

Wolverhampton City Council

OPEN INFORMATION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date 27 th March 2012
Originating Service Group(s)	EDUCATION AND ENTERPRISE	
Contact Officer(s)/	CHRIS HOWELL (Section Leader)	STEPHEN ALEXANDER (Head of Development Control and Building Control)
Telephone Number(s)	(01902) 551126	(01902) 555610
Title/Subject Matter	PLANNING APPEALS	

1.0 Purpose of Report

- 1.1 To provide the Committee with an analysis of planning appeals in respect of decisions of the Council to either refuse planning or advertisement consent or commence enforcement proceedings.

2.0 Planning Appeals Analysis

- 2.1 The Appendix to this report sets out the details of new planning appeals, ongoing appeals and those which have been determined by the Planning Inspectorate in respect of the decisions of the Council to either refuse planning or advertisement consent or commence enforcement proceedings.
- 2.2 In relation to the most recent appeal decisions of the Planning Inspectorate i.e. those received since last meeting of the Committee, a copy of the Planning Inspector's decision letter, which fully explains the reasoning behind the decision, is attached to this report. If necessary, Officers will comment further on particular appeals and appeal decisions at the meeting of the Committee.

3.0 Financial Implications

- 3.1 Generally, in respect of planning appeals, this report has no specific financial implications for the Council. However, in certain instances, some appeals may involve the Council in special expenditure; this could relate to expenditure involving the appointment of consultants or Counsel to represent or appear on behalf of the Council at Public Inquiries or, exceptionally, if costs are awarded against the Council arising from an allowed planning/enforcement appeal. Such costs will be drawn to the attention of the Committee at the appropriate time.

**4.0 Equal Opportunities/
Environmental Implications**

- 4.1 None.

NEW APPEALS

Appeal Site / Ward / Appellant	Application No / Proposal	Type of Appeal / Date Submitted	Summary of Reasons for Refusal / Requirements of Enforcement Notice
Ladbrokes Racing Limited, 2 North Street, Wolverhampton St Peters Wilf Gilbert (Staffs) Ltd	Appeal against	Enforcement Written representation 14.02.2012	The external security shutter is of a poor design appearing as a bulky, unnecessary feature of the shop front. When closed the shutter produces a deadening visual effect with a harsh and forbidding appearance likely to contribute to the fear of crime in this locality. The external security shutter fails to preserve and enhance the character and the appearance of the building and the wider street scene at this important crossroads in the City Centre Conservation Area. Therefore these elements have an adverse effect on the vitality and viability of the City Centre and are contrary to national and local planning policy.

ONGOING APPEALS

	<u>Appeal Site / Ward</u>	<u>Appellant</u>
1.	1 Carisbrooke Gardens Wolverhampton	Mr M Evanson
	Bushbury North	
2.	42 Lower Prestwood Road Wolverhampton	Mrs Jane Hammond Bood
	Wednesfield North	
3.	Midland Snacks Bridge Street Heath Town	Midlands Snacks Ltd
	Bushbury South And Low Hill	
4.	Penn Manor Medical Centre Manor Road Penn	Mr Nigel Ford
	Penn	
5.	53 Mount Road Tettenhall Wood Wolverhampton	Mr P Stafford
	Tettenhall Wightwick	
6.	Land Fronting 291 Tettenhall Road Wolverhampton	Vodafone (UK) Ltd And O2 (UK) Ltd
	Park	
7.	Unit 4 Springhill Lane Wolverhampton	Seven Counties Construction Ltd
	Penn	

