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Guidance

Guide to taking part in enforcement appeals and lawful development certificate appeals proceeding by written representations – England

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This publication is available at <https://www.gov.uk/government/publications/enforcement-appeals-dealt-with-by-written-representations-taking-part/guide-to-taking-part-in-enforcement-appeals-and-lawful-development-certificate-appeals-proceeding-by-written-representations-england>

1. Introduction

1.1. This guide explains how, if you are interested in the outcome of an appeal proceeding by written representations, you can make your views known.

1.2. There are separate guides for enforcement appeals and lawful development certificate appeals that are proceeding by the [hearing](https://www.gov.uk/government/publications/enforcement-appeals-dealt-with-by-a-hearing-taking-part) (<https://www.gov.uk/government/publications/enforcement-appeals-dealt-with-by-a-hearing-taking-part>) or [inquiry](https://www.gov.uk/government/publications/enforcement-appeals-dealt-with-by-an-inquiry-taking-part) (<https://www.gov.uk/government/publications/enforcement-appeals-dealt-with-by-an-inquiry-taking-part>) procedure.

1.3. If you need this guidance in large print, in audio format or in Braille, please contact our Customer Support Team on 0303 444 5000.

2. The decision-maker

2.1. Nearly all appeals are decided by our Inspectors. A very small percentage are decided by the Secretary of State - these tend to be the very large or contentious breaches of planning control. For further information on decision making in appeals, please see [section 6 of our Enforcement Appeals Procedural Guide](https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#how-the-decision-is-made) (<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#how-the-decision-is-made>) or [section 5 of our Lawful Development Certificate \(LDC\) Appeals Procedural Guide](https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#how-the-decision-is-made) (<https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#how-the-decision-is-made>). You may wish to familiarise yourself with the content of the relevant Procedural Guide depending on whether you are interested in an enforcement appeal or a LDC appeal

3. How you find out about the appeal

3.1 If you are interested in an enforcement appeal, the local planning authority (LPA), usually your local council or National Park Authority, should write to everyone who it thinks is affected, to tell them about the appeal. This is the minimum publicity requirement. Your LPA may give appeals more publicity and will probably put information on its website.

3.2 If you are interested in a LDC appeal, there is no statutory requirement for LPAs to consult interested parties. However, the LPA may do so anyway.

4. The Written representation procedure

4.1. With this method of appeal, the Inspector considers written evidence from the appellant, the LPA and anyone else who, like you, has an interest in the appeal. The site is also likely to be visited.

4.2. For:

- an appeal against an enforcement notice ([section 174 of the Town and Country Planning Act 1990 \(as amended\)](#))
(<https://www.legislation.gov.uk/ukpga/1990/8/section/174>)
- an appeal against the refusal or non-determination of an application for a certificate of lawful use or development ([section 195 of the Town and Country Planning Act 1990 \(as amended\)](#))
(<https://www.legislation.gov.uk/ukpga/1990/8/section/195>)
- an appeal against a listed building enforcement notice ([section 39 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(as amended\)](#))
(<https://www.legislation.gov.uk/ukpga/1990/9/section/39>)

the rules that cover the written representations procedure are [The Town and Country Planning \(Enforcement\) \(Written Representations Procedure\) \(England\) Regulations 2002 - Statutory Instrument 2002/2683](#)
(<https://www.legislation.gov.uk/uksi/2002/2683/contents/made>).

4.3. For further information on the written representations procedure, please see:

- [8.2 in the Enforcement Appeals Procedural Guide](#)
(<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#the-procedures>) if you are interested in an enforcement notice appeal
- or [7.2 in the Lawful Development Certificate \(LDC\) Appeals Procedural Guide](#)
(<https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#the-procedures>) if you are interested in a LDC appeal

4.4 [The Business and Planning Act 2020](#)
(<https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted>) provides greater flexibility, allowing appeal procedures (the written procedure, hearing or inquiry) to be combined. Appeals proceeding by the written representations route will not normally be combined with other procedures.

5. Costs

5.1. All parties to an appeal are normally expected to meet their own expenses.

5.2. If a party does not behave reasonably during the appeal process, they leave themselves open to costs being awarded against them. This would be on the basis that the behaviour had directly caused another party to incur expenses that would not otherwise have been necessary.

5.3. Costs may be awarded in response to an application for costs by one of the parties. Also, the Inspector may make an award of costs even if none of the parties have made an application.

5.4. There is guidance about costs awards in the Department for Levelling Up, Housing and Communities' [planning practice guidance](https://www.gov.uk/guidance/appeals#the-award-of-costs-general) (<https://www.gov.uk/guidance/appeals#the-award-of-costs-general>).

5.5. It is important that you read this guidance because it explains how, and on what basis you can make an application or have an application made against you.

6. If you own the land

6.1. If you own the land and you do not appeal against an enforcement notice/decision on a lawful development certificate but someone else does appeal against it, in law you will have the status of an 'interested person'. This means you are not entitled to receive a copy of all the representations (comments) made by the appellant (the person who makes the appeal), LPA and other interested parties. These documents may be made available for inspection by the LPA.

