

## Guidance

### Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals

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These criteria are guidelines - it may not always be clear which procedure is appropriate. We will use the criteria and the evidence available to determine the procedure on a case by case basis.

### 3. Inquiry

an inquiry would be appropriate if:

- there is a clearly explained need for the evidence to be tested through formal questioning by an advocate (This does not preclude an appellant representing themselves as an advocate)
- the issues are complex (for example where large amounts of highly technical data are likely to be provided in evidence)
- the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing (where the proposal has generated significant local interest a hearing or inquiry may need to be considered. In such circumstances the local planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event. We will take that advice into account in reaching the decision as to the appropriate procedure)
- in an enforcement appeal, evidence needs to be given on oath (for example where witnesses are giving factual evidence about how long the alleged unauthorised use has been taking place)
- in an enforcement appeal, the alleged breach, or the requirements of the notice, are unusual and particularly contentious.

Note - It is considered that the prospect of legal submissions being made is not, on its own, a reason why a case would need to be conducted by inquiry. Where a party considers that legal submissions will be required (and are considered to be complex such as to warrant being made orally), the Inspectorate requires that the matters on which submissions will be made are fully explained – including why they may require an inquiry - at the outset of the appeal or otherwise at the earliest opportunity.