



Annex: Appeals Review Changes



1. Changes to the validation requirements for Planning/Listed Building Consent Appeals

What has changed?

The validation requirements for an appeal have been changed so that the appeal process is frontloaded. When making an appeal, the appellant must:

- provide a full statement of case;
- provide a statement explaining their choice of procedure;
- submit a draft statement of common ground if they consider the appeal should be determined following a hearing or inquiry.

What does this mean for the LPA?

The LPA:

- could be contacted by the appellant requesting application documents when preparing their full statement of case;
- will receive full details of the appellant's case at the time the appeal is made;
- will benefit from the appellant's clear reasoning for their choice of procedure.

2. Changes to the procedures for Planning/Listed Building Consent Appeals

What has changed?

The Procedure Rules and Regulations have been amended to require earlier submission of appeal evidence. This will streamline the procedures and contribute to decisions being issued sooner.



What does this mean for the LPA?

The LPA will:

- notify interested parties of the appeal within 1 week of the start date;
- submit their questionnaire and supporting documents within 1 week of the start date;
- submit their full statement of case within 5 weeks of the start date (if not relying on their questionnaire as their full representations). The appellant will not make submissions at this stage;
- submit the agreed statement of common ground where the appeal is following the hearing or inquiry procedures (using the draft submitted by the appellant when making their appeal);
- submit their final comments on interested party representations within 7 weeks of the start date for written representations appeals. The appellant will be able to comment on the LPA statement and interested party representations at this stage, too.

3. Changes to the timescales for holding events and issuing decisions for Planning/Listed Building Consent Appeals

What has changed?

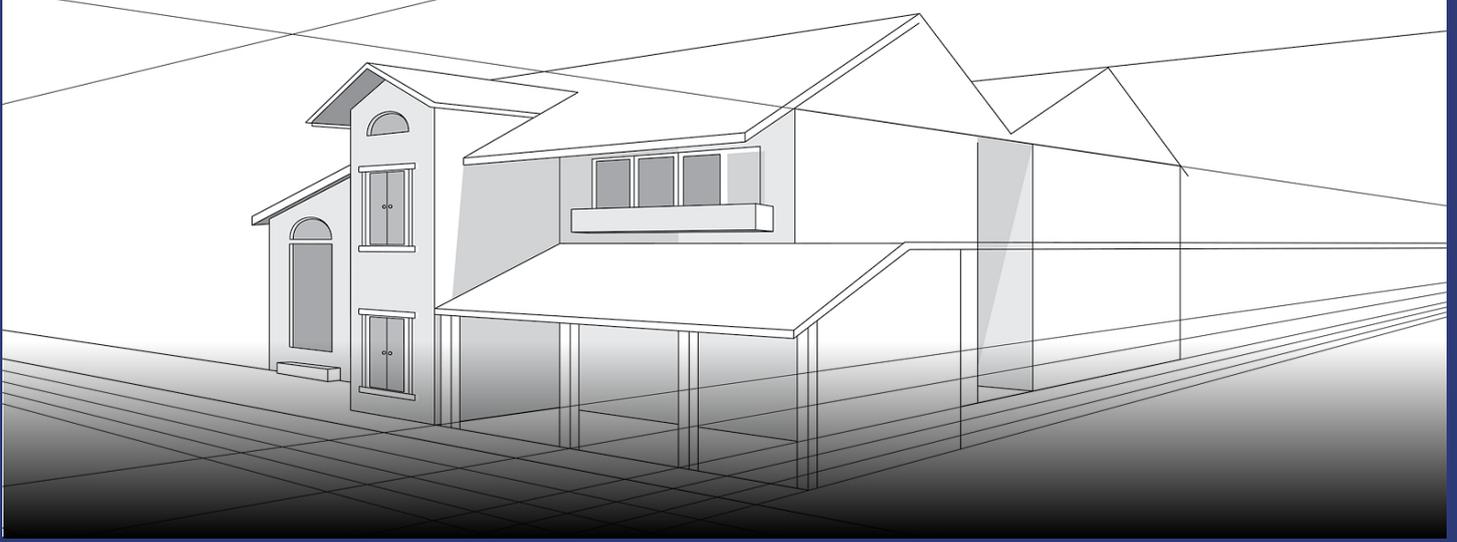
The Procedure Rules and Planning Inspectorate targets have been changed to enable faster decision-making:

- 80% of written representations appeals will be decided within 14 weeks of the start date;
- hearing events will be fixed to open no later than 10 weeks after the start date, meaning that 80% will be decided within 14 weeks of the start date;
- non-bespoke inquiries will be fixed to open no later than 16 weeks after the start date, meaning that 80% will be decided within 22 weeks of the start date.

What does this mean for the LPA?

The LPA will:

- agree with the appellant one or more dates for a hearing or inquiry to start. The appellant will need this agreement before they submit their appeal;
- accept the dates fixed by The Planning Inspectorate if the LPA and appellant do not agree dates prior to the appeal being submitted.



4. Commencement

The changes defined in sections 1, 2, and 3 will apply to:

- appeals against applications decided by the LPA on or after 1 October 2013;
- appeals against non-determination, where the LPA decision was due on or after 1 October 2013.

