Appealing a Decision

How to challenge a planning refusal

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QUICK SUMMARY

- Appeal to Planning Inspectorate if refused or no decision made
- Householder appeals must be submitted within 12 weeks of refusal
- Other application types have 6 months to appeal
- Try negotiating with planning officer before formal appeal
- Inspector reviews your proposal completely fresh

The Planning Appeal Process

If you disagree with your council's decision or if you have not received a decision within the agreed determination period, you can appeal to the Planning Inspectorate. It is an independent body which will look at your proposals again. Appealing is a time-consuming process, so it is worth first trying to negotiate with the planning officer who made the decision. When you appeal, the inspector will consider your planning proposal from the very start. They will review all the same issues as the council, including the council’s development plan and all other relevant matters.

When do you appeal?

You can appeal to the Planning Inspectorate if the council you applied to has:

- Refused your application for planning permission
- Given you planning permission but with planning conditions which you believe are unreasonable
- Refused to approve a scheme to which they already gave outline planning permission
- Approved the details of a scheme with planning conditions which you believe are unreasonable
- Refused your proposal to meet a particular planning condition
- Taken longer than eight weeks (12 weeks for larger schemes) to decide your application
- Refused your application to fell or otherwise implicated a protected tree

If you have submitted a planning application as a householder, you should submit your appeal within 12 weeks of the date given on your refusal notice. If the council have not decided, you have up to six months from the end of the period when the decision should have been made. Appeals against planning conditions can be made within up to six months from the date of the decision.

If you have submitted another type of planning application, such as consent to change a listed building, you must appeal to the Planning Inspectorate within six months of the date on the refusal notice. In cases where the council have not decided, you should appeal within six months of the end of the initial determination period.

These should be submitted to the Planning Inspectorate within 28 days of receiving the local council's decision, or within 28 days of when the decision should have been received if the council has failed to reach a decision.

Further representations

The Inspectorate is highly likely to refuse to accept your appeal if it arrives after the allotted time limit so you should make sure to appeal as soon as possible. Once you have made an appeal, the council will notify everyone who commented on the initial proposal and all other interested parties that you have done so. This notification will include details of how the appeal will be handled, in addition to providing a deadline for sending any further representations to the Inspectorate.