's recommendation, the reasons for this are stated clearly in the Committee minutes.

No further documents

19. The appeal will be decided on the basis of (i) the material considered by the local planning authority at the point that it determined the application and (ii) the grounds of appeal. There is no further opportunity for anyone to submit representations unless requested by the Inspector.

Interested persons

20. The local planning authority will notify interested persons (such as neighbours) that an appeal has been made.

21. There is no requirement for LPAs to provide applicants with copies interested persons representations received during the application stage. Some LPAs publish such representations on their website but not all. The onus is on the appellant to check with the LPA directly whether such representations have been received and if so, to make the necessary arrangements to view them. Please see paragraph 13 about grounds of appeal.

22. Interested persons will not have the opportunity to make representations on the appeal. The local planning authority must inform interested parties of this in the notification/publicity process at the application stage and also that any representations made this stage will be taken into account by the Inspector if an appeal is made under the HAS.

23. The local planning authority will forward all representations received at the application stage to the Planning Inspectorate with the questionnaire.

The site inspection

24. Where the site can be viewed sufficiently from public land, the appointed Inspector will carry out the site inspection unaccompanied.

25. If access to the site is required, we will contact the appellant/agent with a date and a morning or afternoon timeslot when the appointed Inspector will carry out the site inspection. The appellant/agent's presence will be required solely to provide access to the site. The local planning authority will not attend the inspection.

26. When completing the questionnaire, the local planning authority should advise if it is necessary to inspect the site from a neighbouring property. In these cases, we will contact this party to advise them of the inspection arrangements. Their presence will be required solely to provide access to the site. At the site inspection, the Inspector will decide if it is necessary to view the site from the neighbouring property.

27. During site inspections (and inspections of neighbouring property), no discussion of the case is permitted as all evidence about the case should be set out in the representations submitted. The Inspector will be there purely to assess the effect of the proposed development on the surroundings. However, he/she may ask factual questions to confirm his/her understanding of physical features of the site.

The decision

28. The Planning Inspectorate will aim to determine cases progressing through the HAS within 8 weeks from the start date of the appeal.

29. The appellant and the local planning authority will be provided with a copy of the decision notice, which will also be available to view on the Planning Portal. The local planning authority will provide a copy of the decision to any interested person who requests one.

Costs

30. If an application for costs is to be made on a householder appeal, the appellant should submit his or her application at the same time as submitting the appeal. The local planning authority should submit any costs application to the Planning Inspectorate within 14 days of the start

date of the appeal. Further information on how to apply for costs can be found in our "Costs Awards in Planning Appeals (England)" guide, available from www.planningportal.gov.uk/pcs.

Additional guidance

31. Both Section 3 of the Planning Inspectorate's Procedural Guidance (PINS 01/2009) and the "How to complete your householder planning appeal form" guidance provide further information on the HAS. There is also a suite of Good Practice Advice Notes that relate to specific areas of the appeals process. It is strongly recommended that you read relevant guidance.

32. All of this guidance can be found on the Planning Portal at www.planningportal.gov.uk/pcs.

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