APPEALS DETERMINED SINCE LAST MEETING

Appeal Site / Ward / Appellant	Application No / Proposal	Type of Appeal / Date Submitted	Reasons for Refusal / Requirements of Enforcement Notice	Decision and Date of Decision
<p>Land At Front , Ashmore Park Library, Griffiths Drive</p> <p>Wednesfield North</p> <p>Vodafone Ltd & Telefonica 02 UK Ltd</p>	<p>11/00536/TEL</p> <p>Telecommunication - Vodafone/02 - Installation of 12.5m high Streetpole enclosing two antenna and associated equipment and housing.</p>	<p>Planning</p> <p>Written representation</p> <p>23.09.2011</p>	<p>The proposal would result in unnecessary visual clutter creating an undesirable visually prominent, obtrusive and incongruous feature. As such the proposed streetpole would impact the skyline, have serious adverse effect on visual amenity and is detrimental to the streetscene and locality. The proposal would also result in the reduction of the footway to the detriment of pedestrian safety. Contrary to UDP Policies D6, D7, D9, EP20 and AM15 BCCS Policies CSP4, ENV3 and The Interim Telecommunications Policy</p>	<p>Appeal Dismissed</p> <p>08.03.2012</p>

Appeal Site / Ward / Appellant	Application No / Proposal	Type of Appeal / Date Submitted	Reasons for Refusal / Requirements of Enforcement Notice	Decision and Date of Decision
<p>115 Wynn Road, Wolverhampton, Penn Mr Paul</p>	<p>11/00586/FUL Two storey side and single storey rear extension and canopy to front elevation</p>	<p>Planning Fastrack Householder Appeal 05.12.2011</p>	<p>Impact on street scene and host dwelling from authorised canopy and roof tile materials off the side extension. Insufficient information. Policies UDP D9, BCCS, ENV 3 and SPG4 Instigate enforcement proceedings.</p>	<p>Appeal Allowed 23.02.2012</p>
<p>295 Great Brickkiln Street, Wolverhampton, Graiseley Mr M Zahiri</p>	<p>11/00473/RP Retrospective - Retention of hand car wash and valeting facility</p>	<p>Planning Written representation 08.12.2011</p>	<p>Detrimental to neighbour amenity and highway safety Insufficient details to assess on site drainage. Contrary to UDP Policies ENV3, EP1, EP5, B5, AM12, AM15 and EP9</p>	<p>Appeal Dismissed 12.03.2012</p>

Appeal Site / Ward / Appellant	Application No / Proposal	Type of Appeal / Date Submitted	Reasons for Refusal / Requirements of Enforcement Notice	Decision and Date of Decision
<p>54 Linden Lea, Wolverhampton, WV3 8BD</p> <p>Tettenhall Wightwick</p> <p>Mr & Mrs Robert Gilham</p>	<p>11/00826/RP</p> <p>Retrospective application for retention of increased ridge height to accommodate roof dormer.</p>	<p>Planning</p> <p>Fastrack Householder Appeal</p> <p>03.01.2012</p>	<p>The increase in the ridge height of the roof has resulted in a dormer extension of a poor quality design, which is out of scale and detracts from the character and appearance of the property. The appearance of the dormer extension is detrimental to the visual amenity of the neighbouring properties and surrounding area.</p> <p>The development is contrary to retained UDP Policies D4, D6, D7, D8, D9 and adopted SPG No.4. The development is also contrary to adopted BCCS policy ENV3.</p>	<p>Appeal Dismissed</p> <p>20.02.2012</p>



Appeal Decision

Site visit made on 27 February 2012

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 March 2012

Appeal Ref: APP/D4635/A/11/2161375

Land at Griffiths Drive, Ashmore Park, Wolverhampton WV11 2LJ

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Vodafone (UK) Ltd and Telefonica 02 (UK) Ltd against the decision of Wolverhampton City Council.
 - The application Ref 11/00536/TEL, dated 26 May 2011, was refused by notice dated 4 July 2011.
 - The development proposed is the installation of a 12.5m high telecommunications street pole enclosing two antenna and associated equipment and housing.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity I have based the description of development on the more concise form used on the decision notice.

