

**Decision Maker:**        **Development Control Committee**

**Date:**                    **23 November 2010**

**Decision Type:**        Non-Urgent                    Non-Executive                    Non-Key

**Title:**                    **PLANNING APPEALS MONITORING - 2010**

**Contact Officer:**        Tim Bloomfield, Development Control Manager  
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**Chief Officer:**        Chief Planner

**Ward:**                    All

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1.    Reason for report

1.1   The Chairman requested a report on the monitoring of planning appeals in 2010 including an assessment of the Householder Appeal Service (HAS) which has been in operation since April 2009. Reference is also made to a pilot study concerning a proposed change in procedure for conducting appeal site visits for written representation appeals.

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2.    **RECOMMENDATION(S)**

2.1   Members note the report.

### Corporate Policy

1. Policy Status: <please select>.
  2. BBB Priority: <please select>.
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### Financial

1. Cost of proposal: <please select>
  2. Ongoing costs: <please select>.
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: <please select>
  2. Call-in: <please select>
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? <please select>
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

- 3.1 In the period January to September 2010 208 new appeals were lodged. This represents an anticipated total figure of approximately 250 appeals in 2010 compared with 300 in 2009. Over the same period 195 appeal decisions were received of which 100 were dismissed and 79 allowed.
- 3.2 The proportion of appeals dismissed is subject to wide fluctuations ranging from 38% in January to 71% in June 2010. However, the statistics for individual months can be unreliable as indicators of performance and the average figure for 2010 to date is approximately 56%, which is marginally below the national average.
- 3.3 With regard to appeal procedure, the written representations method continued to be the most popular with 53% of all appeals being determined in this way. The number of hearings has fallen to 11% whilst only 1% of appeals were dealt with by local inquiries. This may be reflection of the longer timescales for inquiries, as well as the significantly higher costs involved and this trend is likely to continue until the economic climate improves.

#### **'Fast Track' Appeals**

- 3.4 A significant recent trend is an increase in the proportion of 'fast track' appeals which now accounts for 35% of all appeals. The Householder Appeals System (HAS) was introduced in April 2009 in an effort to streamline procedures for householder appeals. The 'fast track' procedure has generally been successful in speeding up the timescale for smaller scale, more straightforward householder appeals.
- 3.5 The average timescale for a 'fast track' appeal is currently around 8 weeks compared with 16-18 weeks for a conventional written representation appeal. This represents a significant reduction in timescale and has assisted in relieving some of the pressures on an overburdened appeals system.
- 3.6 In the period January – October 2010 Bromley received 76 'fast track' appeals of which 25 were allowed (33%) and 46 dismissed (61%). Experience over the first 18 months of operation indicates that the significantly shorter timescale has not had any marked effect on performance levels. The proportion of appeals allowed and dismissed is largely unchanged since the new procedures were introduced.
- 3.7 There were some initial concerns about the fairness and openness of the 'fast track' system, particularly as the Council is no longer required to submit a written statement and the lack of Council representation at appeal site visits. However, in practice the new system appears to be working reasonably well and has undoubtedly resulted in substantial time savings. However there has been some negative feedback from local residents regarding insufficient opportunity to comment on an appeal, exclusion from the site visit and lack of consultation on the procedure adopted. In cases which are recommended for permission but are subsequently refused, there is insufficient opportunity to make representations in support of the reasons for refusal.
- 3.8 It is understood that a review of the HAS appeals procedure may be carried out by PINS and representations will be made to the Planning Inspectorate at the appropriate time.

## **Appeal Site Visits – Proposed Changes**

- 3.9 The Council has been invited by the Planning Inspectorate to take part in a Pilot Study to establish whether the Inspector site visit procedure under the ‘fast track’ system could be extended to other written representation appeals. In practice this would avoid the need for a Council officer to attend site visits for all written representation appeals, as is the case with ‘fast track’ appeals.
- 3.10 Under the current procedure the Planning Inspector visits the appeal site accompanied by a representative from each of the main parties for reasons of probity, to ensure that fair play is seen by all to be done. No discussion of the planning merits takes place although the parties may point out particular features on the appeal site or request that the Inspector views the site from a particular vantage point.
- 3.11 Initial concerns about lack of representation at ‘fast track’ appeal site visits have proved to be largely unjustified in practice and the Planning Inspectorate has maintained its core principles of openness, fairness and impartiality. Before extending the procedure to all written reps appeals a 3 month Pilot Scheme is taking place from November 2010 to January 2011. This will enable the proposed change in procedure to be assessed before a decision is made as to whether the new procedure should be permanently adopted.

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

TCB/October 2010