



The Planning Inspectorate

An executive agency in the Office of the Deputy Prime
Minister and the National Assembly for Wales

A brief guide to planning inquiries

What is a planning inquiry?

A planning inquiry allows an inspector to decide whether or not planning permission should be granted. One of our inspectors will hear evidence from the developer, the council and anyone else who is interested. At the start, the inspector will introduce themselves and announce what the appeal is about. They will ask who wants to speak and explain how the inquiry will run.

An inquiry can last from one day to several weeks. Because many inquiries deal with large-scale developments, or controversial proposals, they can create strong feelings, especially among people who have lived in the area for many years. A planning inquiry gives anyone affected by a development an opportunity to have their say.

A planning inquiry is not a court of law. However, there are rules about how it is run. Inspectors know that it may be your first experience of the planning system and they will do what they can to help you.

Sometimes, the inspector does not decide the result of the inquiry but writes a report with recommendations for the First Secretary of State. The inspector will say if this is the case but it will not affect the way you take part.

Speaking at the inquiry

At the start of the inquiry the inspector will ask who wants to speak. This is your opportunity to say that you want to give evidence. The inspector will then decide who will speak and when, and announce this. Normally the council speaks first and then answers any questions from the developer or other parties (town or parish councils, local organisations, businesses and local residents and so on). Next, the developer speaks and the council or others may ask questions. It is then the turn of other parties (including local residents) to give evidence and reply to questions.

The inspector will only allow questions that:

- are relevant to the case being heard; and
- do not repeat arguments already raised.

It can be helpful for residents' associations and other interested groups to name one person to speak for the group to avoid questions being repeated.

An inquiry may last for several days so you may not be able to go every day, particularly if this means taking time off work. If you want to speak but cannot attend for the whole inquiry, let the inspector know at the start. He or she will then try to arrange things so that you can go on a particular day to give your evidence.

The inspector's decision will only set out the main reasons for granting or refusing planning permission – it will not repeat all the arguments or evidence heard at the inquiry.

The jargon explained

Main or 'principal' parties: the person or group which asked for the inquiry, the local planning authority and sometimes the county council.

Other parties: town or parish councils, local organisations, businesses and local residents.

Advocate: a lawyer or professional person representing a person or group at the inquiry.

Witness: a person giving evidence on behalf of a party (for example, a traffic engineer).

Cross-examination: one party asking questions of another party or its witnesses.

Proof of evidence: a prepared written statement that may be read out at the inquiry.

Statement of common ground: a document listing all the points that both the developer and the council agree on (such as the plans).

Material considerations: any information relevant to the case which the inspector must consider.

Development plan, local development framework: plans prepared by local authorities containing their planning policies for the area.

Planning Policy Guidance (PPG), Planning Policy Statements (PPS): documents prepared by the Government containing national planning guidance on important subjects such as housing, building in the countryside and so on.

Frequently asked questions

The developer has expensive legal and other professional help but local residents like me do not. How is this fair?

The inquiry can still be fair if the developer has legal representatives. The inspector will always try to help you put across your case if you are not familiar with the inquiry process, although they cannot make your case for you. The council will often have professional support and will be representing the views of the local community. Ultimately, it is the evidence that is presented to the inspector that is important rather than who is providing it.

If many local residents are against this proposal, does this improve the chances of it being rejected?

Not necessarily. Local opposition by itself is not a reason for dismissing an appeal. You need to provide planning evidence to support your views.

There is no need for this development and the developer only wants to make a profit, so will the appeal be rejected automatically?

Normally, developers do not have to show that there is a need for the development, so we will not automatically refuse planning permission. The reasons why a developer wants to build are not relevant.

How long will I have to wait for the decision?

We aim to issue the decision within seven weeks of the inquiry but we cannot guarantee this every time.

How will I know when you issue the inspector's decision? You can ask us or the inspector to send you a copy of the decision. If you speak at the inquiry, we will automatically send you a copy.

Can you change the decision if I think it is wrong?

No. The decision can only be reviewed if it is successfully challenged in the high court because of a legal error. We will send a leaflet explaining this with our decision.

So, if the inspector refuses planning permission, is that the end of the matter or can the developer try again? Although the inspector's decision is final, the developer can change their plans and make a new application to the council if they think they can solve the problems the inspector identified. The council will then have to decide if the new plans would be acceptable.

If planning permission is refused, can it be used as a reason for dismissing any similar schemes in the future? No, not if this is the only reason. Every case has to be treated individually but previous decisions may still be relevant if they are very similar to the new application.

If planning permission is granted but the developer ignores some of the planning conditions or builds something different to what was applied for, can I ask the inspector to re-investigate?

No. Once an inspector has made a decision, your council's planning department are responsible for dealing with any failure by the developer to act in line with the permission.

How can I find out more information?

Phone 0117 372 6372 for a copy of our free booklet 'Guide to Taking Part in Planning Appeals'. You can find other useful information on our website: www.planning-inspectorate.gov.uk

Inspectors' code of conduct

This code is based on the 'seven principles of public life' set down by Lord Nolan as Chairman of the Committee on Standards in Public Life. The seven principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It is also based on the "Franks' principles" of openness, fairness and impartiality. The principles set out below are on top of the duties and responsibilities inspectors have under the Civil Service Code:

1. Inspectors make their decisions and recommendations in the public interest.
2. Inspectors do not judge a case before they have considered the evidence.
3. Inspectors are not involved in cases where they have a financial interest or a personal interest that may cause them to be seen as biased.
4. Inspectors are not influenced by irrelevant considerations or outside influences when making their decisions and recommendations.
5. Inspectors refuse all gifts, hospitality and other benefits offered by parties who have an interest in a case, other than those of little or no value.
6. Inspectors handle cases as quickly as possible.
7. Inspectors treat each person with dignity and respect.
8. Inspectors do not discriminate against people because of their race, sex, sexuality, marital status, religion, disability, age and so on.
9. Inspectors avoid unnecessary delay in reaching their decisions and recommendations.
10. Inspectors give reasons for their decisions and recommendations.
11. Inspectors keep their professional knowledge and skills up-to-date.
12. Inspectors are responsible for their decisions and recommendations.

Who should pay costs?

Everyone at the inquiry normally pays their own costs but if you think you have had to pay unnecessary costs because of another party's unreasonable behaviour, you can apply for costs at the end of the inquiry. The inspector will consider whether he or she agrees and if so, whether the party responsible should pay some or all of your costs. However, this usually only happens with the main parties. As long as you have acted reasonably, you need not worry about this.



INVESTOR IN PEOPLE

