



**Penderfyniadau  
Cynllunio ac  
Amgylchedd **Cymru****

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**Planning &  
Environment  
Decisions **Wales****

Householder, Minor Commercial &  
Advert Appeals

1. An appeal in connection with **refusal** of a Householder application (“a householder appeal”), Minor Commercial (“a minor commercial appeal”) or Advertisement application (“advert appeal”) will normally proceed by Part 3

Procedure for Householder, Advertisement Consent and Minor Commercial Appeals of the [Town and Country Planning \(Referred Applications and Appeals Procedure\)\(Wales\) Regulations 2017](#) (“the Appeals Regulations”).

## 2. Householder appeals

2.1. “Householder application”<sup>1</sup> means an application for:

- planning permission for development for the enlargement, improvement or other alteration of a dwelling house, or development within the curtilage of such a dwelling house, or
- change of use to enlarge the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwelling house

## 3. Minor Commercial appeals

3.1. “Minor commercial application”<sup>2</sup> means:

an application for planning permission for the enlargement, improvement or other alteration of an existing building of no more than 250 square metres gross external floor space at ground floor level, or any part of that building, currently in use for any of the purposes set out in Schedule 1 A (see

[Appendix 01](#)) which is an application for –

- The change of use from any of the purposes set out at paragraph 1 in schedule 1 to any of the purposes set out in either paragraph 2 or paragraph 3 of that schedule;
- The change of use from any of the purposes set out at paragraph 2 in Schedule 1A to any of the purposes set out in paragraph 3 of the Schedule; or
- The carrying out of building or other operations to a shop front.

3.2. Please see [Appendix 01](#) to this annexe which contains Schedule 1(A) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

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<sup>1</sup> This is defined in Article 3 - Interpretation - of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 (Welsh Statutory Instrument 2015/1330 (W.123)).

<sup>2</sup> This also is defined in Article 2 of the 2015 Order referred to in the above footnote.

## 4. Advertisement Appeals

### 4.1. “Advert appeals” means:

an application to display an advertisement bigger than 0.3 square metres, or any size if illuminated, on the front of, or outside, your property (be it a house or business premises).

4.2. For planning purposes, ‘advertisement’ is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as: any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.

4.3. The display of outdoor advertisements can only be controlled in the interests of amenity and public safety.

## 5. Process and scope

5.1. For appeals proceeding under Part 3 of the Appeal Regulations, relevant documentation can be seen online and can be viewed using the [search facility](#).

5.2. The following appeals are within the scope of the **Part 3 process**:

- A householder, minor commercial, or advertisement consent appeal, made in relation to an application made on or after 5 May 2017; and
- The Welsh Ministers have determined under section 319B of the Town and Country Planning Act 1990 (determination of certain proceedings: Wales)<sup>3</sup> that it is a matter which is to be determined on the basis of representations in writing.

5.3. A timetable for these appeals in [Appendix 02](#) to this annex

5.4. For appeals proceeding by part 4, 5 or 6 of the Appeals Regulations please see Annexes 8 and 9 of this Guide.

5.5. There may be circumstances where an appeal is not suitable to proceed by procedure set out in part 3 of the Appeals Regulations. This may be evident at the beginning, or come to light during the processing of an appeal. In such instances we may determine that the appeal

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<sup>3</sup> Section 319B was inserted by SI 2014/2773 (w.280)

should proceed under Part 4, 5 or 6 of the Regulations by written representations, hearing, inquiry or a combination of these procedures.

5.6. We may agree special arrangements for an appeal that would normally proceed under the Part 3 process where it would be sensible for it to be considered simultaneously with a related appeal (such as one relating to listed building consent) by the same appellant.

## 6. The appellant

6.1. The appellant must ensure that we receive their householder or Minor Commercial appeal within **12 weeks** of the date of the notice of the local planning authority's decision.

6.2. The appellant must send;

- a copy of the planning application form;
- the local planning authority's decision notice; and
- any plans, documents or drawings relating to the application which were not sent to the local planning authority, except any plans, documents or drawings relating to the application proposed after the local planning authority have made their determination

6.3. The appellant must copy the appeal to the local planning authority.

6.4. The appellant's notice of appeal should fully disclose their case through full representations and any supporting evidence. The grounds of appeal must be concise, clear and comprehensive. The appellant should respond to the reasons for refusal set out in the local planning authority's decision notice, any issues raised in the planning officer's report and should explain the basis on which they consider planning permission should be granted (please see Annexe 01).

6.5. The appellant may also wish to respond to any representations the local planning authority received from interested people during the application stage. Some local planning authorities publish the planning officer's report, Committee minutes, representations received from interested people and other documents relating to the application on their websites, but not all. As part of considering the merit of making an appeal the onus is on the appellant to make the necessary arrangements to view these documents.

6.6. Having made their appeal, the appellant will not normally be able to send any further material unless further information or response is required and requested by the Inspector.

## **7. What happens when we receive an appeal?**

7.1. Within 5 days of receiving a valid appeal we will determine whether the appeal is suitable for the Part 3 procedure, and, if so, will confirm to the appellant and the local planning authority:

- the reference number allocated to the appeal;
- that the appeal will proceed by way of the Part 3 procedure.

7.2. The date of this notification letter will be the start date for the appeal.

7.3. If we determine, at this stage or later, that the appeal is not suitable for the Part 3 procedure we will notify the appellant and the local planning authority and explain what procedure the appeal will follow.

