
STATUTORY INSTRUMENTS

2015 No. 595

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Part 7

Appeals

Appeals

37.—^[F1(A1)] This article does not apply to an appeal to the Secretary of State under section 78 of the 1990 Act for not approving or not determining a biodiversity gain plan (see Part 7A, article 37E).]

(1) An applicant who wishes to appeal to the Secretary of State under section 78 of the 1990 Act must give notice of appeal to the Secretary of State by—

- (a) serving on the Secretary of State within—
 - (i) the time limit specified in paragraph (2); or
 - (ii) such longer period as the Secretary of State may, at any time, allow,

a completed appeal form, obtained from the Secretary of State, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and

- (b) serving on the local planning authority a copy of the completed appeal form mentioned in sub-paragraph (a), as soon as reasonably practicable, together with a copy of the documents mentioned in paragraph (3)(b)(viii) to (x) (where those paragraphs apply), and any relevant documents mentioned in paragraph (3)(a)(ii) or paragraph (3)(b)(v), as the case may be.

(2) The time limit mentioned in paragraph (1) is—

- (a) in the case of a householder or minor commercial appeal, other than a type A or a type B appeal, 12 weeks from the date of the notice of the decision or determination giving rise to the appeal;
- (b) in the case of a type A appeal, 28 days from—
 - (i) the date of the notice of the decision or determination giving rise to the appeal; or
 - (ii) the expiry of the specified period;
- (c) in the case of a type B appeal, 28 days from the date on which the enforcement notice is served;
- (d) in all other cases, 6 months from—
 - (i) the date of the notice of the decision or determination giving rise to the appeal;
 - (ii) in a case in which the authority have served a notice on the applicant in accordance with article 5(2) that they require further information, and the applicant has not provided the information, the date of service of that notice; or
 - (iii) in any other case, the expiry of the specified period.

- (3) The documents mentioned in paragraph (1) are—
- (a) in the case of a householder or minor commercial appeal—
- (i) a copy of the application which was sent to the local planning authority which has occasioned the appeal;
 - (ii) any other plans, documents or drawings relating to the application which were not sent to the authority, except any plans, documents or drawings relating to amendments to the application proposed after the authority have made their determination; and
 - (iii) the notice of the decision or determination;
- (b) in all other cases—
- (i) a copy of the application which was sent to the local planning authority which has occasioned the appeal;
 - (ii) all plans, drawings and documents sent to the authority in connection with the application;
 - (iii) all correspondence with the authority relating to the application;
 - [^{F2}(iiiia) where the application was an application for technical details consent, details of the relevant permission in principle;]
 - (iv) any certificate provided to the authority under article 14;
 - (v) any other plans, documents or drawings relating to the application which were not sent to the authority, except any plans, documents or drawings relating to amendments to the application proposed after the authority have made their determination;
 - (vi) the notice of the decision or determination, if any;
 - (vii) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted;
 - (viii) subject to paragraph (4), the applicant's full statement of case (if they wish to make additional representations);
 - (ix) subject to paragraph (4), a statement of which procedure (written representations, a hearing or an inquiry) the applicant considers should be used to determine the appeal; and
 - (x) subject to paragraph (4), a draft statement of common ground if the applicant considers that the appeal should be determined through a hearing or an inquiry.
- (4) The relevant documents required in paragraph (3)(b)(viii) to (x) are not required to accompany the notice under paragraph (1)—
- (a) where a direction is given by the Secretary of State under section 321(3) of the 1990 Act (matters related to national security) ^{M1};
 - (b) where section 293A of the 1990 Act (urgent Crown development) ^{M2} applies; or
 - (c) in relation to type A or type B appeals.
- (5) The Secretary of State may refuse to accept a notice of appeal from an applicant if the completed appeal form required under paragraph (1)(a) and the documents required under paragraph (3) are not served on the Secretary of State within the time limit specified in paragraph (2).
- (6) The Secretary of State may provide, or arrange for the provision of, a website for use for such purposes as the Secretary of State thinks fit which—
- (a) relate to appeals under section 78 of the 1990 Act ^{M3} and this article; and

- (b) are capable of being carried out electronically.
- (7) Where a person gives notice of appeal to the Secretary of State using electronic communications, the person is taken to have agreed—
- (a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically;
 - (b) that the person's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the person's notice of appeal; and
 - (c) that the person's deemed agreement under this paragraph subsists until notice is given in accordance with article 46 that the person wishes to revoke the agreement.
- (8) In this article—
- “draft statement of common ground” means a written statement containing factual information about the proposal which is the subject of the appeal that the applicant reasonably considers will not be disputed by the local planning authority;
- “full statement of case” means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward and copies of any documents which that person intends to refer to or put in evidence;
- “householder appeal” means an appeal under section 78(1) of the 1990 Act in respect of a householder application, except an appeal against the grant of any planning permission, consent, agreement or approval which is granted subject to conditions;
- “minor commercial appeal” means an appeal under section 78(1) of the 1990 Act in relation to a minor commercial application, except an appeal against the grant of any planning permission, consent, agreement or approval which is granted subject to conditions;
- “specified period” means the period specified in article 27 or article 34, as the case may be;
- “type A appeal” means an appeal under section 78(1) or 78(2) of the 1990 Act in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
- (a) has been served no earlier than 2 years before the application is made;
 - (b) has been served before—
 - (i) the date of the notice of the decision or determination giving rise to the appeal; or
 - (ii) the expiry of the specified period; and
 - (c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b); and
- “type B appeal” means an appeal under section 78(1) or 78(2) of the 1990 Act in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
- (a) is served on or after—
 - (i) the date of the notice of the decision or determination giving rise to the appeal, or
 - (ii) the expiry of the specified period;
 - (b) is served earlier than 28 days before the expiry of the time limit specified—
 - (i) in the case of a householder or minor commercial appeal, in paragraph (2)(a); or
 - (ii) in any other case, in paragraph (2)(d); and
 - (c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.

Changes to legislation: *There are currently no known outstanding effects for the The Town and Country Planning (Development Management Procedure) (England) Order 2015, Section 37. (See end of Document for details)*

Textual Amendments

- F1** Art. 37(A1) inserted (12.2.2024) by [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024 \(S.I. 2024/50\)](#), regs. 1(2), **18**
- F2** Art. 37(3)(b)(iiia) inserted (15.4.2017) by [The Town and Country Planning \(Permission in Principle\) Order 2017 \(S.I. 2017/402\)](#), art. 1, **Sch. para. 2(5)**
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Marginal Citations

- M1** There are amendments to section 321 which are not relevant to this Order.
- M2** Section 293A was inserted by section 82(1) the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#).
- M3** Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991, section 40(2) (e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see* [S.I. 2009/400](#)) and paragraphs 1 and 2 of Schedule 11 to the [Planning Act 2008 \(c. 29\)](#).

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