



Removal of Right to be Heard at Planning Appeals

The long-standing right to appear before and be heard by a planning inspector has, with effect from 6 April 2009, been removed.

As a result of s319A of the Town and Country Planning Act 1990, the Planning Inspectorate (PINS), acting in the name of the Secretary of State, will now determine which procedure (written representations, hearing or inquiry) should be used for planning and enforcement appeals.

The determination will be made within seven working days of receipt of an appeal and the parties will be notified accordingly.

There is no right of appeal against this determination, although PINS may change their minds and the decision can be challenged through the courts.

The notification of appeal process now forms the "start date" for the appeal and all time limits will be measured from this point.

The criteria which will be applied can be viewed and downloaded from the website. Different criteria will be applied to planning and enforcement appeals.

For Planning Appeals:

http://www.planning-inspectorate.gov.uk/pins/appeals/planning_appeals/new_indic_criteria.html

For Enforcement Appeals:

http://www.planning-inspectorate.gov.uk/pins/appeals/enforcement_appeals/new_indic_criteria.html

Further Information

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

Louise Humphreys on 01252 617119 or email louise.humphreys@peytolaw.com

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.