

## **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development or refuse to modify conditions, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78(1) of the Town and Country Planning Act 1990. The notice of appeal must be given on a form which is obtainable online from the Planning Inspectorate <https://www.gov.uk/government/organisations/planning-inspectorate> or email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or from The Planning Inspectorate, Customer Support Team, Room 3/13, Temple Quay House, 2 The Square, Bristol BS1 6PN or telephone 0303 444 5000. There are specific time limits to appeal dependant on the type of development concerned, which are set out overleaf. The Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

**This procedure does not preclude further informal discussion with the Council. Sometimes it is possible to submit a revised application to overcome their concerns and thus avoid the need for an appeal. To discuss these matters informally please contact Planning Services telephone 01325 406484**

## **PURCHASE NOTICES**

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the Borough, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal. The circumstances in which such compensation is payable are set out in Circular 03/09 Cost Awards in Appeals and Other Planning Proceedings.

**Further correspondence regarding this application should show the planning application reference number quoted on the decision notice.**

*Please see notes overleaf*

## **Appeal Time Limits**

**1. Householder planning application - 12 weeks** from the date on the decision notice. However, if an enforcement notice has been served for the same or very similar development the time limit is **28 days** from the date of the LPA decision or **28 days** from the date the enforcement notice was served – contact the Principal Planning Officer on 01325 388609 for advice.

*NB - if the LPA have failed to determine your householder planning application or you are appealing against the grant of permission subject to conditions to which you object, please follow the time limits under "Planning application" below.*

**2. Minor Commercial planning application - 12 weeks** from the date of the decision. However, if an enforcement notice has been served for the same or very similar development the time limit is **28 days** from the date of the LPA decision or **28 days** from the date the enforcement notice was served – contact the Principal Planning Officer on 01325 388609 for advice.

**3. Planning application - 6 months** from the date on the decision notice, or **6 months** from the expiry of the period which the LPA had to determine the application. However, if an enforcement notice has been served for the same or very similar development the time limit is **28 days** from the date of the LPA decision or **28 days** from the date the enforcement notice was served – contact the Principal Planning Officer on 01325 388609 for advice.

*NB - the determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA the time limit runs from that date.*

**4. Listed building consent - within 6 months** of receipt of the decision, or within **6 months** of the expiry of the period which the LPA had to determine the application. *NB - the LPA determination period is usually 8 weeks. If you have agreed a longer period with the LPA the time limit runs from that date.*

**5. Advertisement consent - within 8 weeks** of the date you receive the decision, or within **8 weeks** of the expiry of the period which the LPA had to determine the application.

*NB - the LPA determination period is usually 8 weeks. If you have agreed a longer period with the LPA the time limit runs from that date.*

**6. Advertisement discontinuance notice - before the effective date of the notice** (the effective date will be shown on the notice).

**7. Enforcement notice - before the effective date of the notice** (the effective date will be shown on the notice).

**8. Listed building enforcement notice - before the effective date of the notice** (the effective date will be shown on the notice).

**9. Certificate of lawful use or development - No time limit.**

*NB - the LPA determination period is usually 8 weeks, although you may agree a longer period with the LPA. An appeal on the grounds of non-determination can only be made following the expiry of the determination period.*

**11. Tree Work Consent – within 28 days** from the date of decision.