

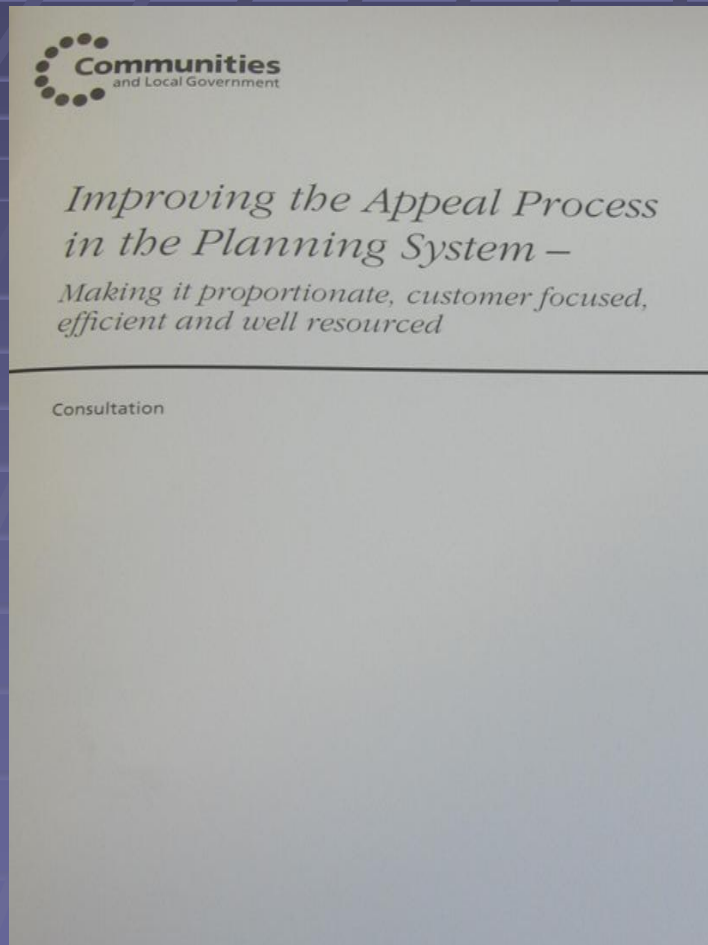


# Appeals system under the Planning Act - proportionate, efficient and customer focused

HBF Annual Planning Conference 10 September 2008  
Leonora Rozee OBE The Planning Inspectorate



# Planning White Paper – appeals improvements



- An appeals system that:
- is more proportionate to the type and complexity of each appeal
  - has improved customer focus and efficiency at its core
  - is better resourced



# Key measures

- Determining the procedure\* – WRs; H or LI
  - Charging for appeals\*
  - Improved procedures/guidance on appeal handling
- \* Subject to Planning Bill





# Determining the Procedure

- Adopting the procedure which is appropriate to the case
- Applying published criteria
- Extending costs to WRs
- Parties to suggest appropriate procedure
- Professional expertise to inform administrative decisions
- Inspector discretion to change procedure



# What you need to know

- Nature & content of documents
- Submission of evidence
- Introducing new material
- Fixing of inquiry and hearing dates
- Statements of common ground
- Costs



# Nature and content of documents

- Appeals should be complete on submission – ie they include:
  - the appeal form
  - all relevant plans and drawings that were the subject of the application
  - the relevant certificates
  - design and access statement where required
- At least 30% of all appeals are incomplete

The Planning Inspectorate  
Further information about us and the planning appeal system is available on our website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

**PLANNING APPEAL**

For official use only  
Date Received  
RECEIVED  
23 APR 2008  
PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal  
Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or for "future" appeals, within 6 months of the date by which they should have decided the application).  
Before completing this form, please read our booklet "Making your planning appeal" which was sent to you with this form.

**WARNING:** If any of the "essential supporting documents" listed in Section 7 are not received by us within the 6 month period, the appeal will not be accepted.

**PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK**

**A. APPELLANT DETAILS**  
The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name: **BENNETT HOMES LTD**

**DESIGN STATEMENT**

**PROPOSED NEW DWELLINGS – REAR OF BARCLAYS BANK, HIGH STREET, MUCH WENLOCK.**

**Brief**

To convert existing redundant barn into 2 no. dwellings & to design 2 no. additional dwellings on redundant ground to rear.

**Existing buildings & site.**

The existing barn is to the rear of Barclays bank and is adjoined on two sides by existing buildings. The barn has been redundant for some time and has recently been used for storage only.

The extensive garden area to the rear of Barclays bank and adjacent to the barn is redundant and overgrown.

**Proposed barn conversion – Units 1 & 2.**

The proposal includes two individual dwellings within the existing which include two bedrooms of reasonable size. This has been utilising all of the ground floor openings, and proposing the two new openings to first floor, with some roof-lights. These windows into the existing window already featured within the boarded section.

The proposed dwellings are divided naturally by the existing middle of the existing barn. Headroom is more than adequate.

It is proposed that two car parking spaces are provided for each dwellings.

**Proposed New Dwellings – Units 3 & 4.**

Much consideration was given to the style of these dwellings a that they should take a cottage-like form in order to be sympathetic existing buildings and also the new development adjacent which construction. The two dwellings therefore feature brick walls with small traditional hardwood windows (dormers to the first floor,) provide good internal space consisting of three bedrooms. A parking spaces have been achieved for each dwelling.

