

Committee:	Development Management Committee
Date:	25 <sup>th</sup> March 2009
Subject:	<b>INFORMATION REPORT</b> – The Householder Appeals Service (HAS)
Responsible Officer:	Andy Parsons, Head of Planning
Portfolio Holder:	Councillor Marilyn Ashton
Exempt:	No
Enclosures:	None

## Section 1 – Summary

This report sets out details of the new arrangements for determining householder appeals which are due to come into effect on 6<sup>th</sup> April 2009.

### **FOR INFORMATION**

**Members are requested to consider this report as a matter of urgency. The reason for urgency arises from the late publication of details of the new Householder Appeals Service on 16<sup>th</sup> March 2009, after the print deadline for this committee, and the need to ensure that Members are aware of the new arrangements prior to their implementation on 6<sup>th</sup> April 2009.**

## Section 2 – Report

### Background

Planning appeals can be determined by three methods:

- Written representations

- Local hearings
- Public inquiry

The three methods have been developed as a means of ensuring that all appeals are determined in the most appropriate way to ensure efficiency and effectiveness in decision making and fairness and consistency for all users of the system.

At present, in England and Wales, about 80% of planning appeals are decided following an exchange of written representations and a site visit (the written method), 16% are decided following a hearing, and around 4% after an inquiry.

As a further improvement, the Planning Inspectorate and a selection of Local Planning Authorities, including Harrow, have been piloting a further development of the Written Representations method for householder developments. The scheme, known as the Householder Appeals Service (HAS) went live on 2 January 2008 and set out to test an expedited process for householder developments on a live, but voluntary basis, in readiness for a potential full roll-out throughout England and Wales, subject to the necessary legislation being put in place.

### Current situation

The experimental process was based on the use of the original application file held by the local planning authority in an electronic format for administering the appeal. The local planning authority would then rely purely on their decision notice to defend the appeal together with the case officer's report, whether delegated or committee. The LPA was not then expected to prepare a formal appeal statement or attend the site visit.

The appellant was required to send in an appeal statement with their appeal forms.

Planning Inspectors would then work entirely electronically, based on the electronic file provided by the local planning authority. The Inspector would visit the site alone, with the appellant present in some cases only to provide access to the site.

The streamlined process would allow for a speedier decision: Operating within the current legislative framework, the pilot has targeted a 12 weeks turnaround.

In Harrow, during the course of the pilot, 12 householder appeals were determined under the new process and in all cases decisions were received within the 12 week target.

### Proposal

A new expedited process based on the pilot referred to above is being rolled-out across the country with effect from 6<sup>th</sup> April 2009 and will apply to all householder applications submitted after this date. There are a number of changes proposed

to the existing arrangements for handling appeals although as Harrow has been a member of the pilot programme, most of the procedural changes have already been modelled. However, the main change to be accommodated will be:

- A reduction in the time for lodging householder appeals from six months to twelve weeks.
- Third parties to be advised of the appeal within 5 days of receipt by the council
- The Council's submissions to the inspector will be limited to the officer report, the committee minutes (where applicable) and the decision notice
- For third parties, only comments made at the application stage will be considered by the Inspector (The LPA will be expected to ensure that these are forwarded electronically to the Inspector).
- The Council and the appellant will no longer be allowed to comment on each other's case.
- The Inspector will carry out an unaccompanied site visit.
- Copies of the decision will be issued to those parties who have requested one by the Council: the Inspectorate will only notify the appellant and the Council.

The proposed arrangements arise in part from the Planning White Paper and the associated document "Improving the Appeal Process in the Planning System: Making it proportionate, customer focused, efficient and well resourced" published in 2007. Other options considered in these documents include doing nothing and introducing local member review boards for certain types of appeals. All options were the subject of a three month consultation exercise leading up to the selection of the preferred option.

The new system will apply to all qualifying applications received after 6<sup>th</sup> April 2009 and arrangements for the implementation of the system are currently being finalised by the planning service. The aim is to reduce the time taken for decisions on qualifying appeals to 8 weeks.

### **Section 3 – Risk Management Implications**

Dispensing with the opportunity for third parties to comment again at the appeal stage is a recognised risk within the new arrangements. The Regulations that have just been published include a form of words to be included in notification letters and appeal related correspondence designed to alert recipients at an early point to the possibility of a householder application being ultimately determined via the Householder Appeals Service.

Another risk arises from appeals being determined only with the aid of the officer report, the committee minutes (where applicable) and the decision notice. To mitigate this risk, officers will be reminded of the need to ensure that refusal

reports are sufficiently comprehensive to properly represent the position of the Council in the event of an appeal under the new procedure. Comprehensive committee minutes will also be required to support Member decisions, particularly where these run contrary to the recommendation set out in the officers' report.

## **Section 4 – Financial Implications**

There has been no published review of the pilots however; the impact assessments accompanying “Improving the Appeal Process in the Planning System: Making it proportionate, customer focused, efficient and well resourced” identify benefits in terms of decision making time and financial savings, mainly for the Inspectorate and appellants. The financial implications for Local Planning Authorities are assessed as neutral.

The number of cases in Harrow's part of the pilot is too small to enable any reliable conclusions to be drawn in this regard. However, time and cost savings are likely from not having to provide a formal appeal statement, by using electronic files and by removing the need for a representative to attend the appeal site visit. However, this needs to be balanced with the need for more comprehensive for all householder applications, particularly where refusal is recommended.

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 24 March 2009		

## **Section 5 - Contact Details and Background Papers**

Contact: Andy Parsons, Head of Planning, ext 6106

Background Papers:

- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (General Development Procedure) Order 1995
- Improving the Appeal Process in the Planning System: Making it proportionate, customer focused, efficient and well resourced 2007
- The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2009