

What is an APPEAL?

If an application is refused, the applicant can appeal the decision.

This is no longer within the jurisdiction of the local planning department but is instead dealt with by the National Planning Inspectorate.

The Applicant is then termed “The Appellant”.

The Appellant sends a note of appeal to the Planning Inspectorate.

Once validated, the appeal is officially started.

An INSPECTOR is allocated to the case (from the same geographical area as the council). Scotland uses a different system, and their inspectors are called “Recorders”.

For info on Scottish appeals go to [SCOTTISH APPEALS](#) below

Appeals should be lodged within a 6-month window from the original decision date.

See **Guidance - Procedural Guide: Planning appeals – England** (Updated 11 January 2024)

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england>

WHAT HAPPENS NEXT?

Once the appeal is validated

- (a) The LPA is notified by the Inspectorate of the appeal
- (b) The appeal is lodged on the **INSPECTORATE WEBSITE (“APPEALS CASE PORTAL”)**
Planning Inspectorate website = <https://acp.planninginspectorate.gov.uk/>
Note: This is separate from the Council PLANNING PORTAL (where the original application was shown)
The appeal has a totally different reference number.
Example reference = APP/U4610/W/22/3310326 (you only need the last 7 digits. i.e. 3310326)
See below for notes on how to access this website for writing an objection letter.
- (c) The appellant sends the appeal documentation to the Inspectorate and the LPA.
- (d) The LPA sends all the original documentation (including objection letters) to the Inspectorate.
- (e) The LPA has 5 days in which to notify all those who objected to the original application. (So, there could be a time delay which shortens the window in which the public can object)

Once an appeal is started, there are 5 weeks from the START DATE, in which to make your objection.

The “Start Date” and “Interested party comments due” are clearly shown on the inspectorate portal.

After this time, the Inspector visits the site, adjudicates the appeal, and makes a final decision.

Note: this can be a lengthy process.

Ideally this will take about 7 weeks for the decision to be given, but it has been known to be over a year in some cases.

See 9.4 <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england#after-the-appeal-is-submitted>

LPA's RESPONSIBILITY

If anyone objected to the original application the Council **MUST** inform them, in writing, that there has been an appeal. This is usually done by email and/or letter.

If no-one objected formally then there is no duty to inform.

The letter should include the APPEAL reference and original APPLICATION reference (+ description and address).

NOTE: The only people who need to be notified of an appeal are those who objected to the original application. Hence, it is **IMPERATIVE that at least ONE person objects to any application.** On appeal, both they and others (who didn't object originally) can then send an objection to the INSPECTOR.

The LPA must also forward to the inspector all documentation relating to the original application, including objection letters.

The Appeal case statement document is loaded onto the LPA planning portal, usually under the APPEALS section of the LPA's planning portal, but sometimes in the same section as the original documentation. You may need to chase the LPA to put it on the portal.

FIRST STEPS AFTER BEING NOTIFIED

- (1) Check the Inspectorate portal and find the "Interested party comments due" date. This is your deadline for writing. (See "Writing to the Inspectorate" for a screenshot of the screen showing this date),
- (2) Check the LPA's planning portal and download / view the Officer's Report (sometimes called the "Final report" or "Delegated Report". This will give you useful tips on what to include in your appeal letter (to support the LPA's refusal). Also, look at the Appeal documentation.
- (3) Note: The Appeal documents (the Appellant form and Appellant Statement) will either be included in the documents section of the original application OR be available under a new entry within the Appeal Section of the planning portal.
- (4) Get writing!

