



# The Planning Inspectorate

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To all Heads of Planning  
Local Planning Authorities  
England

Your Ref: 21cas.lpa.2

Our Ref: \*

Date: 16 March 2009

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Dear Colleague

## **APRIL 2009 – CHANGES TO THE APPEAL PROCESS FURTHER INFORMATION AND LINKS**

Following on from my letter to Chief Executives of 3 March and as promised I am writing to you today with further information and links in relation to the suite of changes to the appeals process which will soon be implemented.

Planning Minister Baroness Andrews announced the changes via a Written Ministerial Statement in Parliament on Wednesday 11<sup>th</sup> March. This Statement sets out the Government's policies on how the new regime should operate. I have attached a copy of this Statement at **Annex A** for your information.

To recap, the following changes will come into force on **6 April 2009**:

- The Planning Inspectorate will use the new power under s.319A of the Town and Country Planning Act 1990 to determine the appeal procedure to be followed for all planning and enforcement cases.
- A new, expedited process for householder appeals which proceed by way of written representations, to be known as the "Householder Appeal Service".
- The extension of the Costs regime to planning appeals and other planning proceedings dealt with via written representations.
- Amendments to the Hearing and Inquiries Rules to remove the 9 week written comment stage. Parties will still have the opportunity at the hearing or inquiry event itself to make comments.
- Amendments to the Inquiries Rules to require the submission of the Statement of Common Ground 6 weeks after an appeal's start date, rather than 4 weeks before the inquiry event itself (as now).
- New guidance which will explain the changes and the procedures to be followed at appeal.

Legislation to give effect to the changes has now been laid in Parliament. The titles of the new statutory instruments, along with links to electronic copies, are as follows:

1. The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 - Statutory Instrument 2009/452  
[http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20090452\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090452_en.pdf)



2. The Town and Country Planning (General Development Procedure) (Amendment) Order 2009 – Statutory Instrument 2009/453  
[http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20090453\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090453_en.pdf)
3. The Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009 – Statutory Instrument 2009/455  
[http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20090455\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090455_en.pdf)
4. The Town and Country Planning (Determination of Appeal Procedure) (Prescribed Period) (England) Regulations 2009 – Statutory Instrument 2009/454  
[http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20090454\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090454_en.pdf)

These statutory instruments are accompanied by explanatory memoranda which explain their purpose and legislative context, as well as the policy background. These can be accessed via the following links:

5. Explanatory Memorandum to The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 and The Town and Country Planning (General Development Procedure) (Amendment) Order 2009  
[http://www.opsi.gov.uk/si/si2009/em/uksiem\\_20090452\\_en.pdf](http://www.opsi.gov.uk/si/si2009/em/uksiem_20090452_en.pdf)
6. Explanatory Memorandum to The Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009  
[http://www.opsi.gov.uk/si/si2009/em/uksiem\\_20090455\\_en.pdf](http://www.opsi.gov.uk/si/si2009/em/uksiem_20090455_en.pdf)
7. Explanatory Memorandum to The Town and Country Planning (Determination of Appeal Procedure) (Prescribed Period) (England) Regulations 2009  
[http://www.opsi.gov.uk/si/si2009/em/uksiem\\_20090454\\_en.pdf](http://www.opsi.gov.uk/si/si2009/em/uksiem_20090454_en.pdf)

Of the Statutory Instruments listed above, of immediate importance to local planning authorities is The Town and Country Planning (General Development Procedure) (Amendment) Order 2009, as this sets out changes that need to be made at the **application stage** in order to support the Householder Appeals Service. I enclose detailed guidance at **Annex B** which **must** be followed to ensure that all householder applications are processed correctly from 6 April 2009 so that they can be capable of proceeding through the Householder Appeals Service in the event of an appeal. Please share the information contained at **Annex B** with the staff who will be responsible for implementing these changes. This information is also available on our website at [http://www.planning-inspectorate.gov.uk/pins/21st\\_century/lpa\\_information.html](http://www.planning-inspectorate.gov.uk/pins/21st_century/lpa_information.html) under "21<sup>st</sup> Century Appeals Service".

You should also be aware that we will shortly be laying an Order in Parliament to allow the award of costs in cases dealt with by written representations and will be issuing a revised Circular on Costs Awards in Appeals and other Planning Proceedings. Please look out for the revised Circular on the Communities and Local Government website.

All of the changes will be accompanied by detailed guidance which will explain the revised procedures. This guidance will be made available on the Planning Inspectorate's website. I will write to you again shortly to alert you of the publication of this guidance.

We are also emailing a copy of this letter to you with a link to the enclosures. These can all be found on our website at: [http://www.planning-inspectorate.gov.uk/pins/21st\\_century/lpa\\_information.html](http://www.planning-inspectorate.gov.uk/pins/21st_century/lpa_information.html). If you require any further information or assistance in relation to the changes, please contact:

- Gavin Ewing on 0117 372 8397 or via email [gavin.ewing@pins.gsi.gov.uk](mailto:gavin.ewing@pins.gsi.gov.uk) if your query relates to the Householder Appeals Service; or
- our Customer Services Team on 0117 372 6372 or via email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) for all other queries.

Yours sincerely

*Katrine Sporle*

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