

SCHEDULE 4

Appeals procedure

PART 2

Procedure for appeals against determinations made, and enforcement and penalty notices issued, by the Chief Inspector

8. This Part applies to appeals against determinations made, and enforcement and penalty notices issued, by the Chief Inspector.

9. A person who wishes to appeal to the Planning Appeals Commission under regulation 48(1) must give them written notice of the appeal together with a statement of the grounds of appeal.

10. The Planning Appeals Commission must as soon as is reasonably practicable send a copy of that notice and statement to the Chief Inspector.

11. An appellant may withdraw an appeal by notifying the Planning Appeals Commission who must, as soon as is reasonably practicable, notify the Chief Inspector accordingly.

12. Notice of appeal in accordance with paragraph 9 is to be given before the expiry of the period of 28 calendar days (or where that period expires on a day other than a working day, by no later than the next working day) after the date of the determination, or the date of service of the enforcement notice or penalty notice (as the case may be).

13. The appeal body must determine the appeal and paragraphs (1) and (3) of Article 111 of the Planning (Northern Ireland) Order 1991⁽¹⁾ apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

14. The Planning Appeals Commission must determine the process for determining appeals taking into account any requests of the appellant or the Chief Inspector.

15. An appeal under this Part must be accompanied by a fee and Article 127(2)(b) of the Planning (Northern Ireland) Order 1991 has effect as if the reference to an appeal under that Order included a reference to an appeal under these Regulations.

16. The standard of proof to be applied by the Planning Appeals Commission in determining an appeal is proof on the balance of probabilities.

(1) Article 111(1) is amended by [S.I. 2006/1252 \(N.I. 7\)](#) articles 1(3)(b) and 15(2), and by [S.R. 2006/222](#) article 2.