

# The key themes and trends in housing appeals over the past year (part two)



**Sasha White QC**

## Key theme 12 – How are Inspectors considering Neighbourhood Plans?

- **MID SUFFOLK [02/03/2020] LAND AT EYE, SUFFOLK – DISMISSED**
  - PROPOSAL FOR 126 DWELLINGS ON GREENFIELD SITE ON EDGE OF SMALL MARKET TOWN.
  - PROPOSAL NOT ALLOCATED IN EMERGING NEIGHBOURHOOD PLAN.
  - A CONFLICT WITH EMERGING NEIGHBOURHOOD PLAN AND IT BEING UNDERMINED WAS DECISIVE IN REFUSING THE SCHEME.
- **ARUN [20/12/2019] – ARUNDEL – DISMISSED.**
  - PROPOSAL FOR 46 UNIT SHELTERED HOUSING SCHEME.
  - ACKNOWLEDGED HLS SHORTFALL BUT A POLICY IN NP RECENTLY APPROVED IN A REFERENDUM.
  - PROPOSAL DID NOT CONSIDER ALL DEVELOPMENT OPTIONS AS ENSHRINED IN NP POLICY AND THEREFORE THE PROPOSAL SHOULD BE DISMISSED.
- **SOUTH OXFORDSHIRE [21/10/2019] – LAND AT THE ELMS, THAME – DISMISSED.**
  - CARE HOME SCHEME FOR 78 DWELLINGS.
  - THE NP ALLOCATED THE SITE FOR A DEVELOPMENT OF 45 HOMES.
  - THE PROPOSAL SHOULD BE REFUSED AS IT EXCEEDED THE NUMBER OF DWELLINGS PERMITTED TO A SIGNIFICANTLY MATERIAL EXTENT.
  - BENEFITS WOULD NOT OUTWEIGH THE HARM TO THE NP POLICY CONFLICT AND LACK OF AFFORDABLE HOUSING PROVISION.
- **AYLESBURY VALE [30/09/2019] – LAND ADJACENT TO 80 CHILTON ROAD, LONG CRENDON – DISMISSED.**
  - FULL WEIGHT TO NP POLICIES IN REFUSING A PROPOSAL FOR 65 DWELLINGS.

## Key Theme 13 – What approach is being taken to landscape and visual impact AND valued landscapes?

- **CENTRAL BEDFORDSHIRE [16/03/2020] LAND NORTH OF SUNDERLAND ROAD – DISMISSED.**
  - MAJOR MIXED USE SCHEME OF 228 HOMES ON SITE ON EDGE OF SETTLEMENT IN BEDFORDSHIRE.
  - INSPECTOR HELD THAT APPELLANT HAD UNDERESTIMATED VISUAL EFFECTS OF PROPOSAL.
  - ALSO MITIGATION EFFECTS OF THE PROPOSAL HAD BEEN OVERSTATED.
  - EXISTING SETTLEMENT BOUNDARY AVOIDED URBANISATION OF COUNTRYSIDE AND SHOULD BE RETAINED.
- **HINCKLEY AND BOSWORTH [18/12/2019] – ALLOWED**
  - OUTLINE PROPOSAL FOR 80 UNITS IN COUNTRYSIDE.
  - DEVELOPMENT WOULD NOT INTRUDE INTO WIDER AREA AND ALTHOUGH THE SITE WAS VALUED BY LOCAL RESIDENTS IT WAS NOT PART OF A VALUED LANDSCAPE.
  - ONLY VERY LIMITED WEIGHT TO EMERGING LOCAL PLAN AND EMERGING NEIGHBOURHOOD PLAN.
- **WEST DORSET [13/12/2019] – LAND SOUTH OF WESTLEAZE, CHARMINSTER – DISMISSED.**
  - PROPOSAL FOR 120 DWELLINGS ON THE EDGE OF SETTLEMENT IN “THOMAS HARDY” SETTING.
  - HARM TO THE WIDER LANDSCAPE AND SIGNIFICANT VISUAL HARM.
  - THE HARMS TO BOTH HERITAGE AND LANDSCAPE WERE SUCH THAT PROPOSAL NOT ACCORD WITH DEVELOPMENT PLAN AS A WHOLE.
- **SUMMARY – LANDSCAPE AND VISUAL IMPACT GENERALLY JUSTIFYING REFUSAL WHETHER ON FLAT OR TILTED BALANCE.**

