

HOW WILL THE DECISION BE MADE?

Following the site visit the Inspector will consider all relevant information provided by the applicant, the Council and any third parties. The decision will be made solely on the planning merits of the proposal. The Inspector will issue a decision letter which is sent direct to the applicant, the Council and any third parties who have specifically requested a copy.

HOW LONG WILL IT TAKE?

On average an appeal dealt with by written representations currently takes around 4 months, by informal hearing 7 months and by public inquiry 9 months. Individual cases may, however, vary considerably.

CAN I CHALLENGE THE APPEAL DECISION?

In most respects the decision is final. However, you may be able to challenge on a point of law if you feel the requirements of planning legislation have not been complied with. The challenge can only be made through the High Court and you will need legal advice. A leaflet sent out with the appeal decision explains the procedure.

CAN I CLAIM THE COSTS OF THE APPEAL FROM THE COUNCIL?

Costs cannot be claimed if the written representation procedure is followed. Following an informal hearing or a public inquiry, the Secretary of State has the discretion to award costs against either the applicant or the Council, if it is considered that either party has acted unreasonably. The award of costs will only be considered if a claim is made.

The procedures for appeals against the refusal of advertisement consent, listed building consent, enforcement notices and consent to fell or prune a tree protected by a Tree Preservation Order are different and you are advised to



BARN斯LEY
Metropolitan Borough Council

Planning and Transportation Service

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HOW TO APPEAL AGAINST A PLANNING DECISION

SUPPLEMENTARY PLANNING GUIDANCE 16

May 2003

ABOUT THIS GUIDANCE

PPG 12 advises that supplementary planning guidance can be taken into account as a material consideration in deciding planning applications which can be given substantial weight. PPG 1 advises that applicants should be able to demonstrate that they have had regard to development plan policies and supplementary planning guidance.

In accordance with PPG 12 this guidance has been prepared in consultation with all those who might use it. A statement of the consultations undertaken, representations received and the Council's response to those representations is available on request. The Explanatory Note that accompanies the SPG series contains a list of all consultees.

This guidance is intended to assist applicants and agents who may be considering making an appeal.

CAN I APPEAL?

Only the applicant can appeal against the Council's decision. The right of appeal does not extend to site owners if they themselves did not make the application or to third parties who opposed an application.

SHOULD I APPEAL?

If you are unhappy with the Council's decision on your planning application you may be able to appeal to the Secretary of State for the Environment. The Secretary of State will appoint an independent Inspector to consider your appeal. You can appeal against the refusal of permission or against a condition which has been imposed by the Council.

Alternatively, it may be possible in some cases to resolve any difficulties through negotiation with the Council. A revised application made within 12 months of the refusal would not normally require a new fee.



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UNITARY DEVELOPMENT PLAN

HOW DO I MAKE AN APPEAL?

The decision notice which you will have received from the Council tells you what to do. The appeal must be made on the official forms which are available from the Planning Inspectorate at 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 3728612).

HOW LONG HAVE I GOT?

The appeal must be received by the Inspectorate within 6 months of the date of the decision notice. The Inspectorate may refuse to deal with an appeal made outside this time limit.

DO I NEED PROFESSIONAL ADVICE?

If the appeal is straightforward you may be able to deal with it yourself. If it is more complicated you may need to seek professional advice (for example from an architect, planner or solicitor).

HOW MUCH WILL IT COST?

There is no charge for making an appeal. In simple cases you may be able to do most of the work yourself and the Council may be able to offer you some guidance about the appeal. If you decide you need professional planning or legal advice this would normally have to be paid for. A list of planning consultants compiled by the Royal Town Planning Institute is available at the Council's planning reception.

WHAT ARE MY CHANCES?

At present around one third of appeals are successful nationally but only around one sixth in Barnsley.

IF I APPEAL WILL IT AFFECT ANY FUTURE DEALINGS WITH THE COUNCIL?

No. The Council will simply deal with each case on its planning merits.

WHAT SORT OF APPEAL?

There are three kinds of appeal:-

a) **Written representations**

This is the quickest and easiest method and therefore most common. Around 80% of appeals are dealt with in this manner. The procedure is fairly straightforward. You should make a statement in support of your case on the forms provided and the Council does the same. You have the chance to comment on the Council's case and vice versa. Neighbours and third parties who were originally consulted and anyone else who made representations about the application will be given the chance to comment.

b) **Public Inquiry**

Public inquiries take longer and the procedures are more complex. Consequently, most people seek professional planning and legal advice though this is not a requirement. The inquiry itself will follow set formal procedures and the Inspector will ensure that everyone gets a chance to make their case. The public and other interested parties can attend and make comments. You are entitled to cross-examine the Council's witness and you may be cross-examined in return.

c) **Informal Hearings**

Informal hearings follow less formal procedures than a public inquiry and often take the form of a discussion, without cross-examination. The process will allow you to present your case to the Inspector in person without using professional planning and legal representatives. The public can attend but may only comment at the Inspector's discretion.

WILL THERE BE A SITE VISIT?

In order to make a decision the Inspector will visit the site. Following a public inquiry the Inspector will visit the site accompanied by the applicant and a representative of the Council. When an appeal is dealt with by written representations the Inspector will visit unaccompanied if the site can be seen from the highway or public land.

During the visit the Inspector may ask for clarification on matters of fact, but will not listen to representations.