

Question submitted by Mr John Yorke

Planning Applications refused by this Council's Planning and Development Committee against the recommendations of officers, often result in appeals by the applicant to the Welsh Planning Inspectorate. If the applicant chooses the written representation appeal process, this Council's officers make no submission in support of members' refusal, and simply submit as evidence their original committee report of recommendation.

For appeals via the informal hearing or public inquiry process, the Council's officers submit a formal report of objection, sometimes prepared by external consultants.

Are the Cabinet, Executive and the Council's elected members aware of this seemingly unfair disparity when the written process is utilised by an applicant. Are they knowledgeable of, and in agreement with the officers' actions when dealing with a written representation appeal, or do they agree there is a need to resolve that uniform professional protection is afforded to their electorate, regardless of appeal route chosen by the applicant.

Response

The actual appeal process which the Council follows, is not as the questioner describes it.

On receipt of notification of an appeal the Council contacts the Local Member and makes them aware of the appeal being lodged and the proposed method of determination (which the appellant proposes on the appeal form). The Council is asked by the Planning Inspectorate whether they agree with the proposed procedure. However, since 2014, neither the appellant nor Council can insist on how an appeal is to be determined, that is a decision for the Planning Inspectorate.

Where there is a single issue at stake e.g. highway safety, it is entirely appropriate that the appeal is dealt with by written representation, rather an informal hearing or public inquiry.

When the appeal results from Committee refusing permission against officer recommendation and the matter is to be heard by written representation, the officer's report and the minutes of the Committee meeting are provided to the Inspectorate so that the reasons why permission was refused can be identified. The questioner makes no mention of this stage in the procedure.

The written representations process is intended for simpler cases where the Inspector will not need to question witnesses or consultants. If there were a need to instruct consultants to explain evidence or issues, then this would indicate that the appeal is not one which is appropriate for determination by written representations.

The implications of all appeal decisions are taken extremely seriously by the County Council and each decision is summarised and reported to the Planning and Development Control Committee. In addition, an annual review of appeal performance is reported to Planning Strategy Group and a number of critical decisions reviewed in detail. The 12th April 2016 will see the Director of the Planning Inspectorate for Wales delivering a training session to Members and staff and, prior to that, a number of recent decisions will be raised with him and his staff.