# Key Theme 13 – The approach to Valued Landscapes?

- CHRONOLOGY OF VALUED LANDSCAPE POLICY:
  - NPPF 1 [MARCH 2012] – “*The planning system should contribute to and enhance the natural and local environment by – (a) protecting and enhancing valued landscapes*”
  - Led to **Stroud DC v SoSCLG** [2015]EWHC 488; **Forest of Dean DC v SoSLGC** [2016] EWHC 2429; **CEG Land Promotions v SoSHCLG** [2018]EWHC 1799; “*demonstrable physical attributes for the site to fall within NPPF 170*”
  - NPPF 2 paragraph 170 – “*Planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes..(in a manner commensurate with their statutory status or identified quality in the development plan);*”
  - Not changed in NPPF 3 [February 2019]
- KEY ISSUE - In what circumstances can it be contended that a site sits in a valued landscape:
  - THREE ACTIVE INTERPRETATIONS TO NPPF 170(A):
  - **THE SUBJECTIVE INTERPRETATION** - when the judgment of the LPA is that it is a valued landscape i.e. *it is an open list* [based on a GVLIA BOX 5.1 assessment criteria showing demonstrable physical attributes as established in NPPF 1]
  - **THE OBJECTIVE INTERPRETATION** - only when it has statutory status or a quality identified in the development plan – *i.e. a closed list?* Irrespective of physical attributes.
  - **THE CUMULATIVE INTERPRETATION** – that it needs to be both identified by its statutory status or in the development plan and it needs actual physical attributes consistent with the case law
    - **MID SUFFOLK [02/02/2020] – EYE, SUFFOLK – DISMISSED.**
      - SITE FELL WITHIN SPECIAL LANDSCAPE AREA BUT INSPECTOR CONSIDERED SITE DID NOT EXHIBIT ANY PARTICULAR UNIQUE QUALITIES OR RARITY AND THEREFORE NOT VL.
    - **WEST DORSET [13/12/2019] – LAND SOUTH OF WESTLEAZE, CHARMINSTER – DISMISSED.**
      - SITE IDENTIFIED AS LAND OF LOCAL LANDSCAPE IMPORTANCE [LLLI] AND ADDITIONALLY INSPECTOR CONSIDERED SITE WAS A VALUED LANDSCAPE.

# Key Theme 14 – What approach is being given to heritage harm?

- **EPPING FOREST [23/03/2020] – COOPERSALE – DISMISSED**
  - PROPOSED DWELLING WITHIN THE WALLED GARDEN OF LISTED HOUSE.
  - HARM TO HERITAGE ASSETS NOT OUTWEIGHED BY COSTLY RESTORATION OF WALLED GARDEN AND REPAIR OF CURTILAGE LISTED WALL AND REINSTATEMENT OF HISTORICAL WALLED GARDEN.
- **SWALE [02/03/2020] – LAND WEST OF BARTON HILL DRIVE – ALLOWED.**
  - URBAN EXTENSION FOR 700 DWELLINGS TO MINSTER ON SEA.
  - ALTHOUGH A GRADE II FARMHOUSE ABUTTED THE SITE, AN EXTENSIVE AREA WOULD BE RETAINED PROTECTING THE SETTING OF THE LISTED BUILDING AND THEREFORE IMPACT WAS ACCEPTABLE.
- **TOWER HAMLETS [18/02/2020] – FORMER LEB BUILDING – DISMISSED.**
  - PROPOSAL FOR 189 FLATS AND 1676 SQ M OF COMMERCIAL FLOORSPACE IN TWO BUILDINGS ONE OF 5 STOREYS AND ONE OF 15 STOREYS.
  - HARM TO THE CONSERVATION AREA AND LISTED BUILDINGS MEANT THAT NPPF 196 NOT PASSED AND NO TILTED BALANCE.
- **HART [14/02/2020] – LAND EAST OF CRONDALL ROAD, CROOKHAM – DISMISSED.**
  - PROPOSAL FOR 62 BED CARE HOME AND 160 RESIDENTIAL APARTMENTS.
  - HARM TO CONSERVATION AREA AND LISTED BUILDINGS.
  - STRONG PUBLIC BENEFITS – MEETING CARE NEEDS, PROVISION OF AFFORDABLE HOUSING ETC BUT NOT STRONG ENOUGH TO OUTWEIGH THE HARM.
  - DISENGAGEMENT OF THE TILTED BALANCE DUE TO HARM TO CA AND LISTED BUILDINGS.

