



Llywodraeth Cymru
Welsh Government

GUIDANCE

Planning and environment appeals and applications: determining the procedure and events

Explains how the procedure and the event is decided.

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Determining procedure for planning appeals: listed building appeals and called-in applications

Appeals may be determined through written representation, Hearing, Inquiry or by a combination of the three. The choice of procedure will largely be determined by the extent to which evidence needs to be tested through oral examination. It is possible that some issues in an appeal will be considered on the written submissions whilst others are examined through a Hearing or Inquiry.

Written representations

The written procedure is suitable when the planning issues raised or, in an enforcement appeal, the grounds of appeal, can be clearly understood from the appeal documents and a site inspection.

Hearing

A Hearing will be scheduled where evidence needs to be tested through questioning but there is no need for cross-examination or for evidence to be given on oath.

Circumstances may include where the status or personal circumstances of the appellant are at issue (often arises in cases for Gypsy and Traveller sites) or where a business case is put forward to justify a rural enterprise dwelling or One Planet Development. In an enforcement appeal, the grounds of appeal, the alleged breach, and the requirements of the notice, are relatively straightforward.

Inquiry

An Inquiry is likely to be necessary where the issues are complex and the evidence needs forensic examination through cross-examination. Circumstances may include where detailed technical evidence needs to be tested. Also where evidence needs to be given on oath or the alleged breach and/or the requirements of the enforcement notice are unusual and particularly contentious.

Local interest

Representations made in writing carry the same weight as those made orally at a Hearing or Inquiry. However, where a case has generated significant local interest a Hearing or Inquiry may be held. In such circumstances the local planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event. We will take that advice into account in reaching the decision as to the appropriate procedure.

Choice of virtual/hybrid/in-person events

The coronavirus pandemic resulted in all oral events being held virtually and this has resulted in a number of benefits including reduced carbon footprint, reduced cost and improved accessibility for some interested parties. Inspectors are no less vigorous, thorough or inquisitorial in virtual events than they are in person. It has been our experience that all parties that wish to participate have been able to do so fully. Therefore, in future the starting point will usually be for Hearings and Inquiries to be held virtually. Nonetheless, it is recognised that there may be circumstances where an in-person event may be more appropriate.

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Planning and Environmental Decisions Wales (PEDW) will consider requests for in-person events, taking into account; health and safety considerations, the level of interest in attending to participate in the event, the views of the appellant and local planning authority, the circumstances of appeal parties, the particulars of the case and the nature of the evidence being examined, the availability of suitable premises in an accessible location close to the appeal site, and the extent to which virtual participation may be prejudiced or prevented by access to the necessary equipment or connection issues. The final decision on the type of event will rest with PEDW, having regard to the above considerations.

Where necessary, PEDW will explore with the local planning authority the possibility of holding hybrid events, where some participants attend in person and others join virtually.

Whether Hearings or Inquiries are held virtually or in person all sites are visited by the Inspector.

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