

LPAs resisting written representations appeals



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Topics to cover

- What is the procedure for appeals proceeding by written representations?
- What is a “combined procedure”?
- Important procedural responsibilities on the LPA: notification and publication.
- Making your case to the Inspector.
- Dealing with changes in circumstances between LPA decision and appeal decision.

Procedure

- Part 1 written representations procedure: householder, advertisement and minor commercial appeals – see Annexe C to the Procedural Guide on Planning Appeals: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>.
- Part 2 written representations procedure: Other appeals suitable for written representations – Annexe D to the Procedural Guide.
- See also: The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

Combined procedure

- Introduced by the Business and Planning Act 2020 to provide greater flexibility in combining different appeal procedures.
- See Annexe K to the Procedural Guide.
- So issues in a hearing or inquiry can be hived off to be dealt with by way of written representations.
- Not normal for a written representations appeal to be combined with other procedures, although a combined procedure may arise if written representations found to be unsuitable mid-way through the process.

Procedural responsibilities

- Notifying “interested persons” – see reg. 6 of the 2009 Regulations. See model notification letter at para. D.3.2 of Procedural Guide.
- Making appeal documents available online or at Council’s offices.

Making your case

- The completed appeal questionnaire and supporting documents
- The Statement of Case:
 1. Introduction;
 2. Describing the site and relevant context;
 3. Planning history;
 4. Describing the appeal proposal;
 5. Relevant policies (local and national);
 6. Reasons for refusal and further supporting analysis;
 7. Overall conclusions / planning balance.
- Final comments on representations by interested persons.

Changes in circumstances

- See Annex B to the Procedural Guide, and paras. 1.7 to 1.9;
- Inform the Inspector of material changes to legislation or policy, or of recent relevant decisions on similar development proposals!
- A cautionary tale ...

Thank you for listening

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