# Key Theme 15 – What approach is being taken to severe impacts on highways?

- **EAST HERTS [18/03/2020] – LAND EAST OF MARSHGATE DRIVE, HERTFORD – ALLOWED.**
  - APPLICATION SOUGHT 29 HOUSES, 346 FLATS AND 2710 SQ M OF EMPLOYMENT.
  - SITE ALLOCATED FOR 200 HOMES AND 3000 SQ M OF EMPLOYMENT IN U TO DATE DEV. PLAN.
  - INSPECTOR FOUND THAT THERE WOULD BE SLIGHT INCREASE IN QUEUING, ANY RESIDUAL IMPACT WOULD BE SMALL AND WELL BELOW NPPF THRESHOLD FOR RESISTING DEVELOPMENT.
- **MANSFIELD [15/11/2019] – LAND SOUTH OF PEAFIELD LANE, MANSFIELD WOODHOUSE – DISMISSED**
  - PROPOSAL FOR UP TO 240 DWELLINGS.
  - SHE WAS NOT SATISFIED THAT THERE WOULD NOT BE AN UNACCEPTABLE EFFECT ON HIGHWAY SAFETY OR A SEVERE CUMALATIVE EFFECT ON HIGHWAY SAFETY.
  - TILTED BALANCE APPLIED BECAUSE THE MOST IMPORTANT POLICIES WERE OoD BUT CONCLUDED THAT EXTREMELY SUBSTANTIAL WEIGHT SHOULD BE GIVEN TO THE POTENTIALLY ADVERSE IMPACT ON HIGHWAY SAFETY AND THE APPEAL WAS DISMISSED.
- **CHESHIRE WEST AND CHESTER [02/10/2019] – LAND AT THE HOLLIES – ALLOWED.**
  - PROPOSAL FOR 258 NEW HOMES.
  - WOULD THE PROPOSAL HAVE A RESIDUAL CUMULATIVE IMPACT TO JUSTIFY REFUSAL UNDER NPPF 109?
  - INSPECTOR CONCLUDED THAT WOULD BE PEAK HOUR SPREADING BUT CONSIDERED NOT SIGNIFICANTLY HARMFUL IMPACT ON THE LOCAL HIGHWAY NETWORK PER NPPF 109.
- **CANTERBURY [03/09/2019] – LAND OFF POPES LANE, STURRY, KENT – REFUSED.**
  - PROPOSAL WOULD CAUSE SEVERE IMPACT BECAUSE OF FOUR JUNCTIONS BEING OVER CAPACITY EVEN AFTER DEVELOPMENT ALLOWED.

