

# Independent Review of Planning Appeal Inquiries

Annexes A-H

Bridget Rosewell OBE



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# Annex A – Terms of Reference

## PLANNING APPEAL INQUIRIES REVIEW: TERMS OF REFERENCE

### **Aim**

To review the use and operation of the planning appeal inquiries procedure to make it quicker and better. The Review will examine the end-to-end process and will make recommendations to significantly reduce the time taken to conclude planning inquiries, while maintaining the quality of decisions.

The Review will examine the rules and processes of the full end-to-end process surrounding inquiries, particularly focusing on major housing schemes as a government delivery priority, and the behaviours of all parties. It will examine whether specific or general efficiencies in inquiries procedures could have wider benefits for timing and handling of other appeals processes.

### **Scope**

The Review should engage with all parties in the inquiry processes, including appellants, local planning authorities, third parties including statutory consultees, lawyers, Planning Inspectors, and other Planning Inspectorate staff. It should focus on the role of inquiries in major housing applications, with wider application to all inquiries. If appropriate, it should look at relevant good practice in comparable regimes. It should consider:

- the circumstances in which the public inquiry procedure is favoured by appellants and whether a different procedure may be more appropriate
- the purpose of the inquiry procedure and whether current practice delivers this purpose
- the rules and procedures governing inquiries, the custom and practice during inquiries, and make recommendations for improvements, in particular what it would take to halve current end to end inquiry procedure times
- the specific implications for the Planning Inspectorate and appellants of any recommendations to change the inquiries procedure, including implications for other appeal procedures.

### **Timescale**

The Review will report to the Secretary of State for Housing by the end of 2018.

### **Review Lead**

The Review will be led by Bridget Rosewell OBE.

### **Resources**

The Review will be supported by a small team of officials within the Ministry of Housing, Communities and Local Government and the Planning Inspectorate.

# Annex B – List of Inquiry Review Team Members

Bridget Rosewell - Chair

## **MHCLG – Core team**

Tony Thompson

Bethan MacDonald

Fionnuala Wolff

Ed Crome

## **Planning Inspectorate – Core Team**

Simone Wilding

Christine Thorby

David Nicholson

## **Deep dive research and analysis**

Katherine Harris

Kate Reyes

In addition, many staff across the Planning Inspectorate provided background information, technical and statistical support to the Inquiry Review Team.

# Annex C – Programme of Engagement

## **Engagement process**

The Review engaged stakeholders through:

- The call for evidence;
- A series of regional stakeholder meetings;
- Written submissions from some stakeholders in response to the call for evidence;
- One to one meetings with a range of stakeholders from different sectors.

## **Call for Evidence and technical annexes**

- Published 24 July 2018
- Closing date for comments 18 September 2018
- 104 written responses received – 60 organisations and 44 individuals

## **Regional stakeholder events**

- Bristol – 21 September 2018, 11 external attendees
- London – 3 October 2018, 16 external attendees
- Birmingham – 9 October 2018, 12 external attendees
- Manchester – 16 October 2018, 12 external attendees

Representatives of the following sectors were present at the events:

Developer/ appellant

Planning /development consultant

Local planning authority

Amenity/resident group/environment protection

Statutory consultee

Lawyer/barrister

Senior Planning Inspector

## **Meetings with individual stakeholders/groups:**

- Berkeley Group
- British Property Federation
- Cheshire East Council
- Federation of Master Builders
- Gladman Developments

- Heritage Alliance
- London Borough of Bromley<sup>1</sup>
- National Organisation of Residents' Association & representatives of local community groups in the Farnham area
- Planning & Environmental Bar Association
- Royal Town Planning Institute
- Senior Planning Inspectors
- Statutory consultees working group
- The Home Builders Federation – National Planning Committee
- Town Legal

Below is a list of organisations who engaged with the review either at a meeting or event and/or through the submission of a response to the call for evidence:

Arup

Association of Local Government Archaeological Officers (ALGAO)

Aylesbury Vale District Council

Barton Willmore

Bath & North East Somerset Council

Bath Preservation Trust

Berkeley Group

Bewdley Says No to Gladman

Biffa Waste Services

Bird Wilford & Sale Solicitors

Bloor Homes North East

Bolton & District Civic Trust/Lostock Residents' Group/Mcr Civic Soc

British Chamber of Commerce

British Property Federation

Cerda Planning

Chelmsford City Council

Cheshire East Council

Churchill Retirement Living

Country Land and Business Association Limited

Clarion Housing Group

CPRE

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<sup>1</sup> Telephone discussion

Dentons UK & Middle East LLP  
DLP Planning LTD.  
Droitwich Spa Civic Society  
Ealing Fields Residents' Association  
Easton Parish Council  
Edwardware Homes Ltd  
Environment Agency  
Eversheds Sutherland (International) LLP  
Federation of Master Builders  
Friends of the Earth England, Wales and Northern Ireland  
Gallagher Estates  
Gladman Developments  
Green Planning Studio Ltd  
GVA  
Hands off Danbury-Unincorporated Association  
Health & Safety Executive  
Heritage Alliance  
Highgate Conservation Area Advisory Committee  
Historic England  
Horsham District Council  
Iceni Projects  
Kirton & Falkenham parish council  
Land & Mineral Management  
LB Camden  
LB Haringey  
LB Hillingdon  
LB Tower Hamlets  
Leeds City Council  
Linden Homes  
London Forum of Amenity Societies  
Mind The Green Gap  
Murdoch Planning Ltd  
National Association of Local councils  
National Organisation of Residents' Associations  
National Parks England