WRITING TO THE INSPECTORATE

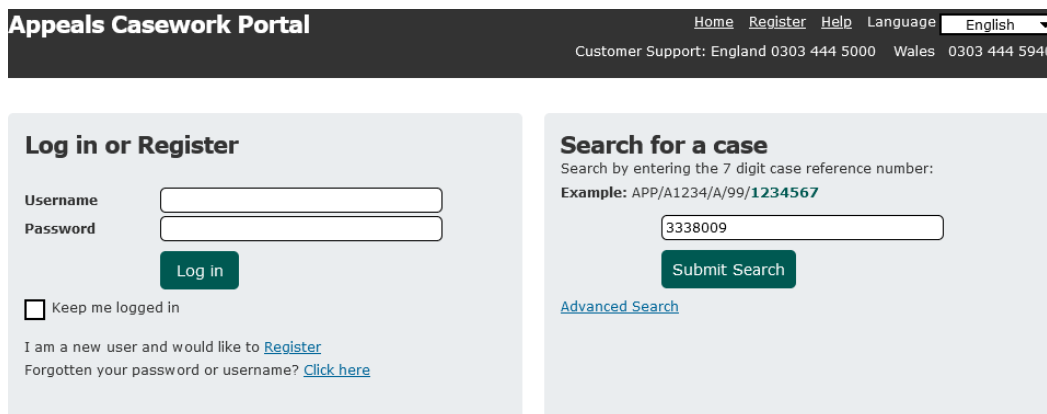
You cannot submit an email this time. Instead, you must input your objection via the portal.

Here, you submit a "representation", which can either be input directly on the screen OR can be attached as a document.

- Go to the portal <https://acp.planninginspectorate.gov.uk/>
- Input the number of the appeal (just the last 7 digits) in the SEARCH box.

For Appeal Reference = APP/K1128/W/24/3338009, just input 3338009

- Note, you do not need to log in or register.



- This takes you to a summary page. Click on “Make representation”



Reference: APP/K1128/W/24/3338009

Appellant/Applicant Atlas Tower Group	Agent Mr Archie Roberts	Site Address Head Ruddy Babbage Road Totnes TQ9 5JA
---	-----------------------------------	--

Case Details	Dates
Case Type Planning Appeal (W)	Start Date 01 May 2024
Local Planning Authority South Hams District Council	Questionnaire due 08 May 2024
Case Officer Heather Langridge	Statement(s) due 05 Jun 2024
Procedure Written representations	Interested Party Comments due 05 Jun 2024
Status In Progress	Appellant/LPA Final Comments due 19 Jun 2024
Decision and Outcome Not yet decided	Inquiry Evidence due N/A
Case Link Status Not Linked	Event Date Not arranged
Linked Cases 0	Decision Date Not yet decided

- Follow the instructions. Input your personal details (name/address/email). Tick the “interested party” option (in response to what capacity you are making the representation)
- On the last screen you will be given the option to input your comments in the box provided or as a separate document.

Notes

- Inputting directly is restricted to a length of 15000 characters which is sufficient for most letters, unless you are writing an essay!
- Saving your letter as a WORD document is preferable as it is an easy way to keep a copy for your own records AND you can then easily forward it to councillors, which is recommended.
- Early 2024, a new rule was introduced which disallowed the inclusion of hyperlinks in your letters.

WHAT TO WRITE

NOTE: All documentation for the original application, including all objection letters, is sent by the LPA to the Inspectorate. This is why it is imperative to include EVERYTHING in your original objection rather than sending piecemeal miscellaneous queries and points to the LPA.

Who can write?

Anyone! Locals, non-local, those who originally objected, those who didn't.

What to write to the inspectorate?

FACTSHEET - APPEALS

For those who have already written an objection, it is sometimes difficult to know what to say.

Look at it as an opportunity to strengthen your original objection.

It is recommended that you read the Officer's Report (the LPA's refusal) and use points from this, putting them in your own words.

Note: no hyperlinks are allowed. You can, however, refer to research. Just do not include "https" or "www".

TIP: When writing to the inspectorate yourself, it is always worth pointing out the inaccuracies and poor quality of the original submission, even if you included this in your original objection.

Likewise, point out an inaccuracies and poor quality of the appeal.

CONFIRMATION

When you submit your objection, you will get a confirmation email.

SCOTTISH APPEALS

Scottish Appeals are dealt with on a different system.

<https://www.dpea.scotland.gov.uk/>

On the RHS, find "Search Appeals"

Enter the appeal reference in the box. E.g. "LBA-230-2281"

This takes you to a summary page. Click on the reference number (LHS) and this takes you to a full page with various bits of info, including the name of the case owner and their email address.

Send your letter to dpea@gov.scot

You can also include the case owner email.