6.2. However, in these circumstances, you may wish to request to be considered an 'interested owner'. This status is given at our discretion. It means that we will give you similar treatment as to an appellant. You can be present when the Inspector visits the site. You will also be sent and can comment on any written representations made by the appellant, the LPA, and any other interested parties, during the progress of the appeal. It is important you notify us to request this at the earliest opportunity.

7. What you can do

7.1. If you have already contacted the LPA about the site, it may send us your representations, but it does not have to do this. If you want the Inspector to take your views into account, you should send us your representations about the appeal.

7.2. You must make sure that we receive your representations within 6 weeks of the starting date for the appeal. The LPA should have told you the deadline. For the full appeal timetable, see:

- [8.2 in the Enforcement Appeals Procedural Guide](https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#the-procedures) (<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#the-procedures>) if you are

interested in an enforcement notice appeal

- or [7.2 in the Lawful Development Certificate \(LDC\) Appeals Procedural Guide](https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#the-procedures) (<https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#the-procedures>) if you are interested in a LDC appeal

7.3. The 6-week deadline given in the regulations for sending representations to us is important, and everyone taking part in an appeal must follow it. If you send us representations after the end of the deadline, we will not normally accept them. We will return them to you. This means that the Inspector will not see them and will not take them into account.

7.4. When you send us your representations you should include:

- your name and address
- the Planning Inspectorate appeal reference number (this will start APP/...)
- the address of the appeal site For an appeal against an enforcement notice, you should say either:
 - “I support the LPA in issuing the enforcement notice” and explain whether it is for the same reasons as given by the LPA or, if not, explain your own reasons
 - or “I support the appellant in appealing against the enforcement notice” and explain why.

For an appeal about an application for a lawful development certificate, say either:

- “I support the LPA in refusing the application” and explain whether it is for the same reasons as given by the LPA or, if not, explain your own reasons
- or “I support the appellant in appealing against the LPA’s refusal” and explain why.

7.5. Submit your representations online using the [search facility](https://www.gov.uk/appeal-planning-inspectorate) (<https://www.gov.uk/appeal-planning-inspectorate>). If you don’t have access to the Internet, the LPA will provide details of how to submit representations by email or post.

7.6. If you send us your representations in a letter, unless your handwriting is very clear it would help if you were able to have your representations typed. Please use black ink. Please note that we do not acknowledge receipt.

7.7. The Inspector can only take into account information and evidence that is relevant to the appeal. This could cover a wide range of issues, but those that apply are usually set out in the LPA’s reasons for issuing the enforcement notice or in the decision notice in the case of a lawful development certificate appeal.

7.8. We will copy your representations to the appellant and to the LPA, where they will be available for anyone to see them. You will not be sent copies of representations made by the appellant, local planning authority and other interested parties. These documents may be made available for inspection by the LPA.

7.9. If we consider that your representations contain inflammatory, discriminatory or abusive comments, we will send them back to you before the Inspector or anyone else sees them. If you take out the inflammatory, discriminatory or abusive comments, you can send your representations back to us; but you must send them back before the 6-week deadline ends.

7.10. We do not accept anonymous representations, but you may ask for your name and address to be withheld. If you ask us to do this, you should make sure that your representations do not include any other information which may identify you. We will copy your representations, with your name and address removed, to the parties, and they will be seen by the Inspector who may give them less weight as a result.

7.11. If you indicate that you do not want us to copy your representations to the appellant and the LPA, we will return them. They will not be seen by the Inspector and, therefore, will not be taken into account. This is because the Inspector can only take into account representations which have been copied to the appellant and the LPA and are available to be seen.

8. If you send documents to support your representations

8.1. We are unable to return any documents or photographs.

8.2. You should:

- use a font such as Arial or Verdana in a size of 11 point or larger
- use A4 paper wherever possible
- number the pages of the documents
- make sure photocopied and scanned documents are clear and legible
- use black and white for documents unless colour is essential
- put any photographs (both originals and photocopies should be in colour), maps, plans, etc, in a separate appendix and cross-reference them within the main body of the document
- print documents on both sides of a page - you should use paper of good enough quality that something printed on one side of the page does not show through to the other side

- ensure that the scale and orientation of any maps and plans are shown clearly - if you are sending maps or plans electronically you must tell us the paper size
- not send original documents unless we specifically ask for them

8.3. For further information, please see our [guide to communicating electronically with us \(https://www.gov.uk/government/publications/appealing-to-the-planning-inspectorate-communicating-electronically-with-us\)](https://www.gov.uk/government/publications/appealing-to-the-planning-inspectorate-communicating-electronically-with-us).

9. Audio/video evidence

9.1. We will return any audio/video evidence sent to us. We cannot accept audio or video evidence, as we cannot be sure that everyone involved has exactly the same version or that they have the equipment needed to access the evidence.

9.2. However, you may send a written summary which will be seen by the Inspector, the appellant and the LPA. Please send this to us within the 6-week deadline for representations.