National Trust  
Natural England  
Nether Whitacre Parish Council  
No. 5 Chambers  
North Somerset Council  
Northampton Borough Council  
Oxfordshire County Council  
Persimmon Homes  
Planning and Environmental Bar Association  
Planning Issues Ltd  
Planning Officers Society  
Regents Network  
Residents against Florida Farm North development, Haydock Merseyside.  
Richborough Estates  
Royal Society for the Protection of Birds  
Royal Town Planning Institute  
Suffolk Coastal and Waveney District Councils  
South Derbyshire District Council  
South Farnham Residents Association  
Stratford on Avon District Council  
Taylor Wimpey UK  
The Brixton Society  
The Heritage Alliance  
The Home Builders Federation  
The Kew Society  
The Law Society  
Town Legal LLP  
Turley  
Waddeton Park Limited  
Waverley Borough Council  
Westminster City Council  
Wiltshire Council  
Wokingham Borough Council  
Woodland Trust

# Annex D – Expert Panel

## **Expert Panel:**

Philip Barnes, Barratt Homes

Bruce Barnett, Civic Voice

Roger Hepher, HGH Planning

Christopher Katkowski QC, Landmark Chambers

Susan Kitchen, Aylesbury Vale District Council

Karen Ridge, Planning Inspectorate

Karin Taylor, National Trust

Rob Westcott, Environment Agency

## **Representatives of Panel members at individual meetings**

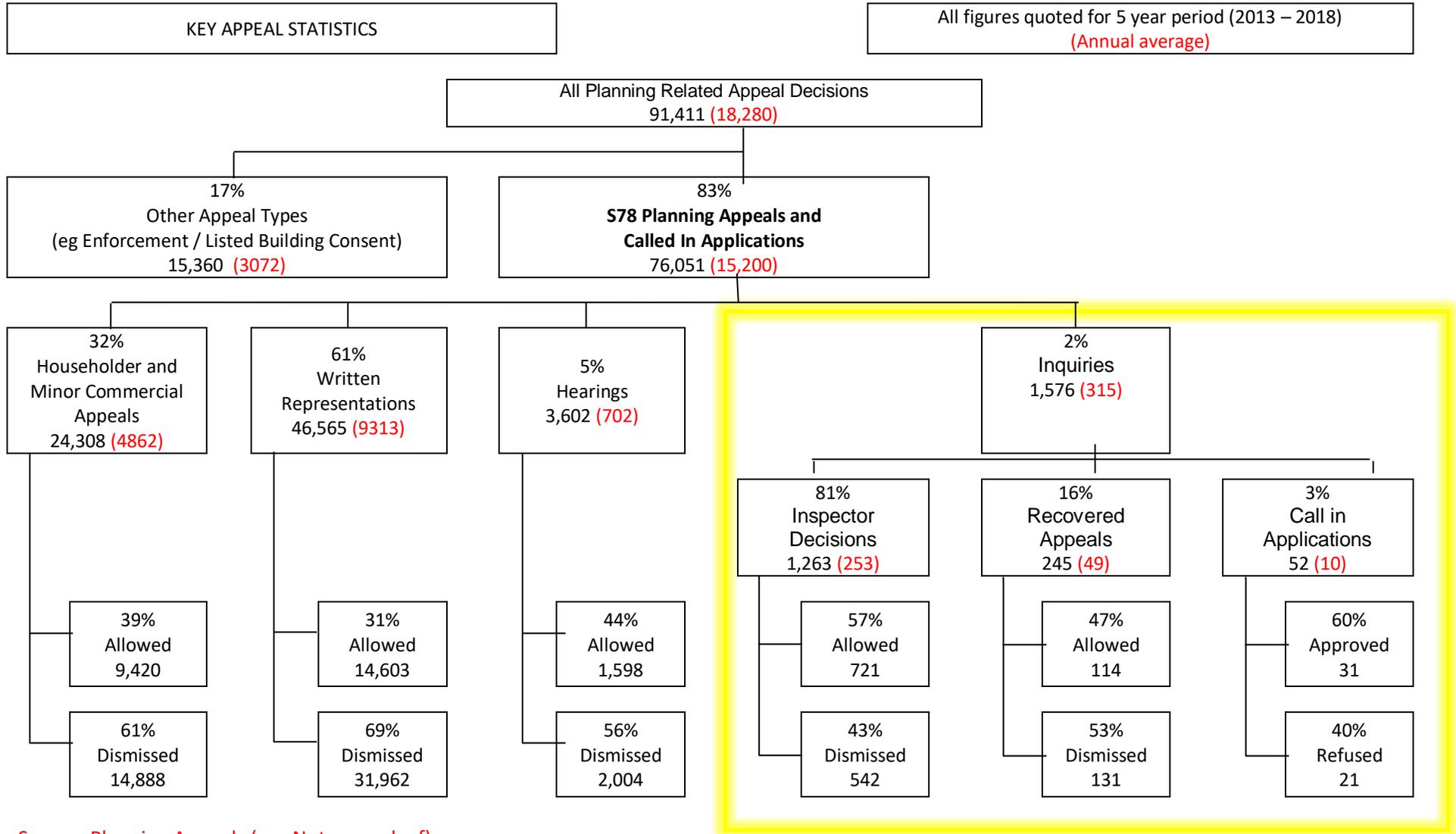
Lee Crawford, Persimmon Homes

Sarah Ballantyne-Way, HGH Consulting

Caroline Sutton, Environment Agency

Giuseppe Zanre, Barratt Homes

# Annex E –Call for Evidence Statistics (updated to include annual average figures)



Source: Planning Appeals (see Notes overleaf)

Notes:

“Other appeal types” include enforcement notice appeals (c9,300) and Listed Building Appeals (c2,700).