## **8. What does the local planning authority have to do?**

8.1. When notified by us that an appeal is to proceed by the “Part 3” procedure, the local planning authority must send copies of all of the relevant documents to us and to the appellant within 5 working days of the start date along with a completed copy of the appropriate appeals questionnaire. The local planning authority must indicate on the questionnaire what appeal procedure it considers appropriate, taking account of the criteria (see [Appendix 01 of Procedural Guide Wales](#)). If this differs from that determined by us we will review the procedure.

8.2. The local planning authority’s case will be its reasons for refusal and the documentation supplied with the questionnaire. The local planning authority’s reasons for refusal should be clear and, where the Committee’s decision goes against the planning officer’s recommendation, it is good practice for the reasons for this to be stated clearly in the Committee minutes. In turn this will mean that if an appeal is made the local authority’s documentation will contain all of its reasons and if the appellant arranges to view the documentation before they make their appeal, they will be aware of the full background to the refusal. With its documentation the local planning authority should identify any factual error in the appellant’s grounds of appeal and any new material or changes made which were not before it at the time it made its decision.

8.3. The local planning authority will not normally be able to send any further material after the questionnaire stage unless further information or response is required and requested by the Inspector.

## 9. **Who tells interested persons about the appeal?**

9.1. Within 5 working days of the start date the local planning authority must notify interested persons:

- that an appeal has been made;
- that any representations made to the local planning authority in relation to the application, before it was determined, will be sent to Planning and Environment Decisions Wales and the appellant, and will be considered by the Inspector when deciding the appeal;
- how they can withdraw their representations if they wish to do so;
- that the decision will be published on the Planning Casework Service.

9.2. The local planning authority will already have informed interested people at the application stage that, in the event of an appeal, there normally will be no further opportunity to make representations at appeal stage.

9.3. We encourage local planning authorities to use the model notification letter (see [Appendix 03](#) to this annexe)

## 10. **Is the appeal site visited?**

10.1. Visits to the appeal site and of any relevant neighbouring land or properties are normally carried out where it is necessary to assess the impact of a development on its surroundings. The purpose of the visit is solely to enable the site and its surroundings to be viewed.

10.2. Where the site is sufficiently visible from the road or public viewpoint the visit will be carried out unaccompanied.

10.3. If access to the site is required, we will contact the appellant/agent with a date and a two-hour time slot when the Inspector will carry out the site visit. The appellant's or agent's presence will be required solely to provide access to the site. Similar arrangements will be made with neighbours where it is necessary to view the site from their property

10.4. The local planning authority should advise us (when completing the questionnaire) and the neighbour concerned if it is certain of such a need, and provide us with the neighbour's contact details.

10.5. The local planning authority will not attend the site visit.

10.6. The Inspector will not allow any discussion about the case with anyone at the site visit.

## Appendix 01

### SCHEDULE 1 A - (The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

#### **Minor Commercial Development Uses**

##### Shops

#### 1. Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired, where the sale, display or service is to visiting members of the public.

##### Financial and professional services

#### 2. Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

##### Food and drink

#### 3. Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.

Appendix 02

Timetable for Householder and Minor commercial Appeals

Timetable	Interested persons	Appellant	Local planning authority
<p><b>Appeal received by us</b></p> <p>We set the start date and the timetable</p>		<p>Sends the appeal form and all supporting documents to us and the local planning authority. The appeal representations should make up their full case</p>	<p>Receives a copy of the appeal documents</p> <p><b>no opportunity to comment</b></p>
<p><b>Within 5 working days of the start date</b></p>		<p>Receives a completed questionnaire and any supporting documents from the local planning authority.</p> <p><b>No opportunity to comment</b></p>	<p>Sends the appellant and us a completed questionnaire and supporting documents.</p> <p>Notifies interested people of the appeal and explains there is <b>no opportunity</b> for further representations</p>
<p><b>The Inspector visits the site and the decision is issued later</b></p>			

Appendix 03

LPA model notification letter

**TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL UNDER S78 AGAINST REFUSAL OF A HOUSEHOLDER/MINOR  
COMMERCIAL{delete as appropriate} APPLICATION**

**Site Address:** [Insert here]

**Description of development:** [Insert here]

**Application reference:** [Insert here] **Appellant's name:** [Insert here]

**Appeal reference:** [Insert here] **Appeal start date:** [Insert here]

I refer to the above details. An appeal has been made to the Welsh Ministers against the decision of [insert LPA name] to [insert reason for appeal, i.e. refuse to grant planning permission].

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 3 of the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017.

As this appeal is a **Householder / Minor commercial Appeal {delete as appropriate}**, there is no opportunity for you to submit comments. However, we have forwarded all the representations made to us on the application to Planning and Environment Decisions Wales (PEDW) and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to withdraw any representations you made on the application, you must make this request to PEDW by **[insert date 4 weeks from the start date]**. You can do this by emailing [pedw.casework@gov.wales](mailto:pedw.casework@gov.wales) (quoting the appeal reference). If you do not have access to the internet, you can write (quoting the appeal reference) to:

Planning and Environment Decisions Wales

Crown Buildings

Cathays Park

Cardiff

CF10 3NQ

PEDW will publish appeal documentation, including copies of representations received, on the Planning Casework Service portal. Information provided in your representation will be published. This may include your name and address, but personal telephone numbers and email addresses and signatures of individuals will be removed. If you object to publication in this way, please contact PEDW.

The appeal documents can be inspected on the Planning Casework Service portal at <https://planningcasework.service.gov.wales/asp> or at [insert venue] between [insert times between which documents can be inspected].

PEDW aims to deal with appeals following this procedure within 12 weeks of the appeal start date. When made, the decision will be published on the Planning Casework Service portal.