

The Rosewell Review - what does this mean for planning appeal inquiries?

February 2019



Published by
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Anyone who's had the misfortune to appeal a planning decision will be aware just how long the process takes. The average time taken for an inspector-decided case is 47 weeks, with those cases decided by the Secretary of State (SoS) taking even longer. On 22 June 2018 the Government launched an independent review of planning appeal inquiries, with the aim of improving the procedure and reducing the time it takes to get a determination. This will give greater certainty to developers and local communities alike, the ultimate aim being to help the Government achieve its aim of delivering 300,000 homes each year. Bridget Rosewell CBE's review, which was published 12 February 2019, includes 22 ways in which this can be achieved.

The Rosewell Review invited respondents to identify what aspects of the current process do not work well. Responses generally focussed on the time the process takes, especially at the inquiry preparation stage. The Planning Inspectorate's (PINS) ability to schedule and manage the process was also criticised, as was the availability of inspectors. The review explains that these are the symptoms of out-dated administrative processes, the restricted availability of suitable inspectors and a back-loaded process, which has caused a 'culture of deferral'.

Ms Rosewell's 22 recommendations included the following:

Earlier engagement by all parties

- A start letter should be issued within five working days of the appeal being made, identifying the inspector who will conduct the inquiry (Recommendation 4).
- Case management directions, issued by the inspector to the parties about the final stages of preparation and setting out how evidence will be examined at the inquiry (Recommendations 8 & 9), no later than eight weeks of the start letter. Earlier case management is crucial to ensuring that evidence is focussed on key issues.

General acceleration of the process

- PINS leading on fixing the date for the inquiry (Recommendation 5) and also becoming more proactive in managing the inquiry process. Substantial overhaul of the approach to preparing statements of common ground (Recommendation 6).

- PINS should ensure the timely submission of documents. It should also initiate an award of costs where a party has acted unreasonably and caused another party to incur unnecessary or wasted expense (Recommendation 11).
- More challenging targets for each key stage of the process and the overall length of the process (Recommendations 4, 5 & 21).
- The lack of suitably qualified inspectors is hampering efforts to set up inquiry hearings on time. There are already plans to increase recruitment of inspectors, and it is particularly recommended that more senior inspectors are recruited (Recommendation 18).

Harnessing technology to improve efficiency and transparency

- Outdated administrative processes and poor IT infrastructure are unnecessarily holding up cases. The review suggests the introduction of a new online Planning Appeal portal for the submission of inquiry appeals by December 2019, with pilot testing to start in May 2019 (Recommendation 1).
- PINS to ensure that all documents for an appeal are published on the new portal at the earliest opportunity following their submission (Recommendation 10).

If these recommendations are put in place then it is hoped that the overall timescale from receipt to decision of an appeal should be almost halved, from 47 weeks for inspector-decided cases to between 24 and 26 weeks. The review recommends that an initial target of 30 weeks is adopted even before the implementation of new technology, but warns that this will require a wholesale culture change in the way that applications are dealt with. The review also recommends that cases decided by the SoS should all be determined within 30 weeks.

Maples Teesdale advise on all aspects of Town and Country Planning, including planning appeals. Should you need advice on planning matters please contact Partner [John Bosworth](#).

