

**Faster planning
appeals process
announced**

DLP BRIEFING NOTE 132

Prepared by
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Faster planning appeals process announced

Introduction

In November 2012 the Government issued a *technical review of planning appeal procedures* for public consultation. Following last year's consultation, Planning Minister Nick Boles has recently announced that a number of reforms will be introduced from the 1st of October 2013. The changes will apply to appeals relating to applications which were decided on or after the 1st of October 2013, or which should have received a decision by the 1st of October 2013.

The principle aim of the reforms is to support sustainable economic growth, making the appeal process faster and more transparent, improving consistency and increasing certainty of decision timescales.

Key Reforms

In summary, the key reforms for appellants will include the need to:

- Submit a full statement of case when the appeal is first made so that interested parties can view and comment accordingly;
- Submit a draft statement of common ground for hearings and inquiries when the appeal is first made so that local planning authorities and appellants can narrow the issues of dispute;
- Finalise the statement of common ground by week 5; and
- Respond to local planning authorities by week 5 and in the case of written appeals respond to interested party comments by week 7.

In terms of local planning authorities, key reforms include:

- An obligation to notify interested parties of an appeal within 1 week;
- Submit the appeal questionnaire to PINS within 1 week and any further representations by week 5;
- Agree with the appellant a statement of common ground for hearings and inquiries by week 5; and
- For written representations, reply to interested party comments (submitted in week 5) by week 7.

Commercial Appeals Process

In addition to the procedural reforms for appellants and local planning authorities set out above, a 'Commercial Appeals Service' modelled on the householder appeals service will introduce an expedited procedure (8 week determination period) for some minor commercial developments including advertisement consent and shop fronts. Local planning authorities are obliged to notify applicants and other interested parties when planning applications are within scope of the new 'Commercial Appeals Service' process. The Commercial Appeals Process will apply to appeals relating to planning applications made on or after the 1st of October.

Conclusions

The proposed reforms seek to improve the current appeals process in order to support sustainable economic growth.

DLP have a wealth of experience in dealing with planning appeals and are able to promote previously refused planning applications through the appeal process in order to maximise the prospect of success.

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