All figures exclude withdrawn appeals: 1509 written representations, 407 hearings and 526 inquiries were withdrawn during the 5 year period.

Inquiries total of 1576 cases: includes 16 cases where a report has been submitted to Secretary of State by PINS, but no final decision has been made and also excludes 42 re-determined decisions.

# Annex F - Deep Dive

## Cluster analysis of deep dive PINS data on Planning Inquiries

### Data

A 'deep dive' dataset of Inquiry appeals was supplied by PINS for the 2017/18 financial year. Significant data cleaning was undertaken to identify cases with inconsistencies recorded between dates of different events in the appeals process, which were then excluded from the dataset<sup>2</sup>. Of the 315 completed appeals, 265 were retained in the sample (84%). The (111) withdrawn appeals were not analysed in this way because of the small numbers of withdrawn appeals in different stages of the appeal (appeals may be withdrawn at any point in the appeal process).

### Initial exploration of completed appeals data

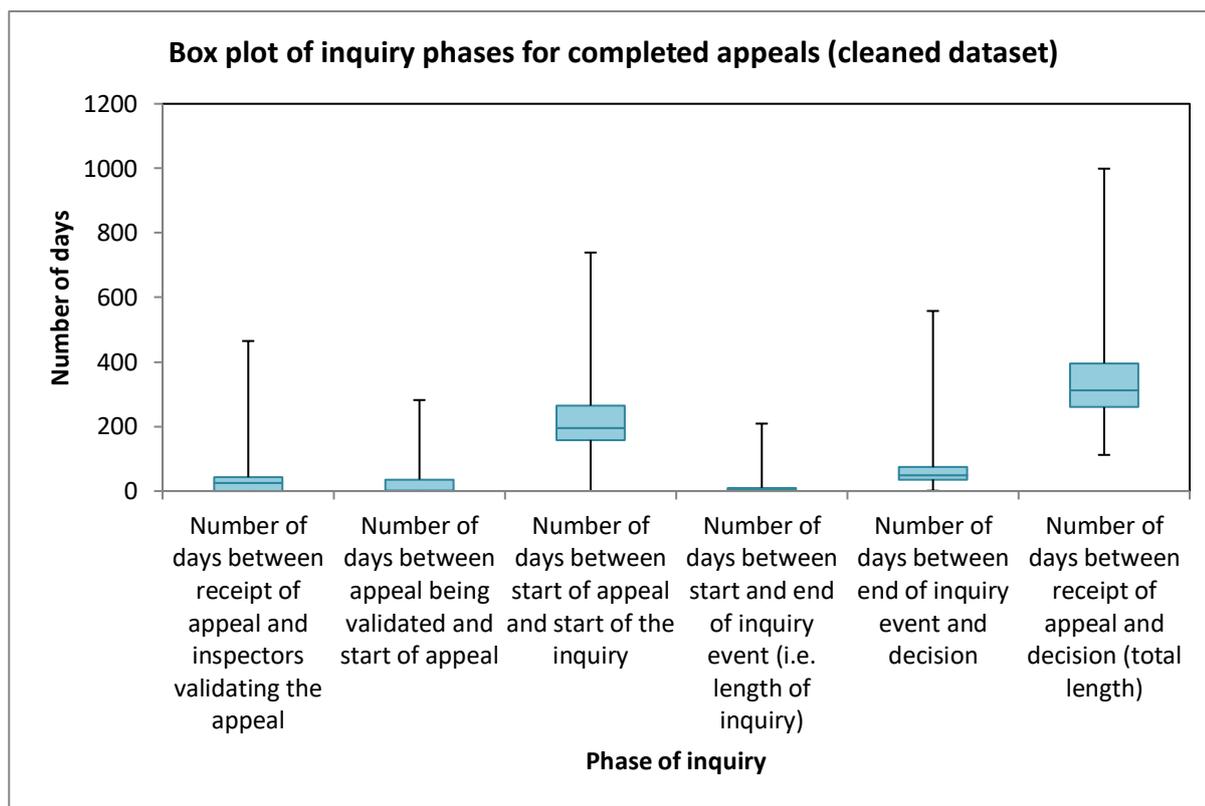
We can see from the table below that for our cleaned dataset of completed appeals, the mean number of days is higher than the median (the midpoint of a distribution, such that there is an equal probability of falling above or below it), across all phases of the appeals process. This indicates that the distribution is skewed to the right or positively skewed (i.e. the majority of cases are bunched up toward the left, with a 'tail' stretching toward the right). The standard deviation also shows that there is also a lot of variation in our measures – for several of the measures the standard deviation is larger than the average itself, showing that the data are dispersed rather than concentrated around the mean.

