

**Client Briefing:
Welsh
Government
Consultation on
Improving the
Appeal Process**

DLP BRIEFING NOTE 68

Prepared by
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Client Briefing: Welsh Government Consultation on Improving the Appeal Process

The Welsh Government (WG) has launched a consultation document aimed at improving the planning appeal process. The consultation runs until 17 November 2011.

Householder Appeals

The paper notes that 27% of the approximate 900 appeals in Wales per annum are householder (e.g. extensions to dwellinghouses). It is suggested by the WG that a similar scheme to the fast track service currently operating in England should be introduced. This would include the following changes:-

- appeals to be lodged within 13 weeks of a decision;
- electronic working as far as possible;
- full statement to be submitted with appeal;
- LPA to supply all information with the questionnaire;
- original third party comments to be taken into account;
- unaccompanied site visits unless access required (if access required, the visit will be in a two hour window, rather than the English four hour);
- 8 week target date;

Other Appeals

It is proposed that the Planning Inspectorate (PINS) will be given the authority to determine the most appropriate appeal procedure (i.e. written, hearing or inquiry), based on published criteria.

Allied to this, it is proposed that the costs regime be extended to include written representations (at present an application for costs may only be made at a hearing or inquiry).

In respect of inquiries, it is proposed that bespoke inquiry timetables will be sought for more inquiries than at present (extended to include certain inquiries lasting fewer than six days). Moreover it is proposed that the timescale for agreeing and submitting Statements of Common Ground will be changed from four weeks before the inquiry to six weeks after the start of the appeal.

It is also proposed to allow PINS to rectify factual errors on all appeal decisions (such as incorrect addresses) automatically, rather than seeking the consent of the landowner and applicant.

The WG also propose to make the double fee on deemed applications (i.e. in enforcement cases) payable in its entirety to the LPA, rather than half being provided to the Treasury via PINS.

Should you wish to comment on these proposals, DLP would be pleased to discuss how best to respond. Moreover, DLP Planning have wide experience in planning appeals and if you have had your planning application refused, please contact your local DLP office to find out how we can maximise the prospect of your appeal being successful.

If you require more information or would like to discuss the issues mentioned in further detail please contact:

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