

## PLANNING DECISIONS – RIGHTS OF APPEAL

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission/consent or to grant permission/consent or approval subject to conditions, or its failure to determine an application within the statutory period or any longer period which the applicant has agreed to, an appeal may be made to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
  
2. An appeal must be lodged within the following time periods:
  - **Householder applications or minor commercial applications\*** - 12 weeks from the date of the notice of the decision (excluding appeals against conditions).
  - **Advertisement applications** – 8 weeks from the date of notice of decision.
  - **Appeals against any non-householder refusal of planning permission, listed building consent, conservation area consent or approval which is granted subject to conditions, or failure to determine any application within the prescribed period** – 6 months from the date of the notice of decision or the expiry date of the statutory period.
  - **Planning applications relating to the same or substantially the same land and development as is already the subject of an Enforcement Notice** – 28 days from the date of the decision.
  - **If an Enforcement Notice is served relating to the same or substantially the same land and development to which this decision relates** – 28 days from the date of service of the Enforcement Notice or within 6 months (12 weeks in the case of a Householder appeal) from the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal, but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him/her that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of

State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him/her.

3. If you wish to appeal against the Council's decision you will need to obtain a form from the Planning Inspectorate in Bristol, the executive agency which administers appeals on behalf of the DCLG. When lodging the appeal please send one copy to the Council and one to the Inspectorate:

The Planning Inspectorate  
Customer Support Unit  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Telephone: 0303 444 5000

Development Management  
Derbyshire Dales District Council  
Town Hall  
Bank Road  
Matlock  
Derbyshire DE4 3NN  
Telephone: 01629 761336

Alternatively, you can use the online appeals service at the Planning Portal – see [www.planningportal.co.uk/making\\_an\\_appeal](http://www.planningportal.co.uk/making_an_appeal).

The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original application form and relevant supporting documents supplied to the Council by you or your agent, together with the completed appeal form and information submitted by you to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

Before lodging an appeal you may wish to discuss the issues with an officer of the Development Management team in order to identify any amendments to your scheme that could make it acceptable. The Council welcomes this discussion prior to the lodging of any appeal.

4. If permission/consent to develop land is refused or granted subject to conditions, whether by the Local Authority or by the DCLG, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a Purchase Notice may be served on that Council requiring that it purchase his interest in the land in accordance with the provisions of s137 of the Town and Country Planning Act 1990/s32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where a permission is refused or granted subject to conditions by the DCLG on appeal or on a reference of the application to that office. The circumstances in which such compensation is payable are set out

in s114 s137 of the Town and Country Planning Act 1990/s27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The decision notice relates to planning controls only. Any other statutory consent necessary must be obtained from the appropriate authority before development may commence.

\* Notes:-

a) "householder application" means;

An application for planning permission for development of an existing dwelling house, or within the curtilage of such a dwelling house for any purpose incidental to the enjoyment of the dwelling house, or an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such a development, but does not include –

- i. an application for change of use;
- ii. an application to change the number of dwellings within a building.

b) "minor commercial application" means;

An application for minor ground floor development of an existing building or part of a building for any purpose set out in Schedule 1A of the Town and Country Planning (Use Classes) Order 1987 (as amended).