Reasons

3. The main issues are:
 - (1) the effect on the character and appearance of the area;
 - (2) the effect on pedestrian safety; and,
 - (3) whether any harm is outweighed by the need to site the installation in the location proposed.
4. Griffiths Drive is a busy distributor road, central to the large housing area of Ashmore Park, which provides access to the shopping parade, schools and other community facilities nearby. When I visited the site around lunchtime there was a reasonable amount of pedestrian activity in the area reflecting the proximity of facilities.
5. Typical street furniture lines the road, including lighting columns, highway signage and cabinets. In addition there is a telegraph pole close to the appeal site and CCTV columns around the shopping centre. Two trees lie immediately to the north of the proposed installation at the edge of an area of grassed open space to the west of the shopping centre.
6. The pole would be of simple design and seen in the context of existing street furniture. However, the pole, at 12.5m high, would exceed the height of the nearby lighting columns by over 4m. The installation would also be about 3m taller than the telegraph pole, trees and CCTV columns. The pole would also have a significantly wider diameter than most other street furniture. Although

the adjacent trees would soften the impact by providing a backdrop and foreground from some directions, the pole would still tower above the nearby features and would appear as a dominant utilitarian feature in the street scene and against the skyline, particularly when viewed by pedestrians crossing the open space or walking along Griffiths Drive.

7. I conclude that the street pole would have an adverse impact on the character and appearance of the area. The small equipment cabinet and meter pillar would be of similar scale to some cabinets on the highway verge to the west of the appeal site and would be visually acceptable. There would be enough separation between the installation and the ancient moat, centred on the open space, such that the setting and integrity of the moat would not be materially affected.
8. The equipment cabinet and meter pillar would be sited at a point on the pavement where it widens out to allow for a lay-by. As a result there would be a distance of about 3.5m between the front face of the cabinet and the pavement edge and about 2.5m between the cabinet and the street pole. Whilst there would be a pinch-point between the corner of the cabinet and the grass verge to the south-west where the footway would narrow to about 1.3m, an acceptable width of pavement would be retained to either side. Moreover, a section of the verge could be hard-surfaced so that a wider pavement would be retained. The periods when the cabinet doors would be open would be very infrequent.
9. I conclude that pedestrian safety would not be compromised so there would be compliance with Policy AM15 of the *Wolverhampton Unitary Development Plan* (UDP).
10. The harm arising from the visual impact of the street pole needs to be weighed against the need for the installation and the benefits for network coverage. In this respect I give significant weight to the appellants' evidence as to the need for the installation in this general location. Moreover, the pole, including its height, has been designed to allow for mast sharing by two operators, an approach which is to be encouraged¹.
11. A number of alternative sites have been considered by the appellants. For example the installation of equipment on several of the buildings in the area has been discounted due to design constraints or the unwillingness of the owners to allow such an installation. The three-storey flat roofed shopping parade nearby, which would appear to be the obvious alternative, is affected by the moratorium on telecommunications equipment on Council property. A countryside location would not provide the required coverage. Based on the information before, realistic alternatives in terms of the use of existing buildings have been properly considered and discounted.
12. However, despite these factors, I am not satisfied that all other design solutions and locations nearby have been fully explored. PPG8, the *Code of Best Practice on Mobile Phone Network Development* and the Council's *Interim Telecommunications Policy* (ITP) encourage design innovation. It would appear to me that there would be scope to use open space or a roadside within the locality for an innovative design, with the inclusion of the local authority and local community in the design process.

¹ Planning Policy Guidance Note 8 – Telecommunications (PPG8) – Paragraph 20

13. I conclude that, on balance, the visual harm is not outweighed by the need to site the installation in the location proposed. I consider that the need is likely to be able to be met nearby with a design which would minimise the impact of the development on the environment. There would be conflict with Policy EP20 of the UDP and the ITP as the development has not been designed and sited to minimise its visual impact. The ITP, which has been adopted as supplementary planning guidance and, therefore, should be given some weight, indicates that the proposal would be within a sensitive location, a predominantly residential area. I have taken into account the other development plan policies referred to by the Council and the appellants. However, I regard EP20 to be the policy of most importance as it relates specifically to telecommunications development.
14. Concerns have been expressed about the possible health risks associated with the development and its emissions, particularly given the proximity of primary and nursery schools and other community facilities. PPG8 indicates that the planning system is not the place for determining health safeguards. As the installation would meet ICNIRP guidelines it is not necessary for me to consider further the health aspects of the proposal. Fears about perceived risks do not amount to a material consideration upon which I place much weight.
15. I have taken into account the other matters raised. There is no reason why the installation would be a magnet for anti-social behaviour, particularly graffiti. The pole would be sufficient distance from nearby dwellings, including the flat above the library, such that the outlook for residents would not be significantly affected.
16. However, for the reasons given above I conclude that the appeal should be dismissed.

