

## Report of the Interim Chief Executive

**BRIEFING NOTE****Planning Appeals Procedure Update**

The application is brought to the Committee as an information item.

1. Purpose of the Report

1.1 This item is brought to Committee as an information item and for discussion following changes to the planning appeal system which came into effect 1<sup>st</sup> April 2026.

2. Details

2.1 There are three procedures for handling appeals, these being: written representations; hearings; and inquiries. The Planning Inspectorate decide which procedure each appeal will follow. In most cases appeals follow the written representations procedure, with only the more complicated or contentious appeals being determined by way of a hearing or an inquiry.

2.2 From 1<sup>st</sup> April 2026, in respect of written representations procedure, there will now be a two-part system. Part 1 being an 'expedited' procedure, and Part 2 being the same written representations procedure in place up until 31<sup>st</sup> March 2026.

2.3 To explain further, the Part 1 procedure will now see the LPA only being allowed to submit a completed questionnaire (information containing details of the application; copies of neighbour and statutory consultee responses; copies of Local Plan Policies) to the Planning Inspectorate as well as copies of either the officer report (delegated or committee report) and, where heard at committee, a copy of any minutes from that meeting. Once received there is no further opportunity for the LPA, the appellant or third parties to submit new evidence or to submit representations in the form of a Grounds of Appeal statement. The Planning Inspectorate will then visit the site and issue an appeal decision.

2.4 Appeals that fall into the following categories will follow the part 1 (expedited procedure):

- Appeals against a refusal of planning permission
- Appeals against a grant of planning permission subject to conditions that the applicant objects to
- Appeals against a refusal of prior approval
- Appeals against a refusal of advertisement consent
- Appeals against the refusal of an application to approve a reserved matter
- Appeals against the LPA's refusal of an application to modify or remove a condition under section 73 of the Town and Country Planning Act 1990

- Appeals against the LPA’s refusal of an application for planning permission for development already carried out under section 73A of the Town and Country Planning Act 1990
  - Appeals against permission in principle or refusal of technical details consent
- 2.5 The Part 2 procedure will follow the same route as Part 1, with the exception of allowing both parties (appellant and LPA) to submit grounds of appeal and third parties to submit further comments.
- 2.6 Appeals that fall into the following categories will follow the Part 2 procedure:
- Appeals against the LPA’s failure to determine an application within their time limit for doing so (‘non-determination’ cases)
  - Appeals in relation to an application for Listed Building Consent
  - Appeals in relation to a discontinuance notice
- 2.7 Implications in respect of the Part 1 procedure should be noted as this route to determine planning appeals may result in more appeals being upheld and an increased risk of costs being awarded.
- 2.8 Delegated reports by Planning Officers will be written in a way so as to ensure the argument for the refusal is strengthened.
- 2.9 In respect of committee reports where the members resolve to refuse the proposed development contrary to the officer recommendation, it is important to acknowledge that the committee report and minutes of the meeting only, would be taken as the LPA’s case to be assessed as part of an appeal. The officer report would be written in the positive – that is, with a recommendation to grant planning permission subject to conditions. As such, it is important to ensure that full minutes in respect of the member discussion and planning matters that the members resolve to refuse the development on are recorded, as the minutes of the committee meeting would be the only opportunity for the LPA to put their case forward as grounds for refusal.
- 2.10 There is a risk that failure to present minutes that outline the reasons for refusal, which should clearly be based only on adopted planning policies, to the Planning Inspectorate, may result in costs being awarded to the appellant.
3. Financial Implications
- 3.1 The comments from the Head of Finance Services were as follows:
- There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

3.2 Notwithstanding the above, consideration should be made in respect of award of costs should an appeal be lodged, as outlined in paragraphs 3.7 and 3.8 above.

4. Legal Implications

4.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

5 Data Protection Compliance Implications

5.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

6. Background Papers:

6.1 [Planning appeals: procedural guide. For appeals relating to applications dated on or after 1 April 2026. - GOV.UK](#)

Explainer: [The Town and Country Planning \(Appeals\) \(Written Representations Procedure\) \(England\) \(Amendment and Saving Provision\) Regulations 2026](#)