The property to the rear consists of two flats – the only facing of a bathroom which is opaque, therefore there is very little eff

DORRINGTON  
Postcode: S70 7JY

WENLOCK  
Postcode: TF13 6AA

01952 727520  
0-UK

MASTER



# Submission of evidence

- Adhere to the timetables set in Rules
- “No surprises” – it is not about wrong footing the opposition
- Evidence should be focused, relevant, necessary and as concise as possible (aim for max 3000 words) – shared core documents
- Make proper use of the Costs regime to regulate behaviour



# Introducing new material

- Appeal should be last resort
- Minor changes or revised proposals - “Wheatcroft principles”
- LPA has right to expect fully worked out proposals – not about developers “crystal ball gazing” (Planning Issue 1772)
- “De novo” role of SoS - “may deal with the application as if it had been made to him in the first instance.” S79(1)(b) 1990 Act







# Fixing dates

- Circular 5/2000 – 20 week target
- High rate of rejection (+80%) of first offer date
- Expectation that appellants are ready when they appeal
- Aim to offer 2 dates one of which will be fixed (or mutually agreed date)
- Bespoke timetabling



# Statements of Common Ground

- Introduced in 2000 Rules (C5/2000)
- Intention to narrow issues
- Current requirement to submit with evidence but frequently arrive during or at end of LI
- Aim for SoCG to inform evidence – submit 6 weeks after start of appeal
- Value of SoCG in identifying areas of disagreement as well as agreement

STATEMENT OF COMMON GROUND	
APPEAL REFERENCE:	DATE OF INQUIRY:
APP/N5090/A/07/2060565/NWF	30.4.08
SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:	
Site at the Former Defence Bunker, Seafield House, Partingdale Lane, London, NW7 1NY Proposed new built swimming pool at basement level	
APPELLANT	
Seafield Corporation Limited	
LPA	
London Borough of Barent	
This statement addresses the following areas of common ground:	
<ol style="list-style-type: none"><li>1. Description of the site (including agreed dimensions)</li><li>2. Description of the area</li><li>3. Planning history of site</li><li>4. Development plan (including relevant policies ) &amp; any draft development plan (including stage reached and weight to be attached).</li><li>5. Relevance of any supplementary planning guidance published by LPA.</li><li>6. Others: (eg where applicable, agreed traffic (and/or other) data and circumstances)</li></ol>	
<i>It will be helpful also to identify matters which are the subject of specific disagreement.</i>	
Enter text of common ground (Please sign the boxes at the end)	
<u>1. Description of the site (including agreed dimensions)</u>	
The appeal site measures approximately 0.59 hectares in area and the existing building currently being converted into a dwelling house and extended over two floors will create a dwelling house measuring approximately 910 square metres, the original Bunker measuring 607 square metres (N.B. figures gross external). The appeal site is rectangular in shape and its frontage onto Partingdale Lane is well treed and elevated above the remainder of the site which slopes progressively downwards from its southern boundary. The Bunker as originally built was constructed of concrete with no windows and a blast proof door. It is a Grade II listed building.	
<u>2. Description of the area</u>	
In the vicinity of the appeal site the character of Partingdale Lane along its northern side is considered to be semi rural character whereas the character of development on the southern side of Partingdale Lane is considered to be suburban in character, with Mill Hill Barracks located immediately opposite the appeal site.	
<u>3. Planning history of the site</u>	
The Bunker within the appeal site was constructed in the 1950's in order to respond to the threat of a	



# Costs

- Extend to Written Representation cases
- Importance of robust costs process to regulate system
- Important for parties to use the costs regime effectively
- Costs do not follow outcome – unreasonable behaviour/unnecessary expense
- New revised Circular



# Householder appeals process

- A new way of working – fully electronic – piloted since 2 January 08
- Saves time - aim for decision within 8 weeks
- Simpler - using LPA file
- Saves resources - LPA does not attend SV
- Builds on good practice of LPAs
- Realises the Government's Transformation Agenda
- Proportionate process & procedures





# HAS Pilot – facts and figures 20.8.08

- Total Number of Appeals received to date – 60
- Total Number of Appeals decided to date – 28
- Appeals decided within 8 weeks - 6
- Appeals decided within 12 week target – 22
- Decisions missing target – 0
- Number of LPAs signed up to the pilot - 23



*Householder appeals Making it easier, simpler and quicker*



# Major planning cases

- IPC is proposed for major infrastructure projects
- PINS will continue to deal with major cases under the Planning Acts
- 2005 MIPs rules provide framework for major planning inquiries – based on team working, concurrent sessions and streamlined processes.
- These will be used for the first time at the forthcoming Stansted G2 Inquiry.





# Contact details

- Leonora Rozee
- Deputy Chief Executive and Director of Policy, Quality and Development Plans
- Room 4/09 Temple Quay House, 2 Market Square, Temple Quay, Bristol BS1 6PN
- 0117 372 8961
- [Leonora.rozee@pins.gsi.gov.uk](mailto:Leonora.rozee@pins.gsi.gov.uk)