Appeals

Applicants can appeal to the Planning Inspectorate against any refusal of planning permission or against the imposition of any conditions attached to an approval. There is no right of appeal for a third party under any circumstances. An appeal is intended to be a last resort where submitting a fresh application is unlikely to be a satisfactory solution.

Appeals may be dealt with by one of three procedures:

- an exchange of written representations
- at a hearing
- at a public inquiry

Appeals can also be made against the service of an enforcement notice by the Authority.

Most planning appeals must be received within six months of the date on the decision notice. Where the appeal relates to an application for householder planning consent, and is to be determined via the fast track Householder Appeals Service, there are only 12 weeks to make the appeal

An objector has no right of appeal but may apply to the High Court for judicial review of the Authority's decisions; there is no right of appeal to the Secretary of State against the decision, other than by the original applicant.

A decision by the local planning authority can only be challenged in the courts on a point of law rather than on its planning merits; for example, the way in which the decision has been made and whether the correct procedures have been followed.

Costs

The general rule is that costs are borne by the respective parties. However costs can be awarded in all appeals, including written representations. They can be awarded to either party, but costs can only be awarded where there has been unreasonable behaviour which results in additional costs. Unreasonable behaviour can occur at the decision making stage if, for example, an application has been refused for reasons which cannot be substantiated in planning terms or if the Authority fails to provide reasonable evidence to substantiate the harm

For further information on Appeals, please visit: https://www.gov.uk/guidance/appeals