



Haringey Council

Agenda item:

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Planning Committee

6 April 2009

Report Title: **Government changes to Procedures for Planning Appeals; April 2009**

Report of: **Niall Bolger Director of Urban Environment**

Wards(s) affected **All**

Report for: **Planning Committee**

1. Purpose An **Information Report** to advise Members of changes to Procedures for dealing with Planning Appeals, which introduce a 'fast-track- process for appeals against refusal of Householder Applications.

2. Summary The new arrangements come into force on 6 April 2009; they will enable the Planning Inspectorate to determine the method of Appeal (written reps., Hearing, Public Inquiry); Householder Appeals will have to be submitted by the Applicant within 12 weeks rather than 6 months. There will be no 'second-stage' opportunity for Councils or local residents to make further representations on Householder Appeals, as presently exists.

3. Recommendations That the Committee **Notes** the changes in procedures.

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4. Local Government (Access to Information) Act 1985

The Development Management Support Team can give further advice and can be contacted on 020 8489 5508, 9.00am – 5.00pm, Monday – Friday.

REPORT TO PLANNING COMMITTEE 6 APRIL 2009

NEW ARRANGEMENTS FOR PLANNING APPEALS

1. Introduction

This report informs Members of changes in the way that Appeals against refusals of planning permission are dealt with by the Planning Inspectorate, as from 6 April 2009. It has implications for the handling of applications and appeals by Local Authorities, and for the involvement of local residents objecting to appeals. The changes are intended to provide a speedier process for the handling of Householder appeals.

2. Choice of Appeal Procedure

Whereas currently appellants are able to choose whether to use the Written Representations, the Informal Hearing, or the Public Inquiry methods of determining an appeal, from 6 April the Planning Inspectorate will choose what it regards as the appropriate appeal procedure. This is because there are many instances of appellants opting for a Hearing or Inquiry on rather small-scale proposals such as extensions or vehicle crossovers, which uses up too much Inspector time.

3. Householder Appeals Service

The key change here is that, for Householder Appeals decided by the Written representations procedure (and this is expected to be the great majority from now on – very few will be dealt with at a Hearing), the only opportunity for input, as far as both local residents and the Council as Local Planning Authority are concerned, will be at the initial stage of consideration of the planning application.

Thus

(1) the Council's case will consist only of its Decision Notice and Officers Report, Policy extracts, and any Minutes of a Planning Committee for those rare instances where a Householder Application is considered by Committee. There will be no opportunity as at present, for the Council to submit a separate statement setting out more fully its reasons for refusal;

(2) the objections from local residents passed to the Planning Inspectorate will be only those which come to the Council in response to the initial notification letter about a planning application.

(3) the time limit for submission of appeals on Householder Applications will be reduced to 12 weeks, as opposed to the current 6 months for all appeals.

Currently, at the first stage, Council's send all relevant documents, including Policies used in refusal of an application, the Decision Notice, the Officers report, the representations received from persons and bodies consulted (including residents' objections), to the Planning Inspectorate within 2 weeks of notification of an Appeal start date. At a second stage, the Planning Inspectorate receive further letters of objection in direct response to notification letters about the appeal, and may receive the Council's further Appeal statement.

As from 6 April, this second stage will no longer exist.

4. Procedural points for the Council

4.1. Initial letters and Site Notices from the Council about a planning application for householder development will have to make it clear that it is only the initial representations about an application that will be taken into account.

- 4.2. The Officers reports will have to be very full in explanation of reasons for refusal; this should not be a problem, as they already set out fully the Policies and reasons for refusal.
- 4.3. In those very rare instances where a Householder Application is reported to Committee for approval, and the recommendation is overturned by Committee, that Committee decision will have to be very fully reported in the Committee Minutes. This is something which occurs maybe only once or twice a year.
- 4.4. The Council will still be required to notify objectors that an appeal has been lodged; but this notification letter will have to make it clear that there is no further opportunity to make representations. [It is quite difficult to fathom out what the logic is, of advising people that an appeal has been made, when they have no opportunity to have any further input into the process].
- 4.5. The Council will be expected to submit all documents electronically; the Council already does submit many appeal documents in this way, so this is not a problem.
- 4.6. Inspectors will increasingly use unaccompanied Site Visits in relation to Householder Appeals. Currently they expect both the Appellants or their Agents, and a Planning Officer, to be present.
- 4.7. Copies of the Inspector's decisions will be published on the Planning Portal. The Inspectorate will not provide copies direct to third parties; it will expect Local Authorities to provide copies, or direct enquirers to where they can see an electronic copy.
- 4.8. The awards of cost for unreasonable behaviour will be extended to the Written Representations procedure as well as existing from Hearings and Inquiries.

5. Other procedural changes

- 5.1 For Hearings and Inquiries, the opportunity for both Councils and appellants to make further comments on Statements at the 9 week stage (i.e. 9 weeks after appeal start date) will be removed. Comments will be made at the Hearing or Inquiry.
- 5.2 For Inquiries, the Appellant and the Council will be asked to provide their Statement of Common Ground 6 weeks after the appeal's start date, rather than 4 weeks before the Inquiry