



Key Changes to Planning Appeals System in Recent Years: A Practical Guide

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Planning Day – 6th November 2023

Mode of Determination of Appeals



Image from gov.uk website

Criteria for Selecting Inquiry Procedure

- Clearly explained need for the evidence to be tested through formal questioning by an advocate; OR
- The issues are complex (for example where large amounts of highly technical data are likely to be provided in evidence); OR
- The appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing.

Review of Selection Decision

- Request review under paragraph 6.2.5 of PINS Procedural Guide
- PINS' obligation to keep procedure under review as per para 6.2.6 of Procedural Guide
- Judicial review as a last resort – but we are not aware of any successful challenge to date

Decision Timeframes after Rosewell



Starting Point for the Rosewell Review

Inquiry Appeal (inspector decision)				
Stage Length (weeks)				
	Receipt to start letter	Start letter to start of inquiry	Start of inquiry to decision	Receipt to decision
Average timescales achieved 2017-18	7	29	11	47
Recommended timescales	1	up to 16	90% up to 7 10% up to 9	90% up to 24 weeks 10% up to 26

Table from Rosewell Report Executive Summary

Making Progress: 2022-23 Timelines

Measure	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Total
Decisions	13	18	11	22	19	38	22	15	18	9	20	16	221
Median (weeks)	23.3	26.0	28.6	25.9	29.4	38.6	28.6	31.7	29.4	24.9	28.6	29.9	29.4
Mean (weeks)	23.9	30.9	29.5	29.1	38.0	36.9	31.0	40.2	33.5	34.9	30.5	34.0	33.1
St. Dev. (weeks)	4.6	14.0	9.4	11.0	20.8	6.5	10.3	29.2	13.4	20.2	8.9	26.6	15.9

Table from PINS Statistics 20 July 2023

Total Decisions by Appeal Procedure

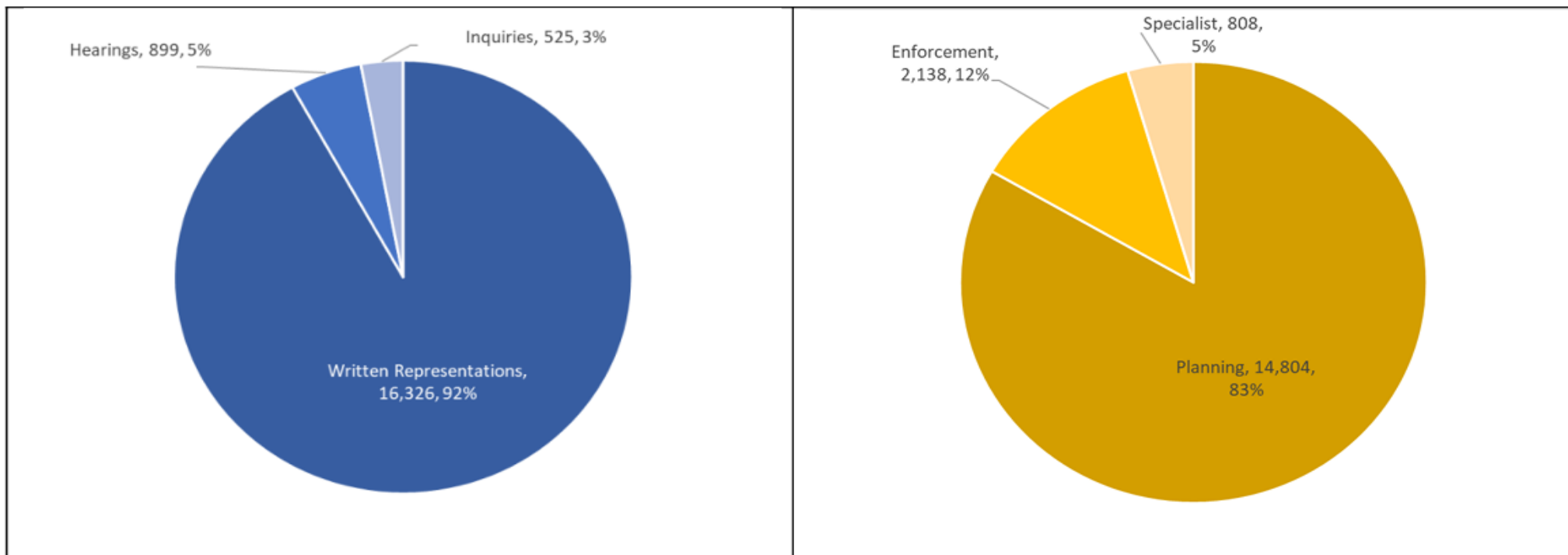


Table from PINS Statistics 20 July 2023

Reflections on Timelines

- The Rosewell Review has been effective in significantly reducing the average decision time for planning inquiries under the new process
- Average decision times for planning appeal hearings, however, are still too high
- Decisions under the written representations procedure – which account for the vast majority of decisions – have seen a steady uptick in average time since July 2020, which should be monitored

Online vrs in person



Pictures from Planning Inspectorate Website.

