

Can I Appeal?

If you, as the applicant, feel aggrieved either by a decision of the Development and Planning Commission to refuse your application or to grant permission with conditions, then you can lodge an appeal to the Development Appeals Tribunal.

What is the Development Appeals Tribunal?

The Development Appeals Tribunal (the Tribunal) is a body comprising five people, one of whom is a barrister or solicitor, appointed by the Government to hear and determine appeals.

How long do I have to lodge an appeal?

You have 28 days from the date that you are notified in writing of a refusal, or the grant of a permission containing a condition to which you object. You must notify the Secretary to the Development and Planning Commission in writing stating the grounds on which you are appealing – this is called the Notice of Appeal. Together with the Notice of Appeal you must also submit:

- Copies of the original application;
- Copies of all plans/drawings submitted;
- Copies of all correspondence in relation to the application;
- Copies of any notices provided as part of the application;
- Copy of the decision notice issued;
- Evidence that Notice of Appeal has been served on any person who made a representation on the original application;
- Certificate confirming that any 'owners' have been served with the Notice of Appeal.

An appeal will **not** be accepted if any of the above are missing.

Do I need to notify anyone of my appeal?

Yes. In the same way that you had to provide a Section 21 Certificate for your original application, you must also do the same for your appeal. In other words, you must certify that you are the only owner of the appeal site, or if you are not the owner or there are other owners, that they have all been served with your Notice of Appeal. You should refer to the “Guidance Notes on Public Participation” which provides more information on notification procedures in relation to applications.

If your proposed development is a section 19 development you will have had to publish a notice of your application and place a site notice (see “Guidance Notes on Public Participation” for more information on Section 19 developments) when you first submitted your application. Any person who made representations as a result, copies of which would have been served on you at the time, must be served with your Notice of Appeal. Evidence that this has been done must be submitted with your appeal.

Can anyone make representations on my appeal?

Any person who has been served a Notice of Appeal as a result of having previously made representations under Section 19, or is an ‘owner’ of the site (Section 21) can make further representations which will be considered by the Tribunal provided they are received within the prescribed period.

Can I appear before the Tribunal in person?

Yes if you so desire. If you prefer your representative can also appear on your behalf. The Development and Planning Commission can similarly appear before the Tribunal if it so desires. It is not necessary to appear in person and if neither party wishes to do so the Tribunal shall determine the appeal on the basis of the written evidence submitted.

The Tribunal's decision

The Tribunal can:

- Confirm or vary the Development and Planning Commission's decision in whole or in part;
- Where permission has been refused it can direct that permission be granted subject to such conditions, if any, that it may specify;
- Direct that any condition on a permission be deleted, modified or replaced by such conditions the Tribunal may specify.

The Tribunal's decision is final and the appellant and Commission must comply with it.

Contact Details.

For further information contact:

Town Planning & Building Control

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OR

The Secretary to the Development Appeals Tribunal

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