## Key Theme 16 – What approach is being taken to issues of accessibility?

- **WOKINGHAM [19/11/2019] – LAND TO THE REAR OF 6 JOHNSONS DRIVE – DISMISSED.**
  - PROPOSAL FOR 25 HOUSES IN COUNTRYSIDE OUTSIDE FINCHAMPSTEAD.
  - ACCESSIBILITY FOUND WALKING DISTANCES TO FACILITIES TOO GREAT AT 1.2-1.4 KILOMETRES.
  - BUS SERVICE PROVISION NOT WITHIN ASPIRATION OF CS TO BE “GOOD”.
- **HEREFORDSHIRE [01/11/2019] – DYMOCK ROAD, LEDBURY – DISMISSED.**
  - OUTLINE APPLICATION FOR UP TO 420 HOMES SOUTH OF LEDBURY WITHIN SETTING OF AONB.
  - KEY SERVICES AND FACILITIES LAY IN EXCESS OF 1.5 KMS DISTANT WHICH EXCEEDED DISTANCES RECOMMENDED BY THE IHT GUIDELINES.
  - THE PROPOSAL WOULD BE DEPENDENT ON THE USE OF CARS.
  - APPEAL DISMISSED.
- **WOKINGHAM [09/04/2020] LAND NORTH OF NINE MILE RIDE, FINCHAMPSTEAD – DISMISSED.**
  - PROPOSAL FOR UP TO 118 DWELLINGS.
  - COMPARISON WITH OTHER SITES GRANTED PP IS NOT PARTICULARLY HELPFUL
  - MOST IMPORTANT POINT IS WHETHER ALTERNATIVE CHOICES ARE AVAILABLE FOR AS MANY LOCAL JOURNEYS AS POSSIBLE
  - OPPORTUNITIES FOR MODAL CHOICE REMAIN LIMITED AND IT IS LIKELY THAT MOST JOURNEYS WOULD BE UNDERTAKEN BY THE CAR
  - THESE HARMFUL IMPACTS ARE MATTERS OF VERY SUBSTANTIAL WEIGHT AND IMPORTANCE IN THE PLANNING BALANCE.

## Key Theme 17 – What approach is being taken to Climate Change?

- CURRENTLY APPEARS REMARKABLY UNDETERMINATIVE IN THE APPROACH TO RESIDENTIAL PLANNING CONSENTS.
- FOUND NO PLANNING APPEAL INVOLVING RESIDENTIAL WHERE THE EFFECT ON CLIMATE CHANGE WAS CONSIDERED DETERMINATIVE OR FUNDAMENTAL TO THE DECISION.
- CLEARLY CONSIDERED UNDER THE QUESTION OF ACCESSIBILITY AND SUSTAINABILITY PARTICULARLY IN THE ISSUE OF MODE OF TRANSPORT.
- MANY LPAS SUCH AS WINDSOR AND MAIDENHEAD AND WOKINGHAM DECLARED CLIMATE CHANGE EMERGENCY BUT THE NEXT RAFT OF DEVELOPMENT PLANS LIKELY TO HAVE POLICIES WITH MORE TEETH THAN CURRENTLY UTILISED TO DEAL WITH THIS ISSUE.



# Key Theme 18 – What approach is being taken to Costs applications?

- **WAVERLEY [02/03/2020] – LAND EAST OF LOXWOOD ROAD – ALLOWED.**
  - PROPOSAL FOR 80 HOUSES ON EDGE OF SETTLEMENT.
  - TWO PREVIOUS RECENT APPEALS HAD HELD LPA DID NOT HAVE 5 YEAR HLS BUT LPA STILL SOUGHT TO ARGUE IT COULD SHOW 5 YEAR HLS BUT THEN CHANGED POSITION NEXT DAY.
  - LPA ACCEPTED IT SHOULD PAY APPELLANTS COSTS ENDORSED BY INSPECTOR.
- **SEVENOAKS [26/07/2019] – SWANLEY SHOPPING CENTRE – ALLOWED.**
  - TOWN CENTRE REDEVELOPMENT INCLUDING 303 NEW DWELLINGS.
  - LPA SENT LETTER OF APPEAL NOTIFICATION OUT ASKING THOSE WHO WISHED TO ATTEND TO REGISTER WITH THE LPA PRIOR TO THE START OF THE INQUIRY.
  - LPA HAD NOT RESPONDED TO SUCH REQUESTS OR RESPONDED TO EMAILS MEANING THAT MEMBERS OF THE PUBLIC MIGHT BE DISCOURAGED FROM ATTENDING THE INQUIRY.
- **TANDRIDGE [26/06/2019] – FELBRIDGE – ALLOWED.**
  - TWO RESIDENTIAL APPEALS FOR 25 AND 59 DWELLINGS.
  - LPA MEMBERS OBJECTED TO SCHEME ON HIGHWAY IMPACT BUT WITHDREW OBJECTION THE WEEK BEFORE THE INQUIRY.
  - COUNCIL HAD DELAYED DEVELOPMENT IT CLEARLY SHOULD HAVE ALLOWED, MISAPPLIED POLICY AND FAILED TO KEEP CASES UNDER REVIEW UNTIL THE LAST MINUTE AND FAILED TO PRESENT EVIDENCE TO SUBSTANTIATE ITS POSITION AT THE APPEAL.
- **WILTSHIRE [06/04/2020] – LAND AT PURTON ROAD, SWINDON – DISMISSED**
  - LPA HAD NOT BEEN CLEAR ABOUT CONCERNS REGARDING WILDLIFE IMPACT IN REASONS OF REFUSAL AND APPELLANT COULD NOT ESTABLISH WHAT WAS NEEDED TO OVERCOME CONCERN.
- **SUMMARY – PROCEDURAL COMPLIANCE WITH THE RULES IS OF THE HIGHEST IMPORTANCE PARTICULARLY POST ROSEWALL.**

