

This advice is important to you. Please read it immediately. You must act quickly in deciding whether to appeal.

Before you submit your appeal, you should enter into discussions with the local planning authority (LPA) / relevant authority. The appeals process should be considered a last resort, for use only where all attempts to reach a mutually acceptable outcome have failed. We encourage you to continue these discussions, even during the appeal itself. This will help to narrow the areas in dispute and save time and money at the appeal stage.

Appeal Submission Deadlines

Appeals are subject to strict deadlines and must be received by midnight of the due date at the very latest in order that they are considered as valid. In all cases you should not wait until the final few days to submit your appeal, if at all possible they should be made at your earliest convenience. Deadlines differ dependent on the type of appeal that is being made. The table below details the appeal type and corresponding deadline.

Appeal Type	Submission Deadline	Other information
Planning	Within 6 months of the date of the LPA decision notice.	For appeals against non-determination ('failure') appeals there is no deadline. You must have allowed the permitted time for the authority to decide your application to have passed. This is normally 8 weeks, however if there is written agreement to extend this deadline then that date will need to have passed.
Enforcement	No later than midnight of the day before the notice takes effect. So, if a notice took effect on 31 st March we would need your appeal to be with us by midnight of 30 th March.	The effective date should be shown on the notice and should be at least 28 days from when the enforcement notice was served on you. If you do not have an appeal form and cannot get one quickly, you may appeal by sending us a letter saying that you are appealing against the notice.

		<p>If you receive more than one notice you will need to submit one appeal form for each notice you want to appeal against.</p> <p>If the effective date of the notice falls on a weekend, bank holiday et cetera, you will still need to ensure that your appeal reaches us by the deadline. There is no discretion to accept a late appeal related to any enforcement matter.</p>
Householder Scheme (HAS)	Within 12 weeks from the date of the LPA decision notice.	Late submission of a householder appeal does not entitle the appellant to pursue the matter under the standard planning appeal timetable.
Advertisement Consent	Within 8 weeks from the date of the LPA decision notice.	For appeals against non-determination ('failure') appeals there is no deadline. You must have allowed the permitted time for the authority to decide your application to have passed. This is normally 8 weeks, however if there is written agreement to extend this deadline then that date will need to have passed.
Listed Building Consent	Within 6 months of the date of the LPA decision notice.	
Conservation Area Consent	Within 6 months of the date of the LPA decision notice.	
Listed Building Enforcement	No later than midnight of the day before the notice takes effect. So, if a notice took effect on 31st March we would need your appeal to be with us by midnight of 30th March.	The effective date should be shown on your enforcement notice and should be at least 28 days from when the enforcement notice was served on you.

		<p>If you do not have an appeal form and cannot get one quickly, you may appeal by sending us a letter saying that you are appealing against the notice.</p> <p>If you receive more than one enforcement notice you will need to submit one appeal form for each enforcement notice you want to appeal against.</p> <p>If the effective date of the notice falls on a weekend, bank holiday et cetera, you will still need to ensure that your appeal reaches us by the deadline. There is no discretion to accept a late appeal related to any enforcement matter.</p>
Lawful Development Certificate	Within 6 months of the date of the LPA decision notice.	For appeals against non-determination ('failure') appeals there is no deadline. You must have allowed the permitted time for the authority to decide your application to have passed. This is normally 8 weeks, however if there is written agreement to extend this deadline then that date will need to have passed.
Modification or Discharge of Planning Obligation	Within 6 months of the date of the LPA decision notice.	The planning obligation in question needs to have been in place for at least 5 years prior to the application to the LPA in order for it to be considered as valid.
Non-Validation	With 2 weeks from receipt of the notice from the LPA informing you that your application is invalid.	Non-validation is not to be confused with non-determination. Non-determination can only occur after validation.

Minor Commercial Scheme (CAS)	Within 12 weeks of the date of the decision notice.	
Tree Preservation Order	Within 28 days of the date of receipt of the decision.	For appeals against non-determination ('failure') appeals there is no deadline. You must have allowed the permitted time for the authority to decide your application to have passed. This is normally 8 weeks, however if there is written agreement to extend this deadline then that date will need to have passed.
Hazardous Substances Consent	Within 6 months from the date on the decision notice	For appeals against non-determination ('failure') appeals there is no deadline. You must have allowed the permitted time for the authority to decide your application to have passed. This is normally 8 weeks, however if there is written agreement to extend this deadline then that date will need to have passed.
Maintenance of Land Notice	No later than midnight of the day before the notice takes effect. So, if a notice took effect on 31st March we would need your appeal to be with us by midnight of 30th March.	<p>The effective date should be shown on your enforcement notice and should be at least 28 days from when the enforcement notice was served on you.</p> <p>If you do not have an appeal form and cannot get one quickly, you may appeal by sending us a letter saying that you are appealing against the notice.</p>

		<p>If you receive more than one enforcement notice you will need to submit one appeal form for each enforcement notice you want to appeal against.</p>
		<p>If the effective date of the notice falls on a weekend, bank holiday et cetera, you will still need to ensure that your appeal reaches us by the deadline. There is no discretion to accept a late appeal related to any enforcement matter.</p>
<p>Tree Replacement Notice</p>	<p>No later than midnight of the day before the notice takes effect. So, if a notice took effect on 31st March we would need your appeal to be with us by midnight of 30th March.</p>	<p>The effective date should be shown on your notice and should be at least 28 days from when the notice was served on you.</p> <p>If you do not have an appeal form and cannot get one quickly, you may appeal by sending us a letter saying that you are appealing against the notice.</p> <p>If you receive more than one notice you will need to submit one appeal form for each notice you want to appeal against.</p> <p>If the effective date of the notice falls on a weekend, bank holiday et cetera, you will still need to ensure that your appeal reaches us by the deadline. There is no discretion to accept a late appeal related to any tree replacement matter</p>