Mark Dakeyne

INSPECTOR



Appeal Decision

Site visit made on 15 January 2012

by Elaine Benson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February 2012

Appeal Ref: APP/D4635/D/11/2165723
115 Wynn Road, Penn WV4 4AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul against the decision of Wolverhampton City Council.
 - The application Ref 11/00586/FUL, dated 10 June 2011, was refused by notice dated 17 October 2011.
 - The development proposed is described as 'double storey extension'.
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Procedural Matters

1. The Council described the proposal as 'Two storey side and single storey rear extension and canopy to front elevation'. This description more accurately represents the proposal than that set out above. Accordingly the appeal has been assessed on this basis.
2. The development has already been carried out. However, the submitted drawings do not accurately reflect the works undertaken in respect of fenestration and the width of the roof on the rear extension. In the absence of accurate drawings, the Council's assessment of the proposal was based on the development as built. A similar approach has been taken in this appeal.

Decision

3. The appeal is allowed and planning permission is granted for two storey side and single storey rear extension and canopy to front elevation at 115 Wynn Road, Penn in accordance with the terms of the application, Ref 11/00586/FUL, dated 10 June 2011, subject to the following condition:
 - 1) The roofing materials used on the two storey side extension and canopy shall be removed and replaced by materials which match the main roof of the appeal property. Details of the replacement materials shall be submitted to and approved in writing by the local planning authority. The re-roofing works shall be carried out within twelve weeks of the date of this decision in accordance with the approved details.

Main Issues

4. One of the reasons for refusal states that there is insufficient information to make an assessment of the plans. However the Council has refused the appeal proposal and considers the inaccuracies in the plans to be minimal. Within this context there is sufficient information to determine the appeal. The Council raises no objection in principle to the two-storey side and single storey extension and there are no reasons to disagree. This decision therefore

focuses on the issues in dispute which relate to the principle of the front canopy and the materials used for its roof and that of the side extension. The main issues are their effects on the character and appearance of the host dwelling and street scene.

Reasons

5. The Council indicates that the size of the canopy is consistent with the advice in its Supplementary Planning Guidance No 4: Extension to Houses (SPG4), but states that no other immediately adjacent houses on this part of Wynn Road have a front canopy. However, there are a number of canopies and pitched roofs over garages in the road which have a similar appearance. Within this context which also includes a variety of house designs, the canopy structure does not in itself appear out of keeping with its surroundings.
6. However, the materials used for the canopy and the side extension roof do not match the roof of the main house. This results in an obtrusive and visually unacceptable form of development which harms the appearance of the house. Furthermore, the use of differing materials results in alterations which are out of character with other houses in the locality and visually discordant within the street scene. There is added prominence due to the house's location on a bend in the road.
7. The appellant confirms that he is prepared to change the roof tiles. Such an amendment would overcome these concerns. It would therefore be reasonable to grant planning permission for the overall development subject to a condition requiring the replacement of the inappropriate roofing materials with matching tiles to be agreed in advance with the Council. A timescale of 12 weeks to complete these works as suggested by the Council is appropriate and is not contested.
8. Subject to compliance with the imposed condition, the proposed development would no longer conflict with saved Policy D9 of the Wolverhampton Unitary Development Plan, which requires new development to make a positive contribution to the locality through the use of appropriate form and good quality detailing and materials. For the same reasons it would not be counter to the similar design requirements of Policy ENV3 of the Black Country Core Strategy. With matching roof materials, the scheme would comply with the guidance for canopies set out in SPG4.
9. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

Elaine Benson

INSPECTOR



Appeal Decision

Site visit made on 28 February 2012

by Alan M Wood MSc FRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 March 2012

Appeal Ref: APP/D4635/A/11/2165887

295 Great Brickkiln Street, Wolverhampton, WV3 0PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Zahiri on behalf of HPU Car Wash against the decision of Wolverhampton City Council.
 - The application Ref 11/00473/RP, dated 13 May 2011, was refused by notice dated 13 July 2011.
 - The development is a hand car wash.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the development on:
 - highway safety
 - the living conditions of neighbouring residential occupiers in respect of noise and disturbance; and
 - Whether the development provides adequate drainage arrangements.

