

Planning and Environmental Appeals (DPEA)

APPEAL TO SCOTTISH MINISTERS:
NOTES FOR APPELLANTS SUBMITTING AN
ADVERTISEMENT DISCONTINUANCE NOTICE APPEAL
USING FORM ADD



Scottish Government
Riaghaltas na h-Alba
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Notes for appellant

These notes relate to appeals to the Scottish Ministers under Regulation 21 of the [Town and Country Planning \(Control of Advertisements\) \(Scotland\) Regulations 1984](#) in conjunction with [The Town and Country Planning \(Appeals\) \(Scotland\) Regulations 2013](#) [the “Appeals Regulations”] respect of advertisement discontinuance notices served by planning authorities under Regulation 24 of the Control of Advertisements regulations relating to alleged breaches of advertisement control.

If you want to appeal to Scottish Ministers against an advertisement discontinuance notice served on you by a planning authority, you should use form ADD.

Deadline for making an appeal

Your appeal must be received by Planning and Environmental Appeals (DPEA) before the notice is to take effect. That date will be specified on the notice. The Scottish Ministers have no scope or discretion to accept a late appeal.

Completing the appeal form

The notes below are intended to help you complete the appeal form. This form is mandatory and should be carefully completed to ensure your appeal is valid.

Page 1 of appeal form

Appellant(s)

This section should be fully completed with the name, address and contact details of the appellant. The Appeals Regulations require that the appellant’s name and address must be supplied.

Agent

This section needs to be completed if the appeal is being submitted by an agent acting on behalf of the appellant (e.g. planning consultant, solicitor, architect, friend). The Appeals Regulations require that, where an agent is appointed, the agent’s name and address must be supplied.

You must also confirm whether correspondence should be sent to the agent rather than the appellant by using the check box provided.

Do you agree to all correspondence being sent by E-mail

We seek to use electronic communications wherever possible. Please mark the appropriate Yes/No box to confirm whether you are content to receive correspondence by e-mail.

Planning authority

This will be the name of the council (or national park authority) who served the discontinuance notice.

Planning authority's reference number

The authority may have put a reference number on the discontinuance notice.

Site address

To help us identify the location of the advertisement that is the subject of the discontinuance notice and appeal, you should provide the postal address or site name.

Description of advertisement

This should be the description of the advertisement as given on the notice served by the planning authority

OS Map Grid Ref or Postcode

To further help us identify the site of the advertisement please supply the postcode for the site or the Ordnance Survey grid reference for it.

Area of appeal site

Please provide a note of the area of the site, either in square metres or in hectares.

Date on which the notice is specified to take effect

This is the date the enforcement notice specifies as the date on which the it is to take effect.

Date of issue of the notice

This is the date the notice was issued by the planning authority, it will be stated on the notice,

Date the notice was served on the appellant

This is the date the appellant i.e. the person making the appeal received, or can be assumed to have received, the notice.

What is your interest in the land

A discontinuance notice can be served on more than one person. It can be served separately on the owner, the occupier and on any other person having an interest in the land. Please state your interest in the land on this part of the form, either by marking the appropriate box or by explaining in the text box provided.

Page 2 of appeal form

Statement of appeal

Your statement of appeal should include full particulars of your appeal and the matters you think ought to be taken into account, and all documents, materials and evidence upon which you intend to rely in your appeal must accompany this form. All matters which you intend to raise in the appeal must be set out in your appeal or in the accompanying documents.

The Appeal Regulations provide for the raising of additional matters or submission of further documents only in very limited circumstances.

Nevertheless, depending on the terms of the planning authority's (and any other party's) response to your appeal and the possible need for any further procedure (see

below), the point at which you lodge your appeal might be your only opportunity to state your case, and so you must be content that you have raised all relevant issues.

List of documents/ evidence

As well as providing a full statement of your appeal at the outset, the Appeals Regulations require that all documents, materials and evidence that you intend to rely on in support of your appeal must be provided alongside your appeal form. To ensure we have received all of this information from you, please provide a full list of all supporting documents etc. in this text box.