<p>Advertisement Discontinuance Notice</p>	<p>No later than midnight of the day before the notice takes effect. So, if a notice took effect on 31st March we would need your appeal to be with us by midnight of 30th March.</p>	<p>The effective date should be shown on your notice and should be at least 28 days from when the notice was served on you.</p> <p>If you do not have an appeal form and cannot get one quickly, you may appeal by sending us a letter saying that you are appealing against the notice.</p> <p>If you receive more than one notice you will need to submit one appeal form for each notice you want to appeal against.</p> <p>If the effective date of the notice falls on a weekend, bank holiday et cetera, you will still need to ensure that your appeal reaches us by the deadline. There is no discretion to accept a late appeal related to any discontinuance matter.</p>
<p>Hazardous Substances Contravention notice</p>	<p>No later than midnight of the day before the notice takes effect. So, if a notice took effect on 31st March we would need your appeal to be with us by midnight of 30th March.</p>	<p>The effective date should be shown on your notice and should be at least 28 days from when the notice was served on you.</p> <p>If you do not have an appeal form and cannot get one quickly, you may appeal by sending us a letter saying that you are appealing against the notice.</p>

		<p>If you receive more than one enforcement notice you will need to submit one appeal form for each notice you want to appeal against.</p>
		<p>If the effective date of the notice falls on a weekend, bank holiday et cetera, you will still need to ensure that your appeal reaches us by the deadline. There is no discretion to accept a late appeal related to any contravention matter.</p>

Can I Make an Appeal?

An appeal may be made by:

- (i) a person who has a legal interest in the land when the appeal is made (irrespective of his/her standing when the notice was served); or**
- (ii) a relevant occupier in occupation of the land both when the notice was served and when the appeal is made.**

Interest in this context has a special significance. It means either a legal or equitable interest in the land. It includes owners, lessees, some tenants and Official Receivers. Mortgagees or other lenders also have an interest in the land (as security for the loan they have advanced to the borrower).

Section 174(6) of the Town and Country Planning Act 1990 ("the Act") defines a relevant occupier as a person who, on the date the notice was issued, occupied the land concerned by virtue of a written licence and continues to occupy the land when the appeal is made. Further to which Paragraph 2.27 of Annex 2 to WO Circular 24/97 states that anyone occupying the land with the owner's oral or written consent can be a relevant occupier. Trespassers may not appeal against an enforcement notice¹, even if they have been served with a copy of the notice. If you "have an interest" you may appeal even if the notice has not been served on you.

Sometimes, more than one person may have a legal interest in the land to which an enforcement notice relates and their different interests may conflict with each other. For example, the owner of the land may wish the enforcement notice to be upheld, while the occupier of the land may wish to continue with the present use and/or retain the works. In these circumstances, it is up to each person with a legal interest to decide how his or her interests will best be served once an enforcement notice has been issued.

If you own the land and you do not appeal against an enforcement notice but someone else does appeal against it, in law you will have the status of an 'interested person'. This does not entitle you to receive a copy of all the representations made by the appellant and other interested people (though you would be able to see such representations at the LPA's offices).

If you are an owner of the land and wish to have the status of 'interested owner' in somebody else's appeal against an enforcement notice, you should tell us as soon as you know that they have made an enforcement appeal. This status is given at our discretion. It means that we will give you the same treatment as an appellant. You will be able to attend any hearing or local inquiry or be present at a site inspection by our Inspector. You will also be able to see and comment on any written representations made by the appellant, the local planning authority / relevant authority, and any other interested parties, during the progress of the appeal.

¹ This applies to all appeal types involving a notice, as specified in the schedule above.

Submitting your Appeal

Planning and Environment Decisions Wales offers customers a variety of methods by which to submit their appeal. The following information details each method so you can select the one which suits your needs best.

Submitting Your Appeal via E-mail

You can e-mail your appeal to us. A scanned copy of a form completed by hand or one of our fillable PDF forms, along with supporting documents can be e-mailed to PEDW.casework@gov.wales / PEDW.GwaithAchos@llyw.cymru

Copies of our forms are available at <https://gov.wales/appeal-planning-decision>

Please note that submissions via e-mail will, in some cases, need to be broken up over the course of several e-mails. Owing to size restrictions on incoming e-mails anything over 10mb should be separated. The inbox will provide you with an automated acknowledgement of receipt, however for the avoidance of doubt it is recommended to request confirmation of receipt including a list of those documents received.

Submitting Your Appeal via Post

You can submit your appeal to us through the post addressed to

***Planning and Environments Appeals Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ***

You should allow enough time for the postage paid to ensure timely receipt of your appeal.

You can also deliver your appeal form by hand to the above address.

There will be a member of staff on hand to take receipt of your appeal between our advertised opening hours; **08:00 to 16:00 Monday to Friday**. You should ask for a receipt if you do deliver in person. The building's reception is staffed until 17:30 weekdays.

Late Submissions of Appeals

You should note that if your appeal is received 'out of time' then it is most likely that we will not consider it. In those cases where there are exceptional circumstances for late submission we will give consideration to accepting the appeal. Reasons for late submission should be stated at the time of submission. There is no discretion to accept late appeals relating to enforcement matters.

In the event of receipt of an out of time appeal via post, we will examine the postmark on the envelope to see whether, according to the postage paid, it should normally have been received before the date due. If the postmark is unclear and you cannot supply proof that you posted your appeal in time to be received before that date, we will not be able to accept your appeal.

Electronic submissions, owing to their instantaneous delivery, are not subject to the same approach. However in those instances where a timely electronic submission has been prevented, owing to unforeseen problems on the part of Planning and Environment Decisions Wales if proof of attempted submission is available we will give consideration to accepting the appeal.

Guidelines for Submitting Documents

Regardless of whether you choose to submit your appeal by post or through e-mail, you will need to provide us with supporting documents.

In order that we can deliver this service we would ask that you pay attention to the following information and provide documents to us in the stated format.

