



Mitchell Evans LLP

Waverley Planning Agents Forum – 17th April 2009.

Changes to the Householder Appeals process – A Summary.

The new Householder Appeals Service has come into effect as from 6th April this year and will apply to all appeal applications made for standard Householder applications and has been introduced by the Appeal Inspectorate to make our lives easier, simpler and quicker. The service is intended to provide an expedited written representations service, based on electronic submissions. However it will not apply to any application that involves a change in the number of dwellings, any works to a flat, any changes of use, appeals against non-determination and appeals against the granting of planning permission subject to certain conditions.

The principal changes include the following:

- Target of 80% of cases to be dealt with within 8 weeks.

The obvious questions that arise from this performance target are: 1) Are the Local Planning Authorities prepared for what could be a substantial increase in appeal applications, given that many refusals do not go to appeal because of the inordinate length of time (and cost) that the whole process used to take? and 2) Will the new time demands placed on the appeal inspectors force the same poor decision making we are seeing from the LPA's?

- Submission of the appeal must be made within 12 weeks of the planning notice. The LPA is then required to file their case electronically within 5 days. The appellant's case must be stated on their application form, whilst the LPA's case is to be included on their questionnaire. There will be no further opportunity for representation.
- Submissions of applications are all to be made electronically. The applicant is only required to submit the appeal form, copy of the planning application form and copy of the decision notice. No further information is required as it will all be provided by the LPA. Application forms are available from the Planning Inspectorate's website.

The main item of concern here is that the LPA is allowed to report any factual inaccuracies in the appellants reasons for appealing, however the appellant is not able report any factual inaccuracies in the LPA's case!!

- Site inspections are to be unaccompanied. The appellant will be required to arrange access for the visit but only a general time slot will be provided by the inspector.
- Only 3rd party representations made at the planning stage will be considered. The LPA will include copies of all representations with their submission.
- It will now be possible to claim costs for all types of appeal.