

Householder Appeals Service

What Local Planning Authorities need to do prior to 6 April 2009 to be ready for the new Householder Appeals Service

The Householder Appeals Service is officially going LIVE on 6 April 2009. This is the day that the relevant secondary legislation will come into force, bringing legal weight to a new, expedited procedure for householder appeals which proceed on the basis of written representations (to be known as the "Householder Appeals Service"). The secondary legislation will apply to householder applications (not appeals) submitted on or after 6 April. The Householder Appeals Service will be suitable for appeals against refusals on householder applications.

There are a number of changes that local planning authorities need to implement prior to 6 April 2009 to processes at both the application and appeal stage to enable the Householder Appeals Service to work.

When the new legislation enabling the process is made (within the next two weeks) we will publish more detailed guidance on exactly what actions you need to take – so please keep a look out for this.

We have outlined below the key changes:

- **Ownership notices (for applications and appeals); Site notices/Press notices/Website/Neighbour notification letters (for applications).** The minimum requirements for the content of these notices are set out in the Town and Country Planning (General Development Procedure) Order 1995 – we are making some minor amendments to these notices. You will need to ensure that notices relating to householder applications are changed to state that any representations made at the application stage are those that will be taken forward if an appeal against refusal is subsequently made, and that there will be no further opportunity to comment. When we issue more detailed guidance, we will advise of the wording which should be used and will provide templates. These will also be made available on the Planning Portal for you to either link to from your own websites or use as the basis for your own notices.
- **Delegated reports/Decision notices.** These documents will now form the basis of your Council's position for householder applications which are refused under delegated powers and then proceed to appeal and are dealt with via the Householder Appeals Service. It will not be possible to submit any further written statements setting out your case. You may therefore wish to take this opportunity to review the structure and content of your delegated reports and decision notices for householder applications. You should make sure that in delegated reports you carefully explain the reasons for your decision, and that in decision notices you set out your reasons for refusal clearly and precisely, including identifying any relevant policies contained in your LDF.
- **Committee reports and minutes/Decision notices.** These documents will now form the basis of your Council's position for householder applications which are refused by a planning committee

and then proceed to appeal and are dealt with via the Householder Appeals Service. It will not be possible to submit any further written statements setting out your case. It is particularly important, therefore, in cases where an officer's recommendation to approve is overturned by a committee, that the committee minutes are sufficiently detailed to explain the reasons for this decision. You should also make sure that in decision notices the reasons for refusal are set out clearly and precisely, including identifying any relevant policies contained in your LDF.

- **Advising applicants of the right to appeal on decision notices.** For householder applications which are refused, we are reducing the appeal time limit to 12 weeks. For other applications, the time limit to appeal will remain at 6 months. You will therefore need to ensure that the time limit specified in the notification of the right to appeal is altered depending on the type of decision. The minimum requirements for the content of this notification are set out in the Town and Country Planning (General Development Procedure) Order 1995 – we are making amendments to the wording in this notification. When we issue more detailed guidance, we will advise of the wording to be used and will provide a template for this notification. This will also be made available on the Planning Portal.
- **Appeal notification letters.** For appeals progressing through the Householder Appeals Service, although third parties will not be given the opportunity to comment, you will still need to notify interested parties that an appeal has been submitted. This will need to be done within 5 working days of the appeal start date. Your letters should notify third parties that an appeal has been submitted, and state that any representations made before the planning application was determined will be forwarded by the Council to the Secretary of State for consideration at appeal. The letters should not invite parties to submit representations. The minimum requirements for the content of this notice will be set out in new Written Representations Regulations. When we issue more detailed guidance, we will provide a form of suggested words in a template. This will be made available on the Planning Portal.
- **Provision of case file in electronic format.** For the Householder Appeals Service, councils will be expected to provide their completed questionnaire and a copy of each of the documents referred to in it to the Planning Inspectorate in electronic format. Please contact us as soon as possible if you cannot arrange for files to be sent electronically by April. Councils are encouraged to send us a sample of an electronic file ("test file"), before the new service is introduced. Please send all test files to gavin.ewing@pins.gsi.gov.uk
- **Appeal decisions.** The Planning Inspectorate will publish the Inspector's decision promptly on the Planning Portal. You are expected to provide any third parties who have requested a copy of the appeal decision when it is issued, or alternatively to direct them to where they can find an electronic copy of the decision on the Planning Portal, or your website.