Running inquiries & CMCs

Rosewell recommendation 9

“The inspector should decide at the pre-inquiry stage how best to examine the evidence at the inquiry and should notify the parties of the mechanism by which each topic or area of evidence will be examined, whether by topic organisation, oral evidence and cross examination, roundtable discussions or written statements.”

Rosewell recommendation 8

*“(a) In every inquiry appeal case, there should be case management engagement between the inspector, the main parties, Rule 6 parties and any other parties invited by the inspector, not later than 7 weeks after the start letter.
(b) Following the case management engagement, the inspector should issue clear directions to the parties about the final stages of preparation and how evidence will be examined no later than 8 weeks after the start letter.”*

Costs applications

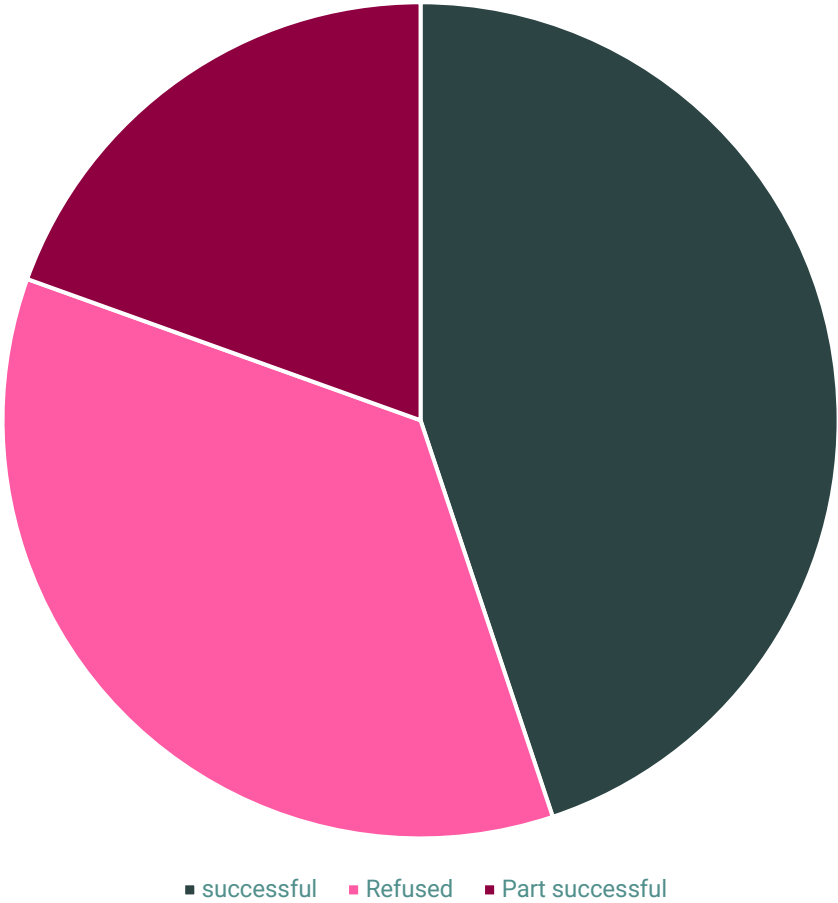
Last 5 years

- Inquiries 84/ 2,172 (4%)
- Hearings 239/ 3,710 (6%)
- Written reps 3,488/ 86,172 (4%)
- All modes 3,811/90,054 (4%)

Previous 5 years

- Inquiries 240/ 2,786 (8%)
- Hearings 606/ 5,156 (11%)
- Written reps 4,863/ 85,246 (6%)
- All modes 5,709/ 93,188 (6%)

Costs applications



Costs success

The Future: Our Suggestions

- More flexibility on inquiry dates
- Clearer guidance from PINS on numerous matters (e.g., virtual appeals; mode of selection criteria, etc)
- Clearer process for changes to mode of determination part-way through appeals
- Addition to Procedural Guide inviting parties to agree agenda for topics – and, if they cannot, making provision for inspectors to decide