



The Planning Inspectorate

An Executive Agency in the Department for Communities
& Local Government and the Welsh Assembly Government

21 Century Appeals Service Proportionate, Customer Focused and Efficient

Background

The Planning Act 2008 received Royal Assent on 26 November 2008. One of the main aims of the Act is to improve the speed of the appeals process. The focus is on the principles of proportionality, customer focus and efficiency.

Guidance is being developed and will soon be available on our website. Look out for this at the links overleaf.

The following is a brief overview of the key changes coming into place on 6th April 2009.

● Nature and Content of Appeal Documents

Appellants and local planning authorities (LPA) must ensure that their reasons for refusal and grounds of appeal (GoA) are clear, precise, comprehensive, and that the GoA relate to the scheme as refused at application stage, without substantial changes which could lead to any party being prejudiced. Applicants should not normally proceed to appeal unless all efforts to negotiate a solution with the LPA, including through amending their proposals, have been exhausted. They should be confident at the time of appeal that they have a clear case and do not need to commission further evidence.

● Determining the Appeal Method

The Planning Inspectorate (on behalf of the Secretary of State for Communities and Local Government) will be able to decide whether planning or enforcement appeals under the 1990 Act should proceed by written representations, hearing or inquiry. The appellant and LPA will have the opportunity to put forward their views on their preferred procedure. Criteria for determining the procedure (indicative) can be found on our website.

● Householder Appeal Service

There will be a streamlined appeal process for householder planning appeals to be determined within 8 weeks. The appeal period for householder appeals will be 12 weeks.

● Meeting the timetables

Once an appeal is accepted and validated by the Planning Inspectorate, it is crucial that all parties adhere to the statutory deadlines at each stage. Parties should also maintain a regular and continuing dialogue to ensure that the issues can be clearly established between them, with no last minute surprises arising.



● Streamlined Appeal Procedures (Statement of Common Ground)

There is new guidance being issued to streamline the appeal process. An example of the new streamlined process is main parties will no longer be able to submit final comments for hearing or inquiries at the 9 week stage, and the statement of common ground will be required 6 weeks after the appeal has started.

● Correction of Errors

The appellant or landowner's written consent will no longer be required to correct an error in a Planning Inspector's decision under the "Slip Rule" (i.e. a minor error that does not materially affect the decision).

● Making Costs Applications

Parties to an appeal will be able to apply for Costs in written representation cases. A revised Circular on Costs is in preparation.

Key Websites

Key websites for information regarding the 21st Century Appeal Service.

21st Century Appeals Service

For a full explanation of all of the changes described overleaf and the latest information on making an appeal using the 21st Century appeals service visit the '21st Century Appeals Service' web page on the Planning Inspectorate web site:
http://www.planning-inspectorate.gov.uk/pins/21st_century/index.html

Householder Appeal Service

Information about the new Householder Appeals Service is on the Planning Inspectorate's website:
http://www.planning-inspectorate.gov.uk/pins/appeals/householder_appeals.htm

The Planning Act 2008

To view the actual Planning Act 2008 visit the Office of Public Sector Information (OPSI) website:
http://www.opsi.gov.uk/acts/acts2008/ukpga_20080029_en_1

Making an Appeal

For general Information on making an appeal, to follow the progress of an appeal and to submit an appeal online, visit the Planning Portal website:
<http://www.planningportal.gov.uk/pcsl>