Formatting	<ul style="list-style-type: none">• For typed documents you should use a sans serif font, examples of which include Arial and Verdana, the font should be set to size 11 or larger.• If you are completing any documents by hand you should use capital letters and black ink. Both this and the point above make documents easier to read for both the office staff responsible for your appeal and the Inspector allocated to your appeal. They also produce a better scanned image for publishing purposes.• You should ensure that you number all pages accordingly.• Use A4 paper wherever possible.• Make sure photocopied documents are clear and legible.• 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, orientation and paper size of any maps and plans are shown clearly.• If you are reproducing a map or plan, ensure that the copy you are sending is printed to scale.• Send pictures, photographs, plans, maps or drawings as individual files. Avoid the use of bitmap images as they are very large.										
Acceptable file formats	<table><tr><td>PDF</td><td>.pdf</td></tr><tr><td>Microsoft Word</td><td>.doc or .docx</td></tr><tr><td>TIF</td><td>.tif or .tiff</td></tr><tr><td>JPEG</td><td>.jpg or .jpeg</td></tr><tr><td>ZIP</td><td>.zip</td></tr></table>	PDF	.pdf	Microsoft Word	.doc or .docx	TIF	.tif or .tiff	JPEG	.jpg or .jpeg	ZIP	.zip
PDF	.pdf										
Microsoft Word	.doc or .docx										
TIF	.tif or .tiff										
JPEG	.jpg or .jpeg										
ZIP	.zip										
File sizes	<p>Documents submitted via ACP may be no bigger than 5mb each. Documents submitted by disc/USB drive should be kept below 15mb wherever possible to ensure that we can publish them. It is your responsibility to keep your documents to a manageable size.</p> <p>If you have documents that are larger than this you can try the following;</p> <ul style="list-style-type: none">• Break long documents into several files, but note the document naming conventions below.• Try and use black and white wherever possible (unless submitting photographs).• If submitting images, your software may have file/image compression facilities to make them smaller.• Note scanned documents are usually bigger than non-scanned versions.										

	<ul style="list-style-type: none"> • Provided you are using the acceptable file types above, you can use ZIP files to compress documents. <p>If you have a large file and you are unable to use the options listed, you can email anything up to 10mb to PEDW.casework@gov.wales / PEDW.GwaithAchos@llyw.cymru</p>
Security	<ul style="list-style-type: none"> • Remove any document security and enable macros if necessary. Documents should not be password protected, they should not be formatted as 'read only', printing, redacting should be enabled. • Documents that prevent printing and other functions will require resubmission in a useable format.
Copyright	<ul style="list-style-type: none"> • Ensure you have the owner's permission and have paid any copyright licence fee before sending in documents. • People may only scan an Ordnance Survey map if they; <ul style="list-style-type: none"> ▪ Have an annual licence to make copies; or ▪ Have purchased a bulk copy arrangement; or ▪ Are using a local planning authority / relevant authority supplied map under the 'map return scheme' (for which a fee is normally payable at the local planning authority / relevant authority's discretion), or ▪ Have purchased the site-specific map from the Planning Portal for the purposes of attaching to a planning application, appeal or representation. <p>More information on map licensing is available on the Ordnance Survey website: http://www.ordnancesurvey.co.uk/support/licensing.html</p>
File names	<ul style="list-style-type: none"> • Ensure all documents have descriptive names, including the type of document you are sending, eg '<i>Proposed plan 1 March 2017</i>'. • Number appendices and submit them as separate documents. Ensure the first page includes the appendix number. Name them to indicate what they form part of, and their sequence eg '<i>Appeal statement Appendix 2 Traffic census</i>'. • Use '<i>Part 1</i>', '<i>Part 2</i>' etc in the file name if you have split up a large document eg '<i>Appeal statement in Appendix 1 Environmental Assessment Part 1 of 3</i>'. • Include the required paper size in the document name for plans and drawings eg '<i>Proposed plan A3 size 1 March 2017</i>'. • Include scale bar(s) on all plans and drawings. • Do not use a colon ':' in any file names.
Do not	<ul style="list-style-type: none"> • Send original documents unless we request them. • Bind documents so that they • Provide a photograph of a document as a substitute for a scanned image; the details that are required are usually illegible when this is done.

	<ul style="list-style-type: none">• Please do not provide one electronic document that encompasses all of your appeal documentation in one file.• You should not use hyperlinks within documents you send to us. Instead, you should download such documents yourself and attach them separately.• You should not use hyperlinks to a website page containing multiple documents or links.• Use cover sheets, sleeves or other bindings that do not add value or information.• Include self-adhesive notes or small attachments which might be dislodged easily or lost.
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Completing the Appeal Form

The appeal forms are designed to be as straight-forward and self-explanatory as possible. However there are some segments that do require some further information to understand them better. The following section looks at some of these sections. If you do not find the information you are looking for please contact us on 0300 0604400 or PEDW.casework@gov.wales / PEDW.GwaithAchos@llyw.cymru

Agent details

You do not have to employ an agent to handle your appeal. If you decide to employ an agent they will probably complete the appeal form for you.

You should note that if you have an agent acting on your behalf we will send all of our correspondence directly to the agent. We will not send a copy to you. You should ensure that you keep in touch with your agent about the appeal arrangements.

If correspondence from Planning & Environment Decisions Wales requires a reference to be quoted upon it then this is where it should be provided.

Health and safety at the site

The site is likely to be inspected during the course of the appeal and we will need to know what safety equipment and protective clothing will be required. The following questions indicate the type of information we will need about the appeal site and any land or building that will need to be entered. Please supply any relevant information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required, and will this be supplied at the site? (Please list)
2. Is there any likelihood of exposure to pets or other animals that may present a risk to personal safety?
3. Is the site remote and/or can it be seen from other occupied buildings/property/public land/roadside?
4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?
5. Are there any areas that require specialist equipment or training for access – any confined spaces?
6. Are there any dangerous pieces of equipment or substances stored at the location?
7. Is there any likelihood of exposure to chemicals, asbestos, radiation or are there any other risks, requiring the use of Personal Protection Equipment,

which may affect personal health & safety? (Asbestos is referred to directly as it was present in buildings built before it was banned in 1977).

8. Will a ladder be required to view the appeal site?, If so please:-
 - a. explain why this will be necessary;
 - b. give the height to which it will be necessary to climb the ladder;
 - c. state whether the ladder will be fixed or removable – if removable how will it be secured?
9. Will it be necessary to view the site from a height, eg roof, balcony?
10. Is the site easily accessible for someone in a wheelchair?

