
FORTHCOMING CHANGES TO THE PLANNING APPEAL SYSTEM

Introduction

Members will be aware that when a planning application is refused permission by a Local Planning Authority, applicants are entitled to appeal. The appeal is then decided by an independent Planning Inspector.

The purpose of this report is to advise Members of proposed changes to the appeal system that will come into force from 6 April 2009.

Proposed Changes to system

The key changes that are proposed to the appeal system are summarised below:-

1. The Planning Inspectorate will be empowered to determine which appeal procedure is to be followed in all planning and enforcement cases. Up until now, the LPA and appellant could choose whether they wished the appeal to be conducted through written representations or to be heard by a planning inspector within a Hearing or Public Inquiry forum.
2. A new 'fast track' **householder appeal service** is to be introduced. This is designed to give a decision within 8 weeks on householder applications that are deemed suitable for the written representations procedure. The time limit for submitting householder appeals will be 12 weeks from the date of the decision notice. The 6 month limit will remain in place for other appeals.

For appeals dealt with under the Householder Appeals Service, there will no longer be the opportunity to submit appeal statements. In this regard there will need to be reliance on the Committee report or the officer delegated report which will present the Council's full case. The objective will be to provide documentation to the Planning Inspectorate electronically.

3. The Costs regime is to be extended to cover appeals decided through the written representation procedure. At present costs may only be awarded against the Local Planning Authority or appellant if either is deemed to have behaved unreasonably. Currently cost claims can only be submitted at Hearings or Public Inquiries.

Conclusion

The changes are considered to be positive developments. They will not impact on Council budgets and may increase efficiency with the introduction of electronic document management in the longer term.

Recommendation

That Members note the report