Reasons

Highway Safety

3. The car wash and valeting service is already operating from the appeal site. The site also contains a tyre sales facility. Furthermore, although the appellant has stated that the car sales business on the site has ceased trading, I saw that a number of cars were being offered for sale within the site and along the Great Brickkiln Street frontage on both sides of its junction with Kimberley Street. There is also signage advertising the Premier Car Sales facility within the site. The existence of these commercial activities significantly limits the opportunity for customers of the car wash and valeting operation to park within the site. This arrangement could therefore result in queues forming in Great Brickkiln Street whilst customers wait to be served.
4. Great Brickkiln Street is a busy thoroughfare which connects directly with the city's ring road. The appeal site is situated at the intersection with Kimberley Street and the access to the site off Great Brickkiln Street is across a lay-by arrangement which also serves as a bus stop. From my observations, the

presence of stationary vehicles queuing in the carriageway at this location would represent a hazard to highway safety.

5. Policy AM12 of the Wolverhampton Unitary Development Plan (2006) [UDP] relates to the provision of adequate parking arrangements associated with development. Policy AM15 of the UDP requires that development should contribute towards improving road safety. I find therefore that the development conflicts with both of these policies.

Living Conditions

6. Policy ENV3 of the Black Country Core Strategy (2011) and Policies B5, EP1 and EP5 of the UDP require that development should provide environmental benefits, protect the amenity of surrounding land uses and restrict noise emissions. I observed that the hand washing of vehicles is taking place at the southern end of the site close to the boundary with 67 Kimberley Drive. This boundary is delineated predominantly by a line of timber fencing. The noise associated with the car wash activity would be audible to the residents of No 67 particularly within their rear garden.
7. Dependent upon the wind direction, it is also conceivable that water from the pressure washer could migrate into the rear garden of the dwelling. Owen Road borders the appeal site to the west. The occupiers of Nos 96 to 100, whose rear gardens either abut or are close to the site, could also be similarly affected by the car wash operations although the dwellings are shielded to some degree by the buildings on the site. I acknowledge however the appellant's contention that the current authorised use of the site is light industrial and, having regard to the planning history in the Council officer's report, this does appear to be the case.
8. From my observations, and taking all of the above factors into consideration, the concerns relating to living conditions could be overcome by the imposition of conditions. The Council has suggested a restriction on the hours of use for the activity and a requirement for signage requiring customers to turn off their car engines and audio equipment whilst on the site. Additionally, a condition could be imposed requiring the submission of details of boundary treatments for those parts of the appeal site which border residential curtilages.

Drainage Arrangements

9. Policy EP9 of the UDP requires that all development should make adequate provision for the drainage of foul and surface water. The appellant has stated that the water used for the washing of cars falls to an existing yard gulley at the southern end of the site and that the car wash only utilises one pressure washer. However, no details of the existing drainage infrastructure are before me so it is not possible to fully assess its adequacy or the treatment arrangements for any contaminants. The Council has acknowledged that this matter could be addressed by the imposition of a condition requiring the submission of drainage details and the subsequent implementation of an approved scheme. I agree with that view.

Conclusion

10. I find that the harm I have identified above with regard to highway safety represents convincing reasons why permission should be withheld in this case. This is not altered by my findings in relation to living conditions or drainage

provision either individually or when taken together. I have taken account of the views of local residents and other interested parties in reaching this decision and have considered all of the matters before me. For the reasons given above, the appeal does not succeed.