However, these changes do not apply:

- where a direction is given by the Secretary of State under section 321(3) of the 1990 Act (matters related to national security);
- where section 293A of the 1990 Act (urgent Crown development) applies;
- in relation to type A or type B appeals (as defined by Article 33(7) of the DMPO); or
- in relation to major infrastructure projects (within the meaning in rule 2 of the Town and Country (Major Infrastructure Project Inquiries Procedure)(England)Rules 2002 (interpretation)).

5. The Commercial Appeals Service (CAS)

What has changed?

The expedited written representations procedure currently used for householder appeals will be extended to:

- appeals against refusal of express consent for the display of an advertisement; and
- appeals against refusal of planning permission for minor commercial (shop front) development.

What does this mean for the LPA?

When the LPA receives a minor commercial application (defined in the Town and Country Planning (Appeals) (Written representations and Advertisements) (England) (Amendment) Regulations 2013), they should ensure that:

- they use the format provided at Schedule 4 of the DMPO (as inserted by Article 2(7) of the amending order) for publicising the application;
- the notice to the applicant refusing planning permission should be in accordance with Article 31 of the DMPO (see Schedule 6 for model notification letters) and



should confirm that an appeal must be made within 12 weeks of the LPA decision notice.

When the LPA receives an application for express consent for the display of an advertisement, they should ensure that:

- when they consult in accordance with Regulation 13 of the Control of Advertisement Regulations 2007, reference is given to the possibility that representations from interested parties made at the application stage will be sent to the Secretary of State should there be an appeal and there will be no further opportunity to comment. (see the example notice included with this document);
- as now, when express consent is refused the applicant is informed that an appeal must be made within 8 weeks of the LPA decision notice.

When a CAS appeal is made, the LPA must:

- give notice of the appeal in accordance with Regulation 6 of the Town and Country Planning (Appeals) (Written Representations Procedures) (England) Regulations within 5 days of the appeal start date. A model notification letter is available on the Planning Portal; and
- provide a completed appeal questionnaire within 5 working days of the appeal start date. This should normally be submitted using the online form available through the Planning Portal.

The Planning Inspectorate will publish all relevant documents on the Planning Portal, as is currently the case for Householder appeals.

Commencement

The changes defined in this section will apply to:

- relevant applications for planning permission or express consent made on or after 1 October 2013.



6. Extension of the bespoke inquiry timetables

What has changed?

The Planning Inspectorate has extended the threshold for bespoke inquiry programmes to planning inquiries expected to sit for 3 or more days.

What does this mean for the LPA?

For inquiries that are likely to sit for 3 or more days:

- the appellant should discuss a draft bespoke timetable with the LPA and other parties;
- see Annex G of the Procedural Guide 'Planning appeals and called-in applications – England' http://www.planningportal.gov.uk/uploads/pins/procedural_guide_planning_appeals_and_call_ins.pdf

Commencement

The changes defined in this section apply to:

- appeals made on or after 19th August 2013.

7. Other changes to the Advertisement Appeals Procedures

What has changed?

For advertisement appeals:

- The Planning Inspectorate (on behalf of the Secretary of State) will determine the procedure;
- written representations, the Town and Country Planning (Appeals) (Written Representations Procedures) (England) Regulations will apply; and
- hearings procedure, the Town and Country Planning (Inquiries Procedure) Rules 1974 will continue to apply.

What does this mean for the LPA?

For advertisement appeals:

- the LPA will be able to indicate which procedure they prefer;
- that follow Part 2 of the written representations procedure, the existing regulations



will apply requiring the LPA to notify interested parties and submit their questionnaire within 2 weeks of the starting date; submit their statement within 6 weeks of the starting date, and submit their final comments within 9 weeks of the starting date. For the transitional period (which applies to appeals received on or after 1 October 2013 relating to applications made before 1 October 2013), this procedure will also apply to CAS appeals that would normally follow Part 1;

- that follow the hearings procedure, the LPA must submit a questionnaire no later than 28 days before the hearing starts;
- the questionnaire will normally be submitted online using a form provided by the Planning Inspectorate.

Commencement

The changes defined in this section apply to:

- all advertisement appeals received on or after 1 October 2013.

8. Further Information

If you have any further questions about the changes described in this Annex, please send an e-mail to PSA@pins.gsi.gov.uk

“

**NOTICE UNDER RULE 13 OF APPLICATION FOR
ADVERTISEMENT CONSENT**

*(to be published in a newspaper, displayed on or near the site, or served on
owners and/or occupiers of adjoining land)*

Proposed development at (a)

I give notice that (b)

is applying to the (c)Council

for express consent to (d).....

The proposed development does not accord with the provisions of the development
plan in force in the area in which the land to which the application relates is situated.*

Members of the public may inspect copies of

- the application
- the plans
- and other documents submitted with it

at (e)

during all reasonable hours until (f).....

Anyone who wishes to make representations about this application should write to the
Council at (g).....

by (f).....

As this is an application for express consent, in the event of an appeal against a refusal
of consent, which is to be dealt with on the basis of representations in writing, any
representations made about this application will be sent to the Secretary of State and
there will be no further opportunity to comment at the appeal stage.*

Signed.....(Council’s authorised officer)

On behalf ofCouncil

Date

* delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant’s name
- (c) name of the Council
- (d) description of the proposed development
- (e) address at which the application may be inspected
- (f) date giving a period of at least 14 days, beginning with the date when the notice is
first displayed on or near the site or served on an owner and/or occupier of adjoining
land, or a period of 14 days, beginning with the date when the notice is published in a
newspaper (as the case may be)
- (g) address of the Council

”