



Changes to Householder Planning Appeals

A fundamental change to the process of determining householder planning appeals came into force on 6 April 2009, although the changes actually start at the application stage.

Any application for development or an existing dwelling house (which does not include flats), or within its curtilage, is required to be made on a "householder application" form. A different ownership form is also required to be submitted to the Council.

Upon receipt of a "householder application", the Council will determine the application in accordance with the usual procedures. However, a different notification letter will be sent to neighbours; this must include the words:

As this is a householder application, in the event of an appeal against a refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about this application will be sent to the Secretary of State, and there will be no further opportunity to comment at the appeal stage.

If the Council refuses planning permission, the householder appeal system will apply. In cases where the Council fail to determine the application or where they grant conditional planning permission and the applicant wishes to appeal then the normal appeal rules will apply.

The householder appeal is an expedited version of the written representations appeal. The major points of note are:

1. The time limit for making a householder appeal is only 12 weeks from the date of the decision, and not the normal 6 months.
2. The number of documents required to be submitted with the appeal is reduced.
3. The notice of appeal and the documents accompanying will form the appellant's representations; there is no scope for any amendments to be submitted.

4. Upon receipt of the notification of appeal, the Council has 5 days to respond by submitting the appeal questionnaire along with any supporting documentation. This will form the Council's representations to the appeal.
5. There is no scope for the appellant or Council to respond to each other's representations.
6. Third parties are excluded from submitting representations as part of the appeal process and must rely on any representations made during the application stage.
7. The Inspector will visit the site alone, with the appellant present in some cases if necessary to provide access.
8. The Planning Inspectorate will publish its decision on the Planning Portal website; it will not send copies of the appeal decision to third parties and expects the Council to undertake this step if third parties have specifically requested a copy of any appeal.

There is mechanism in the new regulations for the Secretary of State to determine that the appeal should revert to a normal written representations procedure. Likewise, if further information is required to enable a determination then this can be sought from the parties or any other interested person.

Further Information

For further information on this topic or any local government law related matter please contact:

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This briefing note is intended merely to provide a summary of the law in this area and is not a comprehensive guide. It is not intended to provide legal advice for specific cases.