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Appeal procedure

The appeal process will be managed by the person appointed by Scottish Ministers to consider and decide your appeal. If, having received your appeal, the planning authority's response and any other correspondence received from any interested parties, the appointed person has sufficient information to be able to make a decision on the appeal, then that is what will happen.

However, the appointed person may consider it necessary to obtain some further information, perhaps just on a single issue/matter (rather than on the appeal as a whole), before reaching a final decision. There are several methods available to the appointed person to obtain this information:

- Inspection of the Site - The appointed person visits the site to view it and its surroundings. The appointed person will undertake an unaccompanied visit wherever possible. If an accompanied site inspection is necessary, there will be no scope to discuss the merits of the proposed development with the appointed person.
- Further Written Submissions - Parties will be invited to provide information on a specific issue in writing and each of these parties will then be entitled to respond to the written submissions provided by others.
- Hearing Session - This involves a discussion between the parties. This will be restricted to the specific matters identified for discussion, and will be led by the

appointed person. Formal cross examination of hearing participants is not allowed.

- Inquiry Session - Where a more formal inquiry structure is needed, this session can be held to examine the specific matters identified by the appointed person. Cross-examination of witnesses is likely to occur in inquiry sessions.

If the appointed person decides that any further written submissions, a hearing session or an inquiry session is needed to consider a specific matter, both you and the planning authority will always be invited to participate, along with anyone else who the appointed person wishes to receive relevant information from.

While ultimately it is the appointed person's role to decide whether (and, if so, what) further procedure is necessary to inform the decision on your appeal, both you and the planning authority are entitled to express an opinion on which procedure (or combination of procedures) you think are appropriate. This section of the appeal form invites you to do so. It also provides an option (box 1) where you can express if you are content for a decision to be made without any further procedure.

Where there is to be some further procedure, you will always be advised of what is happening and of what might be expected of you.

Site inspection

This section of the form seeks your assistance and opinion in relation to the accessibility of the site of your proposed development, to assist our preparations if the appointed person decides to inspect the site before reaching a decision.

Good bio-security practice helps prevent outbreaks and the spread of animal and plant pests which may affect agriculture, forestry, aquaculture and angling industries. It is helpful for the reporter to know in advance if there are any such issues they need to be aware of before they carry out a site inspection. If there are, please give details in the comments box on the appeal form or provide on a separate sheet.

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Other appeals

If you have any other related appeals currently with the Scottish Ministers concerning the same or neighbouring land, please provide the details on this part of the form.

Checklist

The appeal form is structured to guide you in making a full and valid appeal which will comply with the terms of both the Appeals Regulations and the Control of Advertisements Regulations.

The checklist allows you to ensure that you have provided us with all the information we need to progress your appeal.

Declaration

To confirm that you are making an appeal to the Scottish Ministers in the manner set out on your form and supporting documents, please sign and date the form before you send it. If you are sending the form electronically, you can simply type your name and date - your e-mail address will act as an electronic signature.

What next?

Once you are happy with the terms of your appeal, you should send the form and all supporting information to Planning and Environmental Appeals (DPEA), either by email, post or fax. The contact details are at the end of the form.

The Appeals Regulations also require that, at the same time as you send the appeal to us, you must send to the planning authority:

- a copy of the notice of appeal (the form);
- a list of all documents and other information relating to your appeal which you intend to rely on in support of your appeal (you will have provided this on page 2 of the form); and

- a copy of any documents or other information from that list which you have not already provided to the planning authority when it was handling your planning application.

Further information

For further information about the planning appeals process, please see the [Scottish Government's Planning Circular 4/2013: Planning Appeals](#). This is available on the Government's website or can be obtained in hard copy by contacting the Scottish Government's Central Enquiry Unit on 0300 244 4000.

If you wish to discuss any aspect of the appeal form or the process, please contact Planning and Environmental Appeals (DPEA) on 0300 244 6668.

Written queries can be sent to us at either by e-mailing dpea@gov.scot or by post to Planning and Environmental Appeals Division, Hadrian House, Callendar Business Park, Falkirk, FK1 1XR.

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