Alan M Wood

Inspector



Appeal Decision

Site visit made on 13 February 2012

by J.P. Watson BSc MICE FCIHT MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 February 2012

Appeal Ref: APP/D4635/D/12/2168118
54 Linden Lea, Wolverhampton WV3 8BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Gilham against the decision of Wolverhampton City Council.
 - The application Ref 11/00826/RP, dated 18 August 2011, was refused by notice dated 17 October 2011.
 - The development proposed is increased ridge height to accommodate roof dormer and raising of side barge boards to rear.
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Decision

1. The appeal is dismissed.

Preliminary

2. This appeal is made in respect of development that has already taken place.

Main Issue

3. The main issue is the effect of the appeal proposal on the appearance of the host building and the locality.

Reasons

4. The Council draws attention to policies from the Wolverhampton Unitary Development Plan 2001-2011 ("the UDP") and to Policy ENV3 of the adopted Black Country Core Strategy. The Council refers too to Adopted Supplementary Planning Guidance No. 4 *Extensions to Houses* ("the SPG"), which sets out design criteria for roof extensions and alterations. The SPG was adopted by the Council in 1996, and a note reports how the SPG related to the development plan then, but nothing before me indicates how it is part of the current development plan and I therefore attribute very limited weight to it. However, the SPG points out that not all extensions require planning permission, and that remains the case now.
5. The Town and Country Planning (General Permitted Development) Order 1995 ("the GPDO") identifies as permitted development the enlargement of a dwellinghouse consisting of an addition or alteration to its roof unless, among other things, any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof. The grounds of appeal report the Council to have indicated that the dormer may be retained subject to alterations overcoming its objection to the increase in ridge height. That would create a fall-back position; through the exercise of GPDO rights an alteration to the roof could be achieved without the need for planning

- permission. The Council's reason for refusal refers not to the overall effect that the roof alteration would have if retained; rather, it refers to that part of the effect that would be due to the increase in the ridge height of the roof and the resulting form of the dormer.
6. The Appellant contends that the increase in ridge height is very small and that it should not be construed that this alone causes significant harm. But even if that were the case UDP Policy D9, which deals with the appearance of development, seeks more than a lack of significant harm: "buildings ... should make a positive contribution to the locality through the use of appropriate form and good quality detailing and materials." There is no dispute about detailing or materials. I therefore consider the effect that the increase in ridge height, and the resulting extra height of the dormer, has on the building's contribution to the locality.
 7. The appeal property is one of a group of houses in a residential estate setting. Gable ended pitched roofs predominate. Apart from the dormer that includes the appeal proposal, the style and form of each building complements those of the others in the group so as to comprise a harmonious whole. The gap between numbers 58 and 60 Linden Lea allows a clear view from public space to the rear upper storeys and roofs of numbers 58 and 56, and of the roof and dormer at the appeal house, and there are views of the rear of the appeal property from the backs of some nearby properties. The rear of the appeal property, particularly above its original eaves, is visually significant in the locality.
 8. The ridge has been raised by some 0.4 metres above its original height, and a flat roof built at that increased height. Viewed square-on from the street in front of the appeal house, the dormer is not apparent and the extension to the plane of the existing roof slope makes little difference to the appearance of the house. Viewed from the street to the south of 52 Linden Lea, the cheek of the dormer with its flat roof is incongruous in the general pitched roofscape. The bulk of the dormer with the raised ridge is noticeably greater than it would otherwise be, and its incongruity is therefore also increased. Viewed from the side, from the direction of numbers 58 and 60 Linden Lea and the street and open space beyond, the flat-roofed dormer again looks out of place and, by virtue of its greater bulk, the dormer is noticeably more intrusive and unattractive than if the ridge, and the flat roof of the dormer, had not been raised. Viewed from the rear the dormer looks out of place due to its height, width and roof form, and the extra height associated with the raising of the ridge increases that effect.
 9. I therefore find that the extra effect of the raised roof is to increase noticeably the incongruity of the dormer. That harms the appearance of the building and, therefore, its contribution to the locality.
 10. By virtue of its increased use of an inappropriate built form the appeal scheme does not make a positive contribution to the appearance of the locality, and therefore UDP Policy D9 would not be satisfied. Rather, the effect would be negative. I conclude that the appeal should be dismissed.