Costs

Applications for an award of costs are now applicable regardless of choice of procedure on any appeal related to an application made on or after 05 May 2017. Your costs application will need to accompany your appeal submission. Applications will be decided upon the submission as received – there will be no opportunity to revise or bolster your argument. As such the onus is on you as the appellant to provide as complete and reasoned an argument as possible.

Enforcement Type Appeals including Listed Building/Conservation Area Enforcement et cetera;

Interest in the land

“Interest in the land” is explained under [“Can I Make an Appeal?”](#) above.

Please state your interest in the land. If your interest is not included in the options given, please use the space provided to explain your interest.

Grounds and facts

If you intend to rely on a planning obligation¹ you should send a final draft version with your appeal form. However, if you have not reached this stage you should send in your latest draft. The “start letter” we will send you will tell you when you must send the final draft to us. You may wish to look at the Welsh Office Circular 13/97 Planning Obligations, which gives further details and information about planning obligations.

There are seven different grounds, in section 174(2) of the Act, on which you can make your appeal. You may wish to appeal on one ground only or on several

¹ A planning obligation - often referred to as a 'section 106 agreement' – is either:

- a legal agreement made between the LPA and a person 'interested in the land'; or
- a legally binding undertaking signed unilaterally by a person 'interested in the land'.

grounds. The following is information about the different grounds and advice on what to include in your grounds of appeal.

Your appeal must give facts in support of each chosen ground of appeal. You should think carefully about the facts on which you will rely.

Ground (a) - that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed).

If you appeal on ground (a) you should set out in detail why you think that permission should be granted.

You do not have to pay a fee to appeal against the enforcement notice. However, if you want your appeal to be considered under ground (a) you must pay a fee. The fee must be paid to the LPA. Information about fees is given in The Town and Country Planning (Fees for Applications and Deemed Applications) Regulation 1989. The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment)(Wales) Regulations 2009 contains the current fees payable. The LPA should have told you the fee that is payable when they served the enforcement notice.

If you **only** put ground (a) forward and you do not pay the fee, your appeal will lapse. This means that your appeal will end.

If you decide to pay the fee, but do not want to give any information to support ground (a), the Inspector will still consider the planning merits of the development.¹

You cannot withdraw ground (a). But, you can advise us **and the LPA** that you will not be providing evidence on this ground to prevent any abortive work taking place. It will be at the Inspector's discretion whether to consider the planning merits or not. In these circumstances, you will not be able to have your fee refunded. The only way you could get a refund at this stage would be to withdraw the whole appeal at least 21 days before the site visit, hearing, or inquiry take place.

If you plead ground (a):-

- You should set out all your grounds of appeal clearly and concisely and focus upon the planning merits of the development. You should avoid repetition and information that does not relate to the issues involved. The grounds of appeal should be clear and concise and we would not expect them to exceed 3,000 words.
- You should include a clear explanation of why you disagree with each of the LPA's reasons for issuing the enforcement notice. It is not enough to say that you do not accept them – that will not help the Inspector decide your appeal.
- The enforcement notice will refer to policies in the Development Plan and/or supplementary planning documents. You do not need to describe any local policies in full. Simply give the number and the name of the relevant

¹ Every person who appeals against an enforcement notice is considered to have made an application for planning permission for the development set out in the alleged breach. This is called the "deemed planning application" and it is in addition to ground (a) and arises automatically from the provisions of s177(5) of the Act. However, it and ground (a) are considered and decided by the Inspector only if the fee is paid.

development plan or supplementary planning document. The LPA will provide these to the Inspector so you do not need to. However, before submitting your appeal you should read the policies referred to. You should include in your grounds of appeal why you think that any policy referred to in the notice is not relevant or why the development complies with it.

- If you think there are other relevant policies, not referred to in the LPA's enforcement notice, but on which you intend to rely, you should attach the relevant extracts and include them with your appeal, indicating their status, ie whether they have been adopted by the LPA and/or have been saved by a direction of the Welsh Ministers and form part of the development plan.
- There is no need to set out national policy (such as PPW or TAN's ¹) as Inspectors have these documents. However, you should refer to any paragraphs by number that you think are relevant.
- It will be helpful to attach previous decisions by the LPA or on appeal if they are directly relevant but you should indicate why you consider them to be so.
- You may include details of similar developments in the immediate area if you think these are relevant to what you have done. You should identify them on a street map and supply their addresses and, where possible, photographs of them. Where you are aware of the history of any such development you should set it out briefly in your grounds of appeal or in a separate annexe.
- Where the effect on the neighbours is mentioned in the notice, if you dispute this you should include measurements of the distances between your and your neighbours' properties, particularly the distances to any of their windows.
- You may use photographs (preferably in colour) to illustrate your grounds of appeal – for example to show the site and its relationship to its neighbours. If you submit photographs you must give details of where they were taken, on a map showing the viewpoints, and when and what they show. If you take photographs in public places please take reasonable care to respect the privacy of individuals whose images you may inadvertently capture. We are unable to return photographs.

Note: The Inspector will look at the planning merits of your development afresh and so there is no need to give a detailed history of discussions with LPA officers.

The following grounds (b), (c), (d) and (e) are often referred to as “the legal grounds”. If you are pleading any of these grounds it is your responsibility to provide evidence to prove what you are saying.

Ground (b) - That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

If you plead ground (b) you are saying that whatever is alleged in the notice has not taken place (i.e. that the alleged use is not occurring or that the alleged structure has not been erected). You should provide facts to support this. You may wish to show the difference between the actual use (or lack of it) and what is alleged in the notice.

¹ Planning Policy Wales (PPW) or Technical Advice Notes (TAN's)

If you wish to argue that planning permission is not needed, do not do that under Ground (b). You should do that under Ground (c).

Ground (c) - That there has not been a breach of planning control.

You may wish to claim that:-

- the operations alleged in the notice do not amount to development, under s55 of the Act, or that the change of use is not a material one (i.e. it is not subject to the requirements of planning control);
- the development that has taken place is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or that the change of use is within the terms of the Town and Country Planning (Use Classes) Order 1987;
- what has been done, or built, is within the terms of a planning permission, or that the relevant condition on a permission has been complied with.