## Key Theme 19 – What approach is being taken to Emerging policy?

- **HARROGATE [13/02/2020] – LAND AT HARROGATE ROAD, WETHERBY – DISMISSED.**
  - PROPOSAL FOR 210 HOUSES OUTSIDE SETTLEMENT.
  - TILTED BALANCE SHOULD APPLY AS EXISTING DEVELOPMENT PLAN OUT OF DATE.
  - BUT HEALTHY HOUSING LAND SUPPLY POSITION AND AN EMERGING LOCAL PLAN AT ADVANCED STAGE WITH ADOPTION IMMINENT.
  - LOSS OF THIS SITE UNJUSTIFIED WHEN EMERGING PLAN WOULD MEET HOUSING NEEDS.
- **BEDFORD [09/01/2020] – LAND TO THE WEST OF ODELL ROAD, HARROLD – DISMISSED.**
  - PROPOSAL FOR 90 HOMES INCLUDING 30% AH.
  - LPA COULD NOT DEMONSTRATE A FIVE YEAR HLS MAKING ITS DP OoD.
  - HOWEVER POSITION WOULD BE CHANGED BY IMMEDIATE ADOPTION OF AN EMERGING LOCAL PLAN FOUND SOUND BY INSPECTORS EXAMINING THE SUBMISSION PLAN.
  - INSPECTOR GAVE SIGNIFICANT WEIGHT TO THE NEW POLICIES AND THEREFORE DID NOT BENEFIT FROM THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT.
- **ST ALBANS [09/01/2020] – LAND TO THE REAR OF BURSTON GARDEN CENTRE – DISMISSED.**
  - PROPOSED RETIREMENT VILLAGE AT A GARDEN CENTRE BUT WITHIN GB.
  - DITE ALLOCATED IN EMERGING NEIGHBOURHOOD PLAN AND ALONG WITH ITS REMOVAL FROM GB.
  - NP NOT YET BEEN ALLOCATED AND INSPECTOR QUERIED WHETHER GB DESIGNATION COULD BE ALTERED BY EMERGING NEIGHBOURHOOD PLAN.
  - GAVE SUBSTANTIAL WEIGHT TO CONFLICT WITH THE GB AND INAPPROPRIATE DEVELOPMENT.