Phase of appeal variable	Median number of days	Mean number of days	Standard deviation
From receipt of appeal to validating the appeal	26	29	40.117
From validation of appeal to start of appeal	1	29	53.546
From start of appeal to start of the inquiry event	195	215	98.330
From start to end of inquiry event (i.e. length of inquiry)	3	12	23.900
From end of inquiry event and decision (or date report sent to MHCLG for SoS decisions)	49	59	45.955
<b>Total number of days between receipt of appeal and decision (or date report sent to MHCLG for SoS decisions)</b>	<b>312</b>	<b>344</b>	<b>134.917</b>

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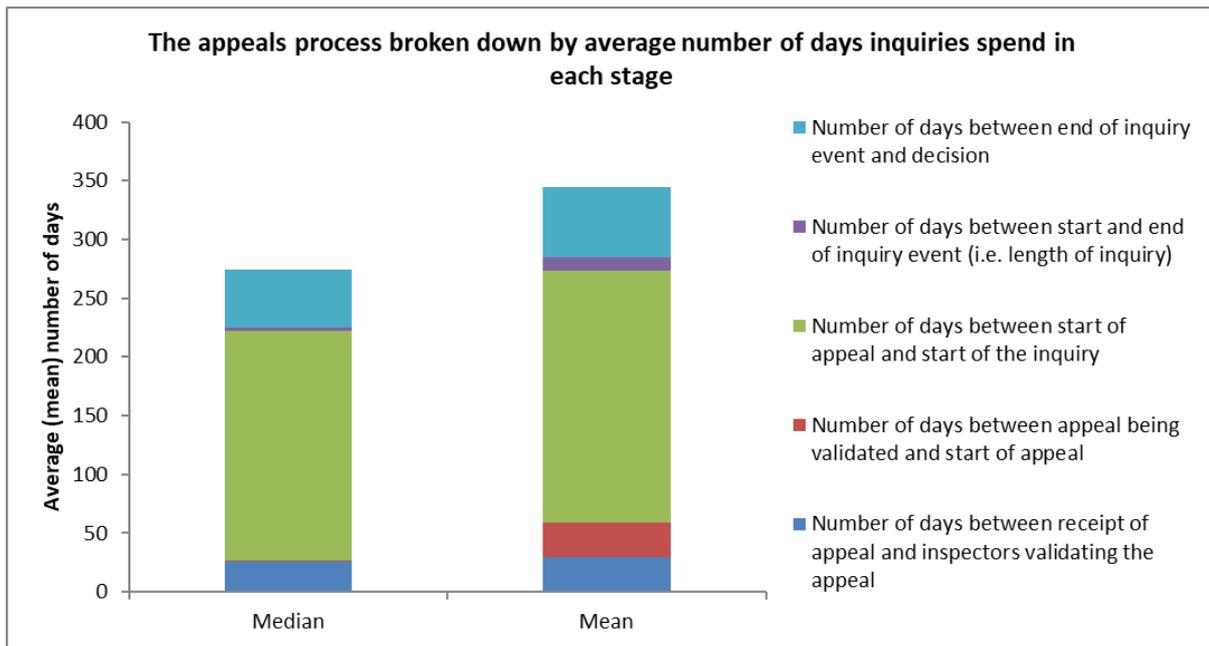
<sup>2</sup> The appeals process is expected to run in a certain order (i.e. receipt of appeal, validation, appeal starts, inquiry event starts and ends, and finally a decision (which may come from the inspector or the Secretary of State). In some cases, the difference between two dates was negative when we would expect it to be  $\geq 0$  if the data was recorded correctly. These cases were excluded from the analysis. More information on appeal stages is available at: <https://www.gov.uk/guidance/appeals-average-timescales-for-arranging-inquiries-and-hearings>, and <https://www.gov.uk/guidance/appeals-average-time-they-take-broken-down-by-stage>

The box and whisker plots below demonstrate the range and spread of the phase of appeal variables. The band inside the box is the median (second quartile), with the top of the box representing the upper quartile (third quartile) and the bottom of the box representing the lower quartile (first quartile). The lines extending vertically from the boxes (whiskers) indicate the variability outside the upper and lower quartiles, with the ends of the whiskers representing the minimum and maximum of all of the data. The spacings between the different parts of the box indicate the degree of dispersion (spread) and skewness in the data, and show outliers; the very long upper whiskers and the upper section of the box (which is visibly bigger than the lower section in nearly all of the plots), point to a positive skew in the length of each phase of appeal variables.



The chart below shows the average number of days inquiries spent in each stage of the appeals process (using our cleaned dataset). It should be noted that the sum of the means of each phase of the inquiry (as shown in the chart below) matches the mean of the total length of the inquiry (i.e. 344), as per the concept of linearity of expectation. However, the same is not true of the median. As the concept of linearity of expectation does not apply to the median, we would not necessarily expect the median number of days of the total length of the inquiry (312) to match the sum of the median number of days for each phase of the inquiry (274).

Whilst the choice of average does not make a huge impact in terms of whether the target is achieved (whichever measure is used, the length of appeal is clearly far longer than desired), it is worth considering whether the average time taken should be measured using an alternative measure of central tendency (such as the median, trimmed mean, or geometric mean) which may describe the data better than the commonly used arithmetic mean (which is easily skewed by outliers).