Note:- Appellants and agents often confuse ground (b) with ground (c) and vice versa. Put simply, ground (b) is that you did not do it, and ground (c) is that you did, but planning permission is not needed.

If your appeal succeeds on Ground (c) the Inspector may grant a certificate of lawful use or development if you have specifically asked him or her to do so. However, this only applies where you have paid the fee.

Ground (d) – That at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice.

The time limits are as follows:-

- S171B(1) of the Act gives a time limit of 4 years for notices alleging operational development such as building, mining or engineering works.
- S171B(2) gives a 4 year limit for change of use from a building/part of a building to a single dwellinghouse. This time limit applies either where the change to use as a single dwellinghouse involves development without planning permission, or where it involves a failure to comply with a condition or limitation subject to which planning permission has been granted.
- S171B(3) states that any other change is subject to a limit of 10 years from the date of the breach. This applies to changes of use and to breaches of any conditions attached to previous planning permissions.

These time limits are set out in s171B of the Act and are confirmed in Annex 2-of WO Circular 24/97 Enforcing planning control: legislative provisions and procedural requirements.

It is not enough to say “the breach of planning control occurred more than ten years ago”, or “The building was finished more than four years before the notice was issued”. You need to be able to provide evidence to establish this.

You could say, for example: "The present use was started by the late George Smith in the summer of 1997. He continued it until his death in 2005. Then I bought the premises and have carried on the same use continuously until now" or, "The builder dug foundations of the building in March 2003 but he was only working part-time. Then during the summer he was able to work full time. The roof was tiled by the end of September and we started using the building in mid-October as it was very nearly finished."

If your appeal succeeds on Ground (d) the Inspector may grant a certificate of lawful use or development if you have specifically asked him or her to do so. However, this only applies where you have paid the fee.

Ground (e) – That the notice was not properly served on everyone with an interest in the land.

You will need show the copies of the notice were not served as required by Section 38(4):-

- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

The service of the notice shall take place:-

- (a) not more than twenty-eight days after its date of issue; and
- (b) not less than twenty-eight days before the date specified in it as the date which it is to take effect.

Note:- If the notice was not served as specified in section 38(4), this can be disregarded if no substantial prejudice has been caused to anyone's interests. For example if the appellant or other person is present at the inquiry/hearing or submitted written representations it is likely that he or she has been given adequate notice.

You should be aware that even if you succeed in this ground of appeal, the Inspector or the Welsh Ministers might disregard the matter and will give reasons for doing so. It depends whether he or she thinks the failure to serve a copy of a notice on a person has caused that person some injustice.

You should provide the details of anyone who has an interest in the land. You should indicate who received the notice and who did not.

Ground (f) - That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.

You should say why you think that the steps are excessive and what lesser steps you consider would remedy the problem. You cannot argue that planning permission should be granted under this ground, if you wish the planning merits of the development to be considered you must argue that under ground (a).

Ground (g) – That the time given to comply with the notice is too short.

You should say what you consider to be a more reasonable period and why. If you intend to appeal solely on this ground you should consider negotiating the timescale

with the LPA, as they may be willing to extend the period for compliance, removing the need for an appeal.

Lawful development certificate appeals;

Details of the Appeal

There are 2 types of LDC that may be applied for under section 191 and section 192 of the Town and Country Planning Act 1990. a. section 191 – whether an existing use of land, operational development or activity in breach of a planning condition is lawful; and b. section 192 – whether a proposed use of buildings, land or operations intended to be carried out would be lawful.

Reason for the Appeal

The LPA's decision notice should make it clear if it has refused or partly refused to grant a certificate of lawful use or development or has granted it in a different form to the application.

Preferred Procedure

There are 3 procedure types for the determination of an appeal:- written representations, hearings and inquiries. You should indicate your choice of procedure for your appeal, however you should be aware that Planning and Environment Decisions Wales will determine the best procedure for your appeal. We are now also able to consider an appeal through mixed procedures; some specific matters may be best suited to consideration through a hearing whilst the remainder could be handled via written representations for example. Inspectors give equal attention to every appeal regardless of the procedure.

Certificates

There are a number of certificates that will need to accompany your appeal. This section provides details on these. Copies of

Site Ownership Certificates

As we need to know who owns the appeal site you must complete a site ownership certificate. "Owner" means a person having a:-

- freehold interest; or
- a leasehold interest with 7 years or more to run; or
- in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

If you knowingly or recklessly sign an ownership certificate which contains any statement which is false or misleading, you are committing an offence and would be liable to a fine if convicted.

Certificate A

If you own the whole appeal site you should tick Certificate A. You can now go to the Agricultural Holdings section.

Other Certificates and Giving Notice

If you do not own the whole appeal site you must inform all the owners of the land that you are going to make an appeal. We call this “serving notice”. You must serve notice on the person (or people) who owned the land on the day 21 days before the day you send your appeal form to us. You must do this during the 21 days immediately before, or on the day, you send your appeal to us.

Serving Notice

In [Appendix 01](#) is the form you must use to serve notice on all other owners and any tenant of an agricultural holding¹.

You can;

- cut and paste this notice; or
- type your own version that must contain exactly the same wording.

How to complete the notice

- After the words “Proposed development at” you should insert the address or location of the proposed development.
- After the words “I give notice that” you should insert the appellant(s) names.
- After the words “having applied to the” you should insert the name of the LPA.
- After the word “to” you should insert the description of the proposed development.
- You should delete either “against the decision of the Council” or “on the failure of the Council to give notice of a decision” as appropriate.
- After the word “by” you should insert the date that is either;
 - 21 days after the day on which you served the notice; or
 - 14 days after the day on which the notice was published in the newspaper.

What you must do with the notice

If you do not own the appeal site or do not own all of it and you know the names and addresses of all or some of the other owner(s) you must serve the notice on the owners that you do know. You must do this by;

- handing the notice personally to them; or

¹ Agricultural Holdings Act 1986: what is an agricultural holding?

