

Changes to Planning Appeals Procedures

Important changes to the planning appeals process came into effect at the beginning of April. Sally Fletcher, an Associate with Consultant Surveyors Januarys, explains more.

"There are several important changes which applicants for planning permission whose applications are refused need to be aware of.

"Most importantly, it is now down to the Inspectorate to make the final decision as to which of the three appeal routes should apply, whilst a further new innovation is that parties to an appeal can also now apply for costs even in written representation cases.

"As a result, it is important that applicants make a strong case for their preferred procedure at the time of submitting the appeal. The fact that costs can be claimed in written representation appeals may mean that the need for a hearing or an inquiry may no longer be seen as the automatic choice for an aggrieved party who considers that a local planning authority has behaved unreasonably.

"Under the new guidance, amendments to applications the subject of an appeal are now discouraged. The Inspectorate has been concerned that amendments introduced to overcome reasons for refusal bypass the democratic process, and the view is that it is the refused scheme that should be considered on appeal, not some variation to it.

"There is also now greater emphasis on negotiating a solution before going to appeal and ensuring that both sides have a clear case without the need to commission extra evidence".

Another significant change is that, in the event of a hearing or an inquiry, appellants and the LPA should aim to agree two dates and a time estimate for the process before the appeal is submitted. The Inspectorate will then endeavour to agree one of these dates. This will make it much easier for all parties to ensure that the necessary witnesses are available, and will also avoid wasted time in going backwards and forwards seeking to conclude appeal dates.

There is a new requirement that a Statement of Common Ground be agreed at the earlier 6 weeks stage, and that this statement should inform the final evidence documents.

Other changes are that Proofs of Evidence should be no longer than 3,000 words and that the Inspectorate will not validate an appeal if the forms have not been completed correctly.

Finally, there is an important change for Householder appeals, where there is now a time limit of 12 weeks for the submission of an appeal after determination rather than the usual 6 month period which is otherwise retained for all other types of development.

Overall, the changes introduced are considered to be beneficial and it is hoped that they will speed up the appeal process, bringing greater certainty to property owners and to local communities alike.

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