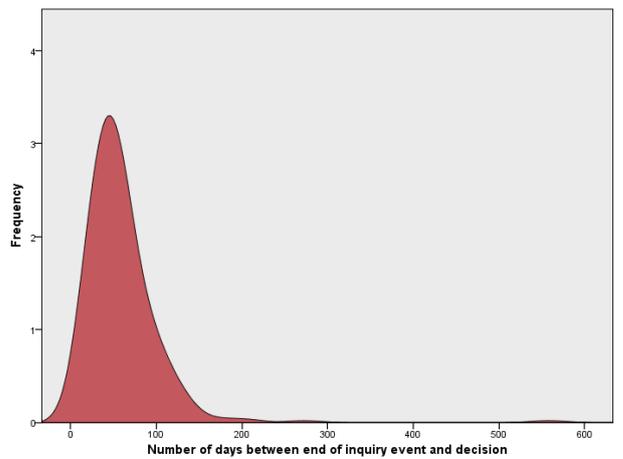
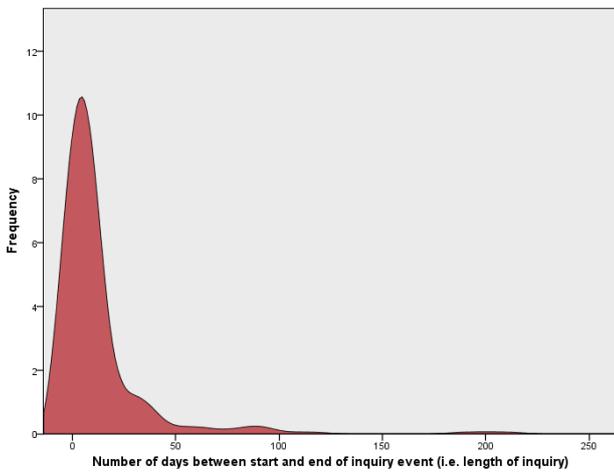
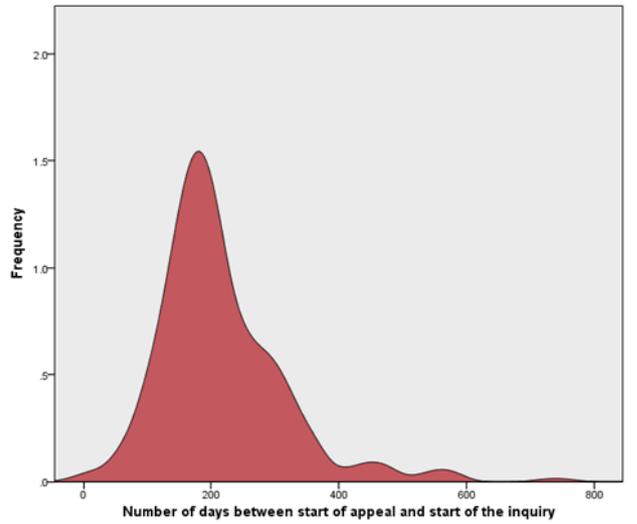
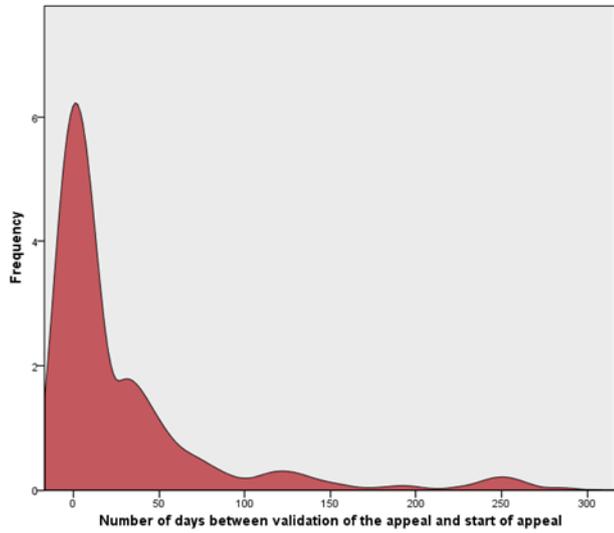
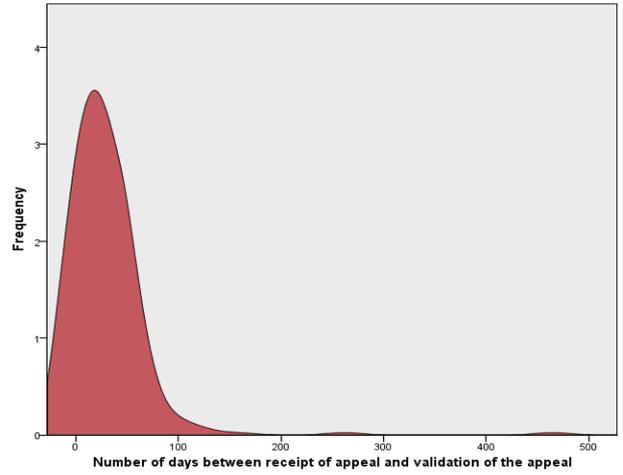
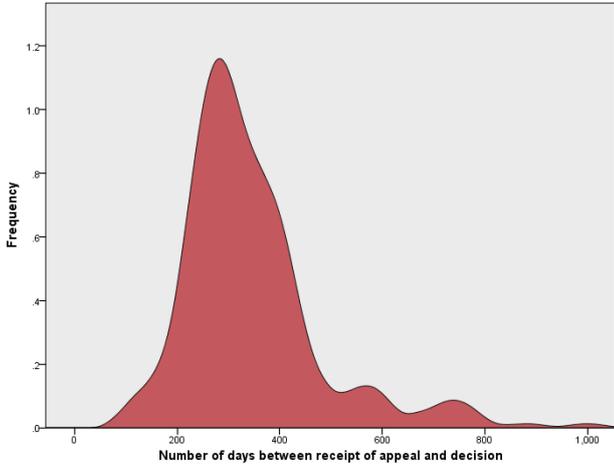


The table below splits the data into ten equal parts (deciles), ranked from lowest to highest (number of days). From the table we can see that 40% of completed appeals are decided within 293 days (42 weeks). The table illustrates the long tail of the distribution for many of the component phases of the inquiry. The total number of days from receipt to decision presented here represents the actual distribution of the total number of days, rather than the sum of each phase of the inquiry.