S1(1) of the 1986 Act defines an agricultural holding to mean the aggregate of the land (whether agricultural land or not) comprised in a contract of tenancy which is a contract for an agricultural tenancy. Whether a contract is that of an agricultural tenancy is determined by reference to the terms of the tenancy, the actual or contemplated use of the land and ‘any other relevant circumstances.’ However, the substantial use of the whole should be agricultural. So, if most of the land comprised in the tenancy agreement is let for use as agricultural land it will be an agricultural holding and protected under the legislation. Land can only qualify as agricultural land protected by the 1986 Act if it is used for agriculture, and is so used for the purposes of a trade or business.

- by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address; or
- sending the notice by registered or recorded delivery post; or
- in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications.

If it appears that the land is unoccupied, if you have not been given an address for the service of notice for some or all of the other owners you may address the notice to “the owners and any occupiers” and fix the notice conspicuously to some object on the land.

If you have to serve notice on an organisation you must address it to the secretary or clerk of the organisation at their registered or principal office.

Certificate B

If you know the names and addresses of all the owners of the appeal site and you have served notice on them you should tick and complete Certificate B on the planning appeal form.

Certificate C

If you know the names and addresses of some, but not all of the owners of the land involved in the appeal, you must serve notice on the owners that you do know about – see above. Also you must publish the notice in a local newspaper. This is so that any other owners may become aware of your intention to appeal. You must send a copy of the published notice to us with your appeal.

In these circumstances you should complete Certificate C given in [Appendix 02](#) within this guidance.

You must send us a copy of the completed Certificate C, and the notice as published, with your planning appeal form

Certificate D

If you do not know the names and addresses of the owners of the land involved in the appeal you must publish the notice in a local newspaper.

In these circumstances you should complete Certificate D, given in [Appendix 03](#) within this guidance.

You must send us a copy of the completed Certificate D, and the notice as published, with your planning appeal form.

Agricultural Holdings (Certificates - Part 2)

We need to know if the appeal site forms part of an agricultural holding. If it does not you should select option (a).

If part, or all, of the appeal site is an agricultural holding the notice given in [Appendix 01](#) should be served on any tenant. You must do this during the 21 days immediately before, or on the day, you send your appeal to us.

“Tenant” means a tenant of an agricultural holding any part of which is part of the appeal site.

Personal Details

Appellant Personal Details/Agent Personal Details

Personal details supplied on this page will not be made publicly available

Email

If you tick the box to say that you prefer to be contacted by email, we will send you our letters by email and we will not send paper copies.

You must send a copy of the completed appeal form and a copy of any supporting documents submitted with it to the LPA. If you do not send them a copy of your appeal form and the documents we may not accept your appeal.

How we use your personal information

The Planning & Environment Decisions Wales receives personal data from the appellant, LPA and other interested persons who provide representations. The personal data normally includes name and contact details and any other personal data included within their representations.

We copy the representations we receive to the appellant, the LPA and any other statutory appeal parties. Representations will also be open for inspection at the LPA where anyone can ask to view them.

Further information

Further information about our privacy policy can be found at <https://gov.wales/welsh-government-privacy-notice> or on request. If you have any queries about our policy, or wish to make a request for your personal data then please contact us.

What Makes an Appeal Valid?

When we receive your appeal we will need to assess its validity before we can start the process formally. As well as determining factors such as the timely submission of the appeal and provision of the essential supporting documents, we will need to check some other details.

The following section explains what we will need at submission to ensure that you have submitted a valid appeal.

Full Statement of Case

Introduction

The appellant must provide their full statement of case giving full particulars and copies of any documents it refers to and any other evidence at the time of making their appeal.¹

What should be in the appellant's full statement of case?

The appellant should fully support their opinion that their development should be granted permission. Before making an appeal (whether against refusal or non-determination) the appellant should review the documents and arguments identified during consideration of their application, especially any correspondence from interested people and planning officer reports/communications. Any arguments in reaction to these documents should therefore be included in their full statement of case.

It is the appellant's responsibility to ensure that, at the time they make their appeal they are able to provide full disclosure of the details of their case and the arguments being put forward. This will ensure;

- that we will be able to make an informed decision on the appeal procedure and
- all other parties (including interested people) viewing the appeal documents will be fully aware of the arguments and issues from the start.

The appellant's full statement of case;

- must contain full details of relevant facts and planning/legal arguments,
- must contain all available evidence,
- must be accompanied by all documents (including for example data, analysis or copies of legal cases) maps and plans and any relevant extracts to which the statement refers. If any case law is cited it should include the full report reference,
- should respond to the reasons for refusal set out in the local planning authority's decision notice (if a decision was made),
- should cite any statutory provisions and case law (and contain the full report reference) they consider supports their arguments,
- should take due account of any representations received from interested people by the local planning authority at application stage,
- should contain any policies or other documents not referred to by the local planning /relevant authority in their decision but considered to support an appellant's case,

¹ The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 No. 544 (W.121); The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2017

- should describe any suggested mitigating factors,
- should suggest any conditions which they would be prepared to accept and provide the reasons for suggesting these,
- should focus on the areas of differences,
- must include any data referred to, and outline any assessment methodology and the assumptions used to support the arguments.

For certain types of development, specific further information may be needed by the Inspector and this should be supplied as part of the appellant's full statement of case.

For appeals concerned with use of land for the stationing of caravans for occupation by Gypsies or Travellers, the Inspector is likely to need the information detailed below:

- Gypsy status: if this is being claimed, provide details of family background and travel for work purposes over the last 10 years. If no travelling for work purposes has taken place over the last 2 years, or it is proposed to give up the travelling lifestyle, please explain why.
- Who will be living on the site? Give names (if known) and family relationships.
- If more than one family (parent(s) and children) intend to occupy the site, how long have they travelled together and how important is it that they stay together? Do they want to be treated as a single group, for the purposes of the appeal, or as individual families?
- How many caravans will normally be on the site, and what type (touring or static)?
- Are any buildings (day rooms, stables, toilet blocks etc.) proposed?
- Is any business use of the site proposed? If so, please provide details.
- Explain the need for a site, and the reasons for choosing this site.
- What efforts have been made to find an alternative site, e.g. approaches to local planning authority's housing and planning departments including applications for a pitch on a Local Authority site, estate agents, land owners, other gypsies and travellers? Written evidence should be provided wherever possible.
- Do any of the residents have any health issues which affect their day to day lives or educational needs which they would like the Inspector to take into account? Written evidence in support of these matters may be submitted but correspondents should be advised that these may become public documents and should be written with this in mind.
- Is the permission sought on a temporary or permanent basis? If temporary how long for and why?
- If the appeal(s) was unsuccessful, what alternative accommodation options are realistically available?
- If the appeal is to be heard at an inquiry, please provide the names and/or areas of expertise of all witnesses likely to be called and the anticipated number of sitting days needed.

