



Penderfyniadau Cynllunio ac Amgylchedd **Cymru**

Planning & Environment Decisions **Wales**

An Executive Agency in the Welsh Government
and the Ministry of Economy, Skills & Natural Resources

Challenging the Decision in the High Court

Challenges to Common Land decisions under the Commons Act 2006

Once an application/proposal under section 19, 38 or Schedule 2 has been determined, the Welsh Ministers have no further role in relation to the case, and Planning & Environment Decisions Wales (PEDW) cannot comment further on the terms of the decision. Decisions are final unless successfully challenged in the High Court.

Any person aggrieved by a decision under the above Act can only challenge the decision by applying for judicial review by the Courts (the Administrative Court can tell you more about how to do this – see Further Information below).

If the challenge is successful, the court will quash the decision and ask PEDW to re-determine the case.

Applications for judicial review must be received by the Administrative Court, as soon as possible, and in any case, within 3 months of the date of the decision, unless the Court extends this period.

Important Note - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

Frequently asked questions

"How much is it likely to cost me?" - A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees – see 'Further information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" - This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" - You do not have to be legally represented in Court, but it is advisable to do so, as you may have to deal with complex points of law.

"Will a successful challenge reverse the decision?" Not necessarily. Where the decision is quashed, we will be required to re-determine the appeal. However, an Inspector may come to the same decision again, but for different, or expanded reasons.

"What can I do if my challenge fails?" - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

Contacting us

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CF35 5LJ

Tel: 0300 790 0203

Website: www.ombudsman-wales.org.uk

E-mail: ask@ombudsman-wales.org.uk
(General enquiries only)

Inspection of appeal documents

We normally keep case files for one year after the decision is issued, after which they are destroyed. You can inspect documents here at the Welsh Government building in Cathays Park Cardiff by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view.

Further information

Further advice about making a High Court challenge can be obtained from the Administrative Court at Cardiff Civil Justice Centre, 2 Park Street, Cardiff CF10 1ET, telephone 029 20376400; Website: Further advice about making a High Court challenge can be obtained from the Administrative Court at Cardiff Civil Justice Centre, 2 Park Street, Cardiff CF10 1ET, telephone 029 20376400; Website: <http://www.justice.gov.uk/>