Decile	Number of days					Total from receipt to decision
	Receipt to valid	Valid to start	Start to start of inquiry	Length of inquiry event	End of inquiry to decision	
1st decile	0	0	44	0	9	220
2nd decile	0	0	53	0	10	251
3rd decile	0	0	58	1	13	269
4th decile	5	0	61	1	14	293
5th decile	7	0	64	1	16	312
6th decile	10	4	68	2	18	343
7th decile	12	10	70	3	20	375
8th decile	15	16	74	4	22	406
9th decile	19	28	78	8	27	500
10th decile	59	81	86	69	63	999

The distributions of each of these phases of the inquiry appeal (as well as for the entire process) is presented graphically below. As already noted, the distributions are not normal, but rather are positively skewed (i.e. skewed to the right). Whilst the figures are useful for illustrating the clusters, it should be noted that values below zero on the x axis (i.e. number of days) are not meaningful and should not be interpreted as such. This is an artefact from the cluster methodology; when the similarity between clusters are computed, a probability distribution is placed on the variables which smoothes the distribution.

## Distribution of the total appeals process and each stage



## Cluster analysis

Cluster Analysis was used in order to identify homogenous groups of appeals. The analysis was run in SPSS (v21), which offers three options for cluster analysis (two step, hierarchical, and k-means). Two step cluster analysis<sup>3</sup> was used as the dataset contains a combination of categorical and continuous variables. The number of clusters as well as the number of variables included in the model was limited due to the relatively small sample size<sup>4</sup>.

Five continuous variables relating to the length of time (and to cover all phases)<sup>5</sup> were included in all models:

- Number of days from receipt to validation
- Number of days from validation to start
- Number of days from start of appeal to start of inquiry event
- Number of days from start to finish of inquiry event (length of inquiry)
- Number of days from inquiry event to decision (or date report sent to MHCLG for SoS decisions)

Model fit was evaluated by the silhouette coefficient, which is a measure of cohesion and separation of clusters. The obtained value must be above 0.0, suggesting validity of the within- and between-cluster distances. The model including only the five variables listed above had an average silhouette coefficient of 0.5. Additional variables were added to the model to test whether they improved the fit of the model (as measured by the silhouette coefficient).

The following variables were tested<sup>6</sup>:

- Whether the appeal was recovered
- Whether it was a Secretary of State decision
- Whether appeal was bespoke or non-bespoke
- Type of LPA
- Region of LPA
- The LPA decision (approved or refused in line with or against officer recommendation)
- Status of developing plan (emerging, adopted, at examination or no plan)

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<sup>3</sup> More specifically, this method involves finding the best number of clusters, with two types of criteria in the first step, then proceeding to the aggregation of clusters in the second step. The clustering criterion used was Schwarz's Bayesian Criterion (BIC) and the distance measure used log-likelihood.

<sup>4</sup> Formann (1984) suggests that the sample size should be at least  $2m$ , where  $m$  equals the number of clustering variables (Formann, A. (1984) *Die Latent-Class-Analyse: Einfuhrung in die Theorie und Anwendung*, Beltz, Weinheim).

<sup>5</sup> Note that we could have used additional variables representing length of time (e.g. Number of days from receipt to start), but these were excluded to reduce correlation between the variables, which have linear dependencies.

<sup>6</sup> Whether another application was being twin-tracked was also considered for testing but none of the completed appeals were twin-tracked; this variable was only relevant for withdrawn appeals.

- Whether the appeal site was allocated in the development plan
- Number of reasons for refusal
- Whether a Statement of Common Ground was received (SoCG) and its timing (e.g. before or with proofs of evidence)
- Whether there was a dispute over the procedure
- Whether there was a change in the procedure (i.e. it changed to an Inquiry from Written Representation or a Hearing)
- Whether the PINS' screening opinion agreed with the LPA
- Whether there was a dispute over the inquiry event date (and the reason)
- Whether the Inquiry date was postponed
- Whether inquiry was adjourned
- Number of sitting days
- Whether there was a cost application (and whether it was successful)
- Whether another appeal was linked
- Whether the decision was challenged in court (and outcome)
- Whether there was early inspector involvement
- Whether there was pre-inquiry involvement from inspector
- Whether the LPA had a Planning Performance Agreement (PPA) in place
- Whether there were unresolved objections from statutory consultees
- Whether there was a Section 106 agreement
- Development type (e.g. housing, mixed use)
- Number of housing units
- Whether a Habitat Regulations Assessment (HRA) was required
- Whether 5 year Housing Supply HSG land supply was an issue
- Whether Objectively Assessed Need (OAN) was an issue
- Whether Green Belt was an issue
- Whether there was there an EIA screening opinion from LA
- Whether there was an Environment Statement

## **Results of cluster analysis**

Testing of the variables listed in the previous section resulted in average silhouette coefficients of between 0.2 and 0.6 (from a starting point of 0.5 with only the length of time variables included in the model). Those variables which improved the average silhouette coefficient (to 0.6) were taken forward for further testing. These variables all naturally grouped into two or three clusters when the number of clusters was not predetermined. The remainder of this section discusses the seven variables identified that improved the explanatory power of the model. The difference between the average number of days for all of the variables is summarised directly below. More detailed information regarding average number of days for each phase by variables of interest are presented for each variable under their own heading, and the distributions of each when tested in the model are presented in the appendix (where the light red area indicates the entire distribution, and the dark red shows which proportion of the distribution is contained within the specific cluster).

