



Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy him/herself that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise his/her SGL so issues emerging can be considered for future case work.

Guidance note:	<b>Site inspections: accompanied or unaccompanied?</b>
Relating to:	<p>This note relates to cases progressed under the Town and Country Planning (Appeals) (Scotland) Regulations 2013. These are:</p> <ul style="list-style-type: none"> <li><b>Planning Permission appeals (PPA)</b></li> <li><b>Enforcement Notice appeals (ENA)</b></li> <li><b>Certificate of Lawful Use or Development appeals (CLUD)</b></li> <li><b>Tree Works Consent appeals (TWCA)</b></li> <li><b>Tree Replacement Enforcement Notice appeals (TENA)</b></li> <li><b>Amenity Notice appeals (ANA)</b></li> <li><b>Planning Obligation Appeals (POA)</b></li> <li><b>Good Neighbour Agreement Appeals (GNAA)</b></li> <li><b>Listed Building Appeals (LBA)</b></li> <li><b>Conservation Area Consent Appeals (CAC)</b></li> <li><b>Listed Building Enforcement Appeals (LBE)</b></li> <li><b>Advertisement Consent Appeals (ADA)</b></li> <li><b>Advertisement Discontinuance Notice Appeals (ADD)</b></li> <li><b>Advertisement Enforcement Notice (ADE)</b></li> <li><b>Applications for urgent Crown development</b></li> </ul>
Background/ legislative and policy framework:	<p>The Town and Country Planning (Appeals) (Scotland) Regulations 2013 provide that a reporter may choose (a) whether or not to inspect an appeal site, and (b) whether the inspection will be accompanied or unaccompanied.</p> <p>Regulation 12 (read with regulation 8) states that:</p> <ul style="list-style-type: none"> <li>- where an inspection is to be <b>unaccompanied</b> the appellant and the planning authority will be advised (no date or time need be given).</li> <li>- where an inspection is to be <b>accompanied</b> the appellant, planning authority and those interested parties who (where applicable) have opted in must be given notice of the date and time. In planning permission, listed building, or advertisement consent appeals, an interested party is any consultee or third party who submitted representations to the planning authority. In appeals relating to enforcement notices, tree replacement enforcement notices, amenity notices, listed building enforcement notices, advertisement enforcement notices, and advertisement discontinuance notices, an interested party is a person to whom the appeal was notified and who has made representations to DPEA. In planning obligation appeals, the interested parties are the owner of the land and any other person against whom the obligation is enforceable. In good neighbour agreement appeals, the interested parties are the</li> </ul>

	community body, the owner of the land, and any other person against whom the obligation is enforceable.
DPEA practice:	<p><b>It is for the reporter to determine whether a site inspection is required</b> on a case by case basis. If a site inspection is required, the reporter must decide <b>whether this should be accompanied or unaccompanied</b>.</p> <p>The purpose of the site inspection is to obtain further information that may be necessary for the determination of the appeal. In deciding whether a site inspection should be accompanied or unaccompanied, the reporter should consider whether the further information required can be obtained on the basis of an unaccompanied inspection. In many cases an unaccompanied inspection will be all that is required to obtain the necessary information. An inspection should not be carried out on an accompanied basis simply because one or more of the parties has requested this, or because there are a lot of interested parties. The reporter must consider whether there are features of the appeal or the site that would make it appropriate for the inspection to be carried out on an accompanied basis. Situations where it may be preferable for a site visit to be accompanied are:</p> <ul style="list-style-type: none"> <li>• To obtain physical access to the site or premises. If this involves the reporter meeting one party, however briefly, then consideration should be given to an accompanied site inspection in order to avoid any perception of bias.</li> <li>• Where there is a need to view or access the site from private land or property (for example, from an objector's home) another party may be concerned about the reporter being influenced by that contact.</li> <li>• Where there is any possibility that the reporter's health and safety may be compromised. This may include visits to remote locations, industrial/operational or vacant premises.</li> <li>• Where the presence of parties is necessary to identify or explain a particular feature of the site, development or location.</li> </ul> <p>The potential for people to approach the reporter during an unaccompanied site inspection is not, generally, a sufficient reason to justify an accompanied inspection. If approached by the parties or others the reporter should explain the purpose of the site inspection and make it clear that he/she cannot discuss the appeal or hear evidence about the merits of the development.</p> <p>If a site inspection is accompanied, the reporter is not bound to defer the inspection if one of the parties to whom notice was given does not attend or requests an alternative, later date.</p>
Process:	<ul style="list-style-type: none"> <li>• The administration team will make an initial assessment and suggest whether a site inspection, where required, should be accompanied or unaccompanied. The administrator will base</li> </ul>

	<p>this assessment on a review of the appeal as submitted and the criteria listed above.</p> <ul style="list-style-type: none"> <li>• The reporter will review the case and confirm whether a site inspection is required. If so, it is for the reporter to determine if it should be accompanied (note that both the appeal form and the PARF include views about the accessibility of the site).</li> <li>• The reporter will advise the case officer whether the site inspection is to be accompanied or unaccompanied.</li> <li>• The case officer will advise the appellant and planning authority that the reporter will be undertaking a site inspection, indicating in the letter whether it is to be an accompanied or unaccompanied site inspection. If accompanied, times and date and an invitation to attend will be given.</li> <li>• If accompanied, the case officer will advise interested parties who (where applicable) have opted in of the date and time of the site inspection, giving a minimum of 7 days' notice.</li> </ul>
<p>During an accompanied site inspection</p>	<ul style="list-style-type: none"> <li>• The reporter will introduce the attending parties and explain the purpose of the site inspection.</li> <li>• The merits of the proposal cannot be discussed, and no new evidence can be introduced.</li> <li>• Parties may wish to draw important features of the appeal site and its surroundings to the reporter.</li> <li>• The reporter will bring along any necessary plans for their own reference and a tape measure if required. The reporter may seek the assistance of the parties in measuring and verifying important distances. In high hedge cases, the reporter may request that the planning authority assists by bringing along suitable measuring equipment and undertaking the measurement of the hedge in question.</li> <li>• It is helpful if the appellant and council representatives have knowledge of the site and surroundings and are also able to access relevant plans during the inspection.</li> <li>• The parties, and certainly the representatives of the appellant and the planning authority, should at all times stay close to the reporter. This is so that all parties can hear any questions asked by the reporter together with the responses of the other parties.</li> <li>• If the reporter requires to visit nearby sites for comparison with the appeal site, this will normally be done unaccompanied.</li> </ul>