10. The site visit

10.1. If the Inspector considers it necessary to visit the appeal site, they will normally visit the site before a decision is made. If enough of the site and everything else the inspector needs to see can be seen from the road or a public viewpoint, the Inspector will view the site without anyone else being present.

10.2. Sometimes, both the appellant and the LPA's representative will need to be present during the site visit.

10.3. There is normally no need for other people to attend the site visit. However, if you own a property adjoining or adjacent to the appeal site and consider that the site needs to be viewed from your property, you should tell us this when you write to us. If we decide the Inspector might need to see the appeal site from your property, we will let you know the date and time of the site visit.

10.4. At the site visit, the Inspector will decide if it is necessary to view the site from your property. If so, the appellant and an LPA representative must come too.

10.5. As all parties must make their case in writing only, no discussion is allowed about the case during a site visit. The Inspector will be there to assess the development, the site, and surroundings. However, they may ask factual questions and you may point out physical features of the site.

11. The decision

11.1. When made, the decision can be viewed using the [search facility \(https://www.gov.uk/appeal-planning-inspectorate\)](https://www.gov.uk/appeal-planning-inspectorate).

12. Complaints, challenges and feedback

12.1. Complaints

12.1.1. If, after the decision on an appeal has been published, we receive a complaint against an Inspector's decision or the Inspector or the way we administered a case, it is dealt with by the Customer Quality Team who are independent of the teams who process cases. All complaints are investigated thoroughly and impartially. See our [guide to our complaints procedure](https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure) (<https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>).

12.2. Challenge an administrative decision

12.2.1. If you wish to complain about a decision made by administrative staff during the processing of an appeal, you should write to our Case Officer giving clear reasons why you think we should review our decision.

12.2.2. There is no statutory right to challenge administrative decisions in the High Court. However, it is possible to make an application for judicial review. For further information please see:

- [12.1 in the Enforcement Appeals Procedural Guide](https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#complaints-challenges-and-feedback) (<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#complaints-challenges-and-feedback>) if you are interested in an enforcement notice appeal
- or [10.1 in the Lawful Development Certificate \(LDC\) Appeals Procedural Guide](https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#complaints-challenges-and-feedback) (<https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#complaints-challenges-and-feedback>) if you are interested in a LDC appeal

12.3. High Court challenges

12.3.1. Once the decision on whether to allow or dismiss the appeal has been made, the only way it can be challenged is through the High Court. For further information on whether you can make a High Court challenge, the deadlines for making a challenge and the High Court challenge process, please see:

- [12.4 in the Enforcement Appeals Procedural Guide](https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#complaints-challenges-and-feedback) (<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england#complaints-challenges-and-feedback>) if you are interested in an enforcement notice appeal

- or [10.4 in the Lawful Development Certificate \(LDC\) Appeals Procedural Guide](https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#complaints-challenges-and-feedback) (<https://www.gov.uk/government/publications/certificate-of-lawful-use-or-development-appeals-procedural-guide/procedural-guide-certificate-of-lawful-use-or-development-appeals-england#complaints-challenges-and-feedback>) if you are interested in a LDC appeal

12.3.2. Some types of costs decisions can also be challenged in the High Court. Those that cannot be challenged in the High Court can be challenged by judicial review. Please see our Procedural Guide for further information.

12.4. Feedback

12.4.1. We welcome feedback about people's experience of dealing with us. This can be provided to us at any time. Please send your feedback to feedback@planninginspectorate.gov.uk.

13. Contacting us

13.1. To contact us about a particular appeal you should contact our Case Officer – the LPA should have given you their details. For general enquiries our contact details are

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

[Customer Form: Customer Services and general enquiries](https://contact-us.planninginspectorate.gov.uk/hc/en-gb/requests/new) (<https://contact-us.planninginspectorate.gov.uk/hc/en-gb/requests/new>).

Helpline: 0303 444 5000

E-mail: enquiries@planninginspectorate.gov.uk

14. Getting help

14.1. The following organisations offer free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees:

Planning Aid

Planning Aid England
41-42 Botolph Lane
London

| EC3R 8DL

Advice Line: 0330 123 9244 Switchboard: 020 7929 9494 Fax: 020 7929 9490
Email: info@planningaid.rtpi.org.uk

[Planning Aid Website \(https://www.rtpi.org.uk/planning-advice/\)](https://www.rtpi.org.uk/planning-advice/)

The Environmental Law foundation

Helpline: 0330 123 0169

Email: info17@elflaw.org

[Environmental Law Foundation website \(https://elflaw.org/\)](https://elflaw.org/)

Advocate

Advocate DX
50-52 Chancery Lane
London
WC2A 1HL

DX 188 London Chancery Lane

Telephone: 020 7092 3969

[Advocate Website \(https://www.weareadvocate.org/\)](https://www.weareadvocate.org/)

15. How we use your personal information

15.1. If you participate in an enforcement appeal or a lawful development certificate appeal, then the type of personal information contained in your representations will normally include your name, contact details and any other personal information you choose to provide.

15.2. The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice \(https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice\)](https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice).

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