	Phase of inquiry (number of days) Positive values indicate that the first category (a) took longer on average than the second category (b), and negative values indicate that the first category (a) is faster on average than the second category (b)					
	Receipt to valid	Valid to start	Start to start of inquiry	Length of inquiry event	End of inquiry to decision	Total from receipt to decision
Recovered appeals (a) versus non-recovered (b) appeals	1	-17	60	22	44	111
Non-bespoke (a) versus bespoke (b) appeals	5	56	-14	-1	-5	41
HSG 5 year land supply issue (a) versus no land supply issue (b)	-4	-15	-20	1	-12	-51
Dispute over inquiry event date (a) versus no dispute over inquiry event date (b)	4	-2	28	2	3	36
Cost application (a) versus no cost application (b)	-7	12	7	2	-1	13
Housing development type (a) versus non-housing (b)	-15	-1	-20	-4	-12	-51
Mixed use development type (a) versus non-mixed use development type (b)	12	-22	-8	2	-1	-17
Green Belt issue (a) versus no Green Belt issue (b)	3	7	31	3	5	49

## Recovered appeals

Applications which were recovered (for decision by a Minister) took longer on average, with the exception of the 'valid to start' phase. In particular, the length of the inquiry event phase, and the end of inquiry to decision phase took much longer on average than non-recovered appeals. The only phase which took less time on average was the 'valid to start' phase. The recovered appeals were also tested when grouped with appeals flagged as called-in applications as well as those flagged as SoS decisions, but this did not provide further improvements to the model fit (and neither did they improve the model fit when tested separately). Whilst those applications which were an SoS decision also took longer on average, the difference between those with SoS decisions and non-SoS decisions was not as stark as for recovered appeals. It could reflect the fact that appeals where the decision is made by the SoS are likely to have a particularly high profile and may receive additional resources in relation to recovered appeals.

Phase of inquiry	Number of days		
	Mean for inquiries that were recovered appeals	Mean for inquiries that were not recovered appeals	Difference
Receipt to valid	30	29	1
Valid to start	14	31	-17
Start to start of inquiry	269	209	60
Length of inquiry event	32	10	22
End of inquiry to decision	99	55	44
Total from receipt to decision	445	334	111

## Non-bespoke appeals

Non-bespoke appeals (inspector decisions<sup>7</sup>) took longer on average than bespoke appeals (called-in applications, recovered appeals and inspector decisions), despite the comparison bespoke category including recovered appeals (already noted to take longer on average). The relationship here was mainly driven by a longer valid to start phase, which interestingly, is the opposite of recovered appeals, where the 'valid to start' phase was the only phase where recovered appeals were faster than non-recovered appeals. It should be noted that for several of the other phases, bespoke appeals took longer on average, particularly for the 'start to start of inquiry' phase. The appeal type categories within these were also tested (e.g. whether non-bespoke inspector decisions were different to bespoke inspector decisions), however these did not significantly improve the model fit. Whilst the analysis highlights the association between length of inquiry phases and whether the appeal is bespoke or non-bespoke, in practice the comparison between these two categories is not meaningful for a number of reasons. Firstly, since August 2017 all appeals have been treated as bespoke, meaning that the identified effect is likely to be capturing other changes over time which have increased the average length of time it

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<sup>7</sup> The non-bespoke appeals category would also include non-bespoke recovered appeals, however the only such case in the dataset was excluded due to data inconsistencies.

takes to deal with an appeal. Additionally, bespoke appeals include both appeals where the inquiry was less than 3 days, as well as 'linked' appeals, which often take longer because of the need to identify specialist inspectors.

Phase of inquiry	Number of days		
	Mean for inquiries that were non-bespoke	Mean for inquiries that were bespoke	Difference
Receipt to valid	33	28	5
Valid to start	73	17	56
Start to start of inquiry	204	218	-14
Length of inquiry event	11	12	-1
End of inquiry to decision	55	60	-5
Total from receipt to decision	376	336	41

### HSG land supply issue

Applications where HSG land supply was an issue took the same length of time or less on average for almost all phases of the inquiry. This is interesting because intuitively we would expect the opposite to be true; where HSG 5 year land supply is an issue, developers may have less choice of sites and therefore we might expect appeals to take longer for these cases because the sites are more contentious.

Phase of inquiry	Number of days		
	Mean for inquiries where HSG 5 year land supply was an issue in deciding the appeal	Mean for inquiries where HSG 5 year land supply was not an issue in deciding the appeal	Difference
Receipt to valid	28	32	-4
Valid to start	24	39	-15
Start to start of inquiry	208	228	-20
Length of inquiry event	12	11	1
End of inquiry to decision	55	67	-12
Total from receipt to decision	326	377	-51

### Disputes over inquiry event date

Inquiries where there was a dispute over the inquiry event date took the same length of time or longer on average for almost all phases of the inquiry (with the exception of the 'valid to start' phase), but the difference was particularly for the 'start to start of inquiry' phase. We would expect the 'start to start of inquiry' phase to be longer as disputes over inquiry event date would most likely delay the start of the inquiry event, however it is

interesting that other phases also take longer on average. This could perhaps reflect a lack of resource at PINS or planning authorities, but equally, delays caused by appellants or Rule 6 parties who dispute the date may be more likely to delay other parts of the process e.g. by not providing all of the required paperwork. However, introducing variables relating to the specific type of dispute over the inquiry event date (Rule 6 party refused date, appellant rejected date offered by PINS or LPA's suggested date, LPA rejected date offered by PINS or appellant's suggested date, PINS could not provide inspector for date agreed between LPA and appellant) did not further improve the model.