For appeals concerned with the removal of an agricultural occupancy condition attached to an earlier permission, the Inspector is likely to need the information detailed below:

- evidence of existing demand or lack of demand for houses for agricultural or, where appropriate, other rural workers in the area;

- whether there are any vacant dwellings in the neighbourhood that are suitable for agricultural or other rural workers. If so, you should provide details of the asking price or rent;
- evidence of efforts to sell or lease the dwelling subject to the occupancy condition. This should include any offers to buy the property and, if it has been advertised, how frequently, for how long and the names of the publications it has been advertised in;
- what the asking price or rent was, whether this reflected the reduction in value arising from the occupancy condition and, if so, by how much;
- the history of the site and details of the land owned (to include details of any land with full agricultural tenancy, additional land rented and other dwellings on the site).

For appeals concerned with the erection of a dwelling for an agricultural or, where applicable, other type of rural worker, the Inspector is likely to need the information detailed below:

- evidence of existing demand or lack of demand for houses for agricultural or, where appropriate, other rural workers in the area;
- evidence of existing demand or lack of demand for houses for agricultural or, where appropriate, other rural workers in the area;
- whether there are any existing dwellings on the holding, or other buildings that might be suitable for conversion to a dwelling, and the reasons why they are not considered appropriate to meet the need;
- the history of the site and details of the land owned (to include details of any land with full agricultural tenancy and additional land rented);
- the nature of the business and its financial viability; and
- the reasons why an on-site presence is considered necessary.

Please note that the term 'agricultural workers' includes people such as farmers, farm workers, horticulturists and forestry workers. The term 'other rural workers' includes workers employed at equestrian establishments or other rural enterprises. These terms also cover the dependants of workers in these areas and workers that are now retired. The condition attached to the planning permission will usually specify the workers to which the condition applies.

Applications for telecommunications development (including for prior approval under Part 16 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This information should be submitted as part of your statement unless it has already been included in the application documents submitted with your appeal.

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site; and
- for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines; or
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met?

Additionally, the Inspector is likely to need the following information

- Evidence of existing coverage gaps, and of the predicted coverage of the installation. This should include modelling plots pinpointing the existing and proposed installations and clearly showing the relationship to geographical features such as roads and railways.
- Evidence of the consideration given to the siting of the installation on alternative sites, including mast sharing. This should include technical information on the relative performance of the alternative site(s), where appropriate including contour maps; or, should a suitable site be found not to be available, full information should be provided on the factors involved.
- Evidence of network capacity where it is claimed that the existing network lacks sufficient capacity e.g. to handle peaks in calls.

The full statement of case conclusions should be briefly summarised at the end with appropriate references. The full statement of case should not normally exceed 3,000 words. Whilst this might not be appropriate in all circumstances, we do expect a concise document to be provided.

Can new information be submitted during an appeal?

Regulation 11 of the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 (“the Appeals Regulations”) makes it clear that an appellant may not raise any matter which was not before the Local Planning or Relevant authority during its consideration of the application, unless it can be demonstrated the matter:

- could not have been raised before that time; or
- that it not being raised before that time was a consequence of exceptional circumstances.

What constitutes a ‘matter’ is not defined in the Town and Country Planning Act 1990 (“the 1990 Act”) or the Appeals Regulations. It is, however, a term which denotes an issue or a topic rather than any particular item of evidence or any document.

To submit a valid appeal, an appellant must submit a full statement of case which comprises of their full particulars of a case and copies of any supporting documents the applicant proposes to refer to or put forward in evidence. In addition to the matters set out in the full statement of case and supporting documents the appellant may raise matters and submit further documents, materials or evidence only in accordance with the Appeals Regulations.

The Local Planning or Relevant Authority is to send a questionnaire and/or a full statement of case of those matters it considers require to be taken into account in determining the appeal and a copy of the documents which were before it and which were taken into account in reaching its decision.

The appellant may comment on any matters raised in the Local Planning or Relevant Authority’s questionnaire/statement which had not been raised in the decision notice and to send any documents, materials or evidence on which it relies in support of those comments.

Under regulation 9 of the Appeals Regulations the Inspector may request further written information from the appellant; the local planning authority or any interested person who made representations within 4 weeks of the start date in relation to matters contained in any representation.

What happens if a new matter is raised?

Neither the 1990 Act nor the Appeals Regulations prevents the appellant from submitting updated or additional evidence on any matters which may be raised in the appeal, provided that all the documentation is lodged in the periods set out in the Appeals Regulations. This might, however, amount to unreasonable behaviour and lead to a claim for an award of costs unless there are good reasons for the evidence not having been submitted to the planning authority at the appropriate time.

If an appellant raises a new matter (i.e. topic or issue) which was not before the Local Planning or relevant Authority at the time of its decision, it is at the Inspector's discretion whether the appellant is entitled to raise the matter or if the Inspector is required to consider it.

If, in the course of an appeal, an appellant, Local Planning or Relevant Authority or interested party seeks to raise a new matter, the Inspector would have to consider whether this was appropriate, having regard to the rules of natural justice.

Submission of further documents, materials or evidence in the course of an appeal on matters that were before the planning authority

The Appeals Regulations set out strict time limits for the submission of documents, materials or evidence in support of an appeal.

If, in the course of an appeal, an appellant seeks to submit further documents, materials or evidence (other than in response to a decision notice or matters raised by the Inspector) we will contact you, drawing attention to the time limits for submission set out in the regulations, and ask for an explanation of why the document was not submitted at the appropriate time.

