

## **Planning Appeals**

If a planning application is refused the applicant has a right to take it to appeal. However if it is permitted there is no right for you, or others to appeal.

Appeals are heard by someone from the Planning Inspectorate, appointed by the Government. If you made comments on a planning application that then goes to appeal, Breckland Council should write to you to let you know about that and tell you where you can find the appeal documents. Sometimes those are added to Breckland Council's planning website, but in our experience, not always. However in any case there should be reference to an appeal number a planning inspectorate website where the documents can be found.

The applicant will normally submit new documents to explain why he /she thinks Breckland Council's decision on the application was incorrect and should be overturned.

We advise that those should be reviewed and commented on in the same manner as our advise for a normal application; only this time you will be sending your comments to the Inspector.

In due course that Inspector will either decide the case and publish the result, or in many cases will first call a public hearing. You will be notified of that if you submitted comments to the appeal. It will most likely be held at Breckland Council's Dereham office. Any member of the public may attend and speaking is not governed by the same procedure as for the Breckland Planning Committee meetings. While every case, and every Inspector is different, in general at the appeal hearing, the Inspector will listen to both the applicant (or their representative) and Breckland Council as they give their reasons for allowing or refusing the appeal. During discussions the Inspector will give members of the public chance to ask questions and make comments. When the meeting finishes the Inspector may choose to visit the site, and will invite all those at the hearing to accompany him if they wish. We advise taking advantage of any such invitations as being at the site itself is a good opportunity to point out particular local features that give cause for concern, which he / she may better appreciate when seen in person rather than just taken from a written comment.

Everyone will then have to wait for the Inspector to publish a decision. If the applicant's appeal is successful that's the end of the process and the application is approved. If the appeal is refused the applicant still has the right to take the case to the Supreme Court, but we have not seen this done in Saham to date.

Finally bear in mind that if an application and an appeal are refused the applicant is still entitled to resubmit a revised application and start the whole process again.