



# Local Councils Planning Induction Refresher 2023 - Appeals

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# Session content

- The Appeals Process – *Brief overview*
- Performance Review – *How are we doing?*

# Appeals Process

Appeals can be made against:

- Refusal of planning permission
- A condition on a planning permission
- An Enforcement Notice
- Failure to determine an application within the statutory period

There are four main types of appeal:

- Householder
- Written Representations
- Hearings
- Public Inquiries

# Time limits for lodging an Appeal

- Householder appeals must be lodged within 12 weeks from date of decision notice.
- All other types of appeal must be lodged within either 6 months from the date of the decision notice, or for matters of non determination, within 6 months from the expiry of the period which the local planning authority had to determine the application.
- If an enforcement notice has been served the time limit for an appeal is within 28 days from the date of the Notice was served (can be longer in some cases)
- There is no time limit for Certificate of Lawful Use Appeals.

# How are we doing

- Approximately 200 appeals received each year.
- 70% were successfully defended last year, which is in line with the national average at 70%.
- Maintaining a 5-year land supply will be crucial to ensuring that we can maintain this success in delivering quality design in accordance with our plan-led approach

## Costs

- Ability to claim costs in all appeal proceedings
- Can be awarded where:
  - a party has behaved unreasonably; and
  - the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process
- Open to both parties involved and should be made in a timely manner
- Inspector now has power to award costs without a claim being made
- Separate consideration from the appeal itself – it is a separate decision – you could win the appeal but still lose costs and vice versa
- Unreasonable behaviour
  - – procedural – lack of co-operation, introducing new evidence, etc.
  - - Substantive – planning merits of the case



# Thank you / Meur ras

If you have any questions or comments

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