For the reasons given above, if the representations or documents relate to issues which were considered by the Local Planning or Relevant Authority, these will not be considered to be 'new matters', even though the representation or document was not before the Local Planning or Relevant Authority at the time of its decision.

Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy him/herself that new matter raised is appropriate to the circumstances of the case.

Can a proposed scheme be amended?

This part applies to appeals against the following decisions or failure to take such decisions:

- Planning permission¹;

¹ Section 78 of the Town and Country Planning Act 1990.

- Certificates of lawfulness¹;
- Listed building and conservation area consent²;
- Hazardous substances consent³.

The appeal process cannot be used to evolve a scheme⁴. Once a notice of appeal has been served, appellants seeking to vary an application from that considered by the Local Planning / Relevant Authority will be advised the variation is not permitted. Should appellants wish to amend or revise a proposal, this should be done by making a new planning application to the Local Planning / Relevant Authority. The Local Planning / Relevant Authority should be open to discussions on whether it is likely to view an amended scheme favourably.

The only circumstances in which an amendment may be accepted are the correction of drawing or drafting errors which do not affect the substance of the application or where it is necessary to ensure consistency in the information contained in the application and the accompanying documents. The decision made on an appeal must always be made in respect of the proposal and plans considered by the Local Planning / Relevant Authority.

Where revisions to a proposal are submitted as evidence to demonstrate that the reasons for refusal can be overcome, the Inspector may, at their discretion wish to consider granting planning permission subject to conditions which resolve the matter in dispute.

It would not be appropriate to do this where it would involve a change to the description of the development, because permission should not be granted for a different development to the one proposed in the original application. This will be subject to the appointed Inspector's findings on the matters pertaining to the particular case.

¹ Section 195 of the Town and Country Planning Act 1990.

² Section 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

³ Section 21 of the Planning (Hazardous Substances) Act 1990.

⁴ Sections 78(4BA)-(4BB) and 195(1DA)-(1DB) of the Town and Country Planning Act 1990 and Article 26C of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012; Section 21(4A)-(4B) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 12B of the Planning (Listed Buildings and Conservation Areas) Regulations 2012; and Section 21(3E)-(3F) of the Planning (Hazardous Substances) Act 1990 and Regulation 13A of the Planning (Hazardous Substances) Regulations 2016.

Welsh Language

The Planning and Environment Appeals Wales promotes and encourages the use of Welsh throughout all of its work in Wales. We welcome appeals in a Welsh, bi-lingual or English format and will correspond with you in your stated language preference, in keeping with our obligations as set out in The Welsh Language Standards (No. 2) Regulations 2016¹.

If you would like a copy of this document in Welsh you can e-mail PEDW.casework@gov.wales / PEDW.GwaithAchos@llyw.cymru or ring **0300 0604400** to request a copy.

¹ <http://www.assembly.wales/laid%20documents/sub-ld10488/sub-ld10488-e.pdf>

Getting Help

If you would like help in taking part in an appeal, you can contact Planning Aid Wales, who provide a free and independent advice service on town and country planning issues to people and groups who cannot afford consultancy fees. **You should be aware that Planning Aid Wales operates eligibility criteria to ensure that its services are provided to those most in need.** You can contact them at:

Planning Aid Wales

First Floor

174 Whitchurch Road

Heath

Cardiff

CF14 3NB

Phone: **02920 625 000**

Website: www.planningaidwales.org.uk

Appendix 01

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

NOTICE OF APPEAL UNDER ARTICLES 10 AND 25

(to be served on an owner or a tenant** or to be published in a newspaper (and, where the local planning authority maintain one, on their website)*

Proposed development at (a)

.....

.....

.....

I give notice that

(b).....

having applied to the (c)

.....

to

(d).....

.....

is appealing to the Welsh Ministers

against the decision of the Local Planning Authority +

on the failure of the Local Planning Authority to give notice of a decision +

Members of the Public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e)

.....

.....

during all reasonable hours until

(f).....

+ and, online at (g)

.....

Anyone who wishes to make representations about this appeal must write to the Welsh Ministers at Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ, or e-mail PEDW.casework@gov.wales / PEDW.GwaithAchos@llyw.cymru

by (f)

*“owner” means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

** “tenant” means an agricultural tenant, as defined in section 65(8) of the Town and Country Planning Act 1990, of land any part of which is comprised in the land to which the application relates.

Signed.....

+ On behalf of

Date.....

Statement of owners’ rights

The grant of planning permission does not affect owners’ rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants’ rights

The grant of planning permission for non-agricultural development may affect agricultural tenants’ security of tenure

+ *delete where inappropriate*

Insert:

- (a) *address or location of the proposed development*
- (b) *applicant’s name*
- (c) *name of Local Planning Authority*
- (d) *description of the proposed development*
- (e) *address at which the application may be inspected*
- (f) *date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)*
- (g) *local planning authority website address (url)*

Appendix 02

Certificate C

I certify that:

I/The appellant* cannot issue a Certificate A or B in respect of this appeal.

I have/The appellant has* given the requisite notice to the persons specified below, being persons who on the 21 days before the date of this appeal, were owners of any part of the land to which the appeal relates.

Owner's name

Address at which notice was served

.....
.....
.....

Date on which notice was served

.....

I have/The appellant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows (give a description of what you have done)

.....
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.....

Notice of the appeal, a copy of which is enclosed, has been published in the (give the name of the newspaper where the notice was published)

.....
..... on (give date of publication).....

Signed.....

*On behalf of.....

Date

** delete where inappropriate*

Appendix 03

Certificate D

I certify that:

I/The appellant* cannot issue a Certificate A in respect of this appeal.

I/The appellant* have/has taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, on the day 21 days before the date of the appeal, was the owner of any part of the land to which the appeal relates, but have/has* been unable to do so. These steps were as follows (describe what you have done):

.....
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.....
.....

Notice of the appeal, a copy of which is enclosed, has been published in the (give the name of the newspaper where the notice was published)

.....
.....

on (give the date the notice was published)

Signed.....
*On behalf of.....
Date

* delete where inappropriate