Phase of inquiry	Number of days		
	Mean for inquiries with a dispute over inquiry date	Mean for inquiries with no dispute over inquiry date	Difference
Receipt to valid	31	27	4
Valid to start	28	30	-2
Start to start of inquiry	230	201	28
Length of inquiry event	13	11	2
End of inquiry to decision	61	58	3
Total from receipt to decision	363	327	36

### Cost application

Inquiries where a cost application was made had a mixed association with the different phases. In general, inquiries where a cost application was made took longer on average overall, (and particularly for the valid to start, and start to start of inquiry phases), but less time for the receipt to valid phase. Introducing variables relating to the specific type cost application (LPA or third party against appellant, appellant against LPA or third party) did not further improve the model.

Phase of inquiry	Number of days		
	Mean for inquiries with a cost application	Mean for inquiries with no cost application	Difference
Receipt to valid	24	31	-7
Valid to start	39	27	12
Start to start of inquiry	220	213	7
Length of inquiry event	13	12	2
End of inquiry to decision	58	59	-1
Total from receipt to decision	354	342	13

### Development type

Of the different types of developments recorded (housing, mixed use, gypsy/traveller, minerals and waste, retail, office development and wind farm), only variables for housing and mixed-use types improved the fit of the model. Both housing and mixed-use

developments took the same time or less on average for all phases in comparison to all other types of developments.

Phase of inquiry	Number of days		
	Mean for inquiries where the development type was housing	Mean for inquiries where the development type was not housing	Difference
Receipt to valid	24	39	-15
Valid to start	29	30	-1
Start to start of inquiry	208	228	-20
Length of inquiry event	10	15	-4
End of inquiry to decision	55	67	-12
Total from receipt to decision	327	378	-51

Phase of inquiry	Number of days		
	Mean for inquiries where the development type was mixed use	Mean for inquiries where the development type was not mixed use	Difference
Receipt to valid	39	27	12
Valid to start	11	33	-22
Start to start of inquiry	208	216	-8
Length of inquiry event	13	12	2
End of inquiry to decision	59	59	-1
Total from receipt to decision	330	347	-17

### Green Belt

Cases where Green Belt was an issue in deciding the appeal took longer on average, and this was the case for all phases of the inquiry, but particularly so for the 'start to start of inquiry event' phase. This is perhaps not surprising given that building on Green Belt, and indeed land with other kinds of protected status, can be contentious. It should be noted that we also tested whether the same was true for appeals for National Park planning authorities, however this did not improve the model, which may be because there were only two such cases in the dataset.

Phase of inquiry	Number of days		
	Mean for inquiries where Green Belt was an issue in deciding the appeal	Mean for inquiries where Green Belt was not an issue in deciding the appeal	Difference
Receipt to valid	32	29	3
Valid to start	35	28	7
Start to start of inquiry	242	211	31
Length of inquiry event	15	12	3
End of inquiry to decision	63	59	5
Total from receipt to decision	387	339	49

### Caveats

The associations identified between the length of different stages of inquiry appeals and other information about the cases is not necessarily causal; the observed correlation does not automatically mean that the change in one variable is the cause of the change in another.

Whilst no effect was identified for a number of variables, this does not mean that they have no role in determining the length of the appeal, only that the effect was not strong enough to improve the fit of the model. Furthermore, small sample sizes may have limited the opportunity to identify such effects, for example, there were only two appeals for National Parks in the dataset. Analysis of a larger dataset with multiple years' worth of data could potentially identify additional effects.

### Conclusions

A significant portion of data in the dataset of completed inquiries was excluded due to inconsistencies between the recorded dates of each event in the inquiry process. Whilst the average number of days is not an official target, latest average timescales are widely reported, and the inclusion of such records has the potential to significantly skew the average (particularly if the measure used is the mean). Ideally, quality assurance processes should be improved to correct such anomalies; otherwise, such cases should be excluded from the calculations.

Current targets are 22 weeks for 80% of non-bespoke inquiry appeals, and to meet the time-table agreed by both parties for bespoke. Given that all inquiry appeals are now bespoke, this report recommends introducing new targets which recognise the fact that the distribution is skewed (and is likely to remain so). New targets should aim not only to shorten the overall length of the inquiry appeal, but also to target the 'tail' of the distribution; previous targets provided no incentives to complete an appeal which was unlikely to meet (or had already missed) the target.

The timescales for inquiry appeals are not primarily a function of the complexity of the case, rather they reflect the way the system operates and the actions of the parties

involved. The scale and nature of the appeal scheme, its location, the status of the development plan and other scheme specific variables were associated with only a marginal impact on timescales.

As the longest phase of inquiries is by far the 'start of the appeal to start of inquiry event' phase, we might expect this to be the driver of any differences identified. This was the case for recovered appeals, 5 year HSG land supply, disputes over the inquiry event date, developments that were for housing and cases where Green Belt was an issue. However, for some variables, the main driver of the difference was the 'valid to start' phase: this was the case for bespoke appeals, cost applications, and mixed use developments.