J.P. Watson
INSPECTOR



The Planning Inspectorate

v7.3

An Executive Agency in the Department for Communities & Local Government and the Welsh Assembly Government

Our Complaints Procedures

Introduction

We can:

- review your complaint and identify any areas where our service has not met the high standards we set ourselves.
- correct some minor slips and errors provided we are notified within the relevant High Court challenge period (see below).

We cannot:

- change the Inspector's decision.
- re-open the appeal once the decision has been issued.
- resolve any issues you may have with the local planning authority about the planning system or the implementation of a planning permission.; we can only deal with planning appeal decisions.

The **High Court** is the only authority that can ask for the Inspector's decision to be reconsidered. Applications to the High Court must be made within 6 weeks from the date of the decision letter for planning appeals, and in most instances 28 days for enforcement appeals.

Complaints

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to explain things as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

How we investigate complaints

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly-held.

The Quality Assurance Unit works independently of all of our casework teams. It ensures that all complaints are investigated thoroughly and impartially, and that we reply in clear,

straightforward language, avoiding jargon and complicated legal terms.

We aim to give a full reply within three weeks wherever possible. To assist our investigations we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

What we will do if we have made a mistake

Although we aim to give the best service possible, there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future.

Who checks our work?

The Government has said that 99% of our decisions should be free from error. An independent body called the Advisory Panel on Standards (APOS) monitors this and regularly examines the way we deal with complaints. We must satisfy it that our procedures are fair, thorough and prompt.



Taking it further

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary and Health Service Ombudsman, who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

Frequently asked questions

“Can the decision be reviewed if a mistake has happened?” – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision or change the decision reached. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

“So what is the point of complaining?” – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

“Why did an appeal succeed when local residents were all against it?” – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds on all of the evidence whether these views justify refusing planning permission.

“What do the terms ‘Allowed’ and ‘Dismissed’ mean on the decision?” – ‘Allowed’ means that Planning Permission has been granted, ‘Dismissed’ means that it has not. In enforcement appeals (s.174), ‘Upheld’ means that the Inspector has rejected the grounds of appeal and the enforcement notice must be complied with; ‘Quashed’ means that the Inspector has agreed with the grounds of appeal and cancelled the enforcement notice.

“How can Inspectors know about local feeling or issues if they don’t live in the area?” – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have made on the appeal.

“I wrote to you with my views, why didn’t the Inspector mention this?” – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

“Why did my appeal fail when similar appeals nearby succeeded?” – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

“I’ve just lost my appeal, is there anything else I can do to get my permission?” – Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to its planning officer about this might help you explore your options.

“What can I do if someone is ignoring a planning condition?” – We cannot intervene as it is the council’s responsibility to ensure conditions are complied with. You could contact the council as it has discretionary powers to take action if a condition is being ignored.

Further information

Each year we publish our Annual Report and Accounts, setting out details of our performance against the targets set for us by Ministers and how we have spent the funds the Government gives us for our work. We publish full statistics of the number of cases dealt with during the preceding year on our website, together with other useful information (see ‘Contacting us’). You can also obtain booklets which give details about the appeal process by telephoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or at www.apos.gov.uk

Contacting us

Complaints & Queries in England

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone: 0117 372 8252

E-mail: complaints@pins.gsi.gov.uk

Website www.planning-inspectorate.gov.uk

Enquiries

Phone: 0117 372 6372

E-mail: enquiries@pins.gsi.gov.uk

Complaints & Queries in Wales

The Planning Inspectorate
Room 1-004
Cathays Park
Cardiff CF1 3NQ

Phone: 0292 082 3866

E-mail: Wales@pins.gsi.gov.uk

The Parliamentary & Health Service Ombudsman

Millbank Tower, Millbank
London SW1P 4QP

Helpline: 0845 0154033

Website: www.ombudsman.org.uk

E-mail: phso.enquiries@ombudsman.org.uk

Please see Wales leaflet for information on how to contact the Wales Public Services Ombudsman.