## Key Theme 20 – What approach is being taken to Green Belt appeals?

- **TANDRIDGE [02/03/2020] – LAND AT FRITH MANOR FARM, EAST GRINSTEAD – DISMISSED.**
  - PROPOSAL FOR 101 DWELLINGS ON GREEN BELT LAND.
  - NO VSC TO JUSTIFY RELEASE OF THE SITE.
  - ADDITIONALLY INAPPROPRIATE TO RELEASE GB LAND OTHER THAN THROUGH DEVELOPMENT PLAN EXAMINATION.
- **WINDSOR AND MAIDENHEAD [16/12/2019] – LAND AT LODGE FARM, HOLYPORT – DISMISSED.**
  - PROPOSAL FOR 150 HOUSES IN OPEN COUNTRYSIDE IN THE BERKSHIRE GREEN BELT.
  - GREAT IMPACT ON THE GREEN BELT AS IT WOULD BE SEEN AS AN URBAN FORM.
  - ALTHOUGH THIS WAS AN AREA OF SIGNIFICANT HOUSING NEED ONLY LIMITED WEIGHT TO THE BENEFITS IN THE BALANCING EXERCISE.
  - VERY SPECIAL CIRCUMSTANCES DID NOT EXIST.
- **YORK [23/10/2019] – NORTH OF BOROUGHBIDGE ROAD, YORK – ALLOWED**
  - PROPOSAL FOR 266 HOUSES IN GREEN BELT OUTSIDE YORK.
  - FORMER CIVIL SERVICE SPORTS GROUND IN AN AREA DEFINED AS GREEN BELT.
  - EMERGING LOCAL PLAN PROPOSED TO EXCLUDE SITE FROM GREEN BELT AND ALLOCATE IT FOR HOUSING.
  - NO 5 YEAR HLS AND WEIGHT TO THE EMERGING LOCAL PLAN JUSTIFIED VSC WHICH JUSTIFIED THE GRANT OF PP.
- **SUMMARY – HOUSING NEED GETS LITTLE TRACTION IN THE VSC BALANCING EXERCISE UNLESS SOMETHING ELSE CONSTITUTES VSC.**

## Key Theme 21 – What approach is being taken to the AONB?

- **CHELTENHAM [23/03/2020] – [KIDNAPPERS LANE] – ALLOWED**
  - PROPOSAL FOR 25 HOUSE WITH 40% AFFORDABLE HOUSING.
  - SITE LAY ADJACENT TO THE COSTWOLDS AONB.
  - PREVIOUS SCHEME FOR 45 HOUSES DISMISSED IN 2016.
  - HARM TO THE SETTING OF THE AONB WAS OUTWEIGHED BY THE BENEFITS OF THE PROPOSAL.
- **MID SUSSEX [16/12/2019] – LAND OFF LONDON ROAD, BOLNEY – DISMISSED.**
  - APPLICATIONS FOR C2/C3 USES IN THE AONB TO MEET UNMET NEED IN THE AREA.
  - SIGNIFICANT ADVERSE IMPACT ON THE AONB AND IN PARTICULAR THE PURPOSES OF WHICH THE AONB HAD BEEN DESIGNATED AND THE PROPOSALS WOULD BE MAJOR DEVELOPMENT IN THE AONB CONTRARY TO NPPF 172 – MAJOR DEVELOPMENT ONLY PERMITTED IN AONB IF EXCEPTIONAL CIRCUMSTANCES.
- **HEREFORDSHIRE [01/11/2019] – DYMOCK ROAD, LEDBURY – DISMISSED.**
  - OUTLINE APPLICATION FOR UP TO 420 HOMES SOUTH OF LEDBURY WITHIN SETTING OF AONB.
  - SCALE OF HOUSING WOULD FAIL TO CONSERVE AND ENHANCE THE AONB.
  - HARM SIGNIFICANTLY AND DEMONSTRABLY OUTWEIGHED THE BENEFITS.

## Key Theme 22 – What approach is being taken to design?

- **HILLINGDON [26/03/20] – STANFORD HOUSE [DISMISSED]**
  - TEN STOREY BLOCK OF FLATS FOR 81 FLATS AND GROUND FLOOR COMMERCIAL USE.
  - SITE ON TOWN CENTRE FRINGE.
  - NO HARM TO ADJACENT NESTLE FACTORY CONSERVATION AREA.
  - DESIGN UNACCEPTABLE BECAUSE LACK ON ANY ENTRANCES PROPOSED ON THE PRINCIPAL ROAD FRONTAGE TO CREATE AN ACTIVE FRONTAGE AND NARROW UNWELCOMING SIDE ACCESS WHERE THE PROPOSED ACCESSES WERE LOCATED.
- **LONDON LEGACY DEVELOPMENT CORP [03/01/2020] – 60 DACE ROAD - ALLOWED.**
  - SCHEME FOR 60 RESIDENTIAL FLATS AND COMMERCIAL FLOORSPACE.
  - DESIGN QUALITY WAS A FACTOR IN GRANTING CONSENT FOR SCHEME WHICH WOULD REPRESENT AN IMPROVEMENT ON THE EXISTING.
  - PROPOSED DEVELOPMENT WAS OF HIGH QUALITY DESIGN AND ALSO THERE WAS A POLICY IMPERATIVE TO IMPROVE THE EFFICIENT USE OF LAND.
- **MANSFIELD [25/10/2019] – MARSHALLS MONO LTD, MANSFIELD WOODHOUSE – ALLOWED.**
  - PROPOSAL FOR UP TO 150 HOUSES ON A FORMER CONCRETE WORKS.
  - DESIGN IMPROVEMENTS TO AN ACCESS INCLUDING PEDESTRIAN ACCESSIBILITY WOULD ENHANCE PEDESTRIAN CONNECTIVITY.
  - IMPROVEMENT TO CONNECTIVITY IMPORTANT FOR DELIVERING QUALITY DESIGN.

## Key Theme 23 – The current position regarding appeals with PINS.

- LATEST ADVICE FROM 14 APRIL 2020.
- **CASEWORK DIVISION** HAVE INFORMED THOSE WITH APPEALS IN THE SYSTEM THAT ALL APPEALS ARE SUSPENDED **UNTIL THE 1<sup>ST</sup> MAY 2020.**
- PINS LOOKING INTO WAYS OF USING TECHNOLOGY AND WHETHER ANY APPEALS CAN CONTINUE OR BE DETERMINED AT THE PRESENT TIME.
- SAME TRUE FOR LOCAL PLAN EXAMINATIONS.
- NO ACTUAL DECISION ABOUT THE WAY FORWARD HAS FORMALLY BEEN PUBLISHED OR ANNOUNCED.
- CURRENTLY PINS IN LOCKDOWN ALTHOUGH APPEAL DECISIONS ARE BEING RELEASED.

## Key Theme 24 – What is likely to happen in the future to residential appeals?

- THE APPEAL SYSTEM MIGHT WELL CHANGE MATERIALLY WITH THE LOCKDOWN AND THE USE OF VIRTUAL TECHNOLOGY.
- ROSEWELL HAS CHANGED THE PLANNING APPEAL SYSTEM MATERIALLY.
- MORE ROUND TABLES AND LESS CROSS EXAMINATION.
- EXAMPLE OF INQUIRY IN BOLNEY, MID SUSSEX WHERE 4 OF THE 6 TOPICS DONE BY ROUND TABLE.
- QUICKER AND MORE INQUISITORIAL.
- LIKELY TO BE CHANGES TO THE ASSESSMENT OF NEED AND IN PARTICULAR USE OF THE STANDARD METHODOLOGY.
- MY JUDGMENT IS THAT THE GOVERNMENT WILL REVISE THE NPPF [AGAIN] IN THE AUTUMN TO PROVIDE AN EVEN GREATER PRESUMPTION IN FAVOUR OF DEVELOPMENT [SUSTAINABLE?] TO BOOST THE ECONOMY MATERIALLY IN THE LIGHT OF COVID 19.

## Key theme 25 - SUMMARY AND CONCLUSIONS

- THE PLANNING APPEAL SYSTEM IS GETTING MORE EXPENSIVE, MORE DIFFICULT AND LESS FAVOURABLE TO APPELLANTS.
- INSPECTORATE IS GETTING MORE ADVERSE TO GRANTING PLANNING PERMISSION AT APPEAL.
- THE APPROACH OF INSPECTORS IS FUNDAMENTALLY HOSTILE TO THE GRANT OF PLANNING PERMISSIONS AT APPEAL.
- THE USE OF THE TILTED BALANCE IS STILL VARIABLE AND NOT FULLY FOLLOWED.
- THE FLAT BALANCE IS WEIGHTED TOWARDS IMPACTS, RATHER THAN BENEFITS.
- THE FUTURE MIGHT WELL INVOLVE TECHNOLOGICAL IMPROVEMENTS AND ADVANCEMENTS LIKELY TO INVOLVE REMOTE CONFERENCING HEARINGS.
- NO END IN SIGHT FOR THE RECOMMENCEMENT OF THE PLANNING APPEALS SYSTEM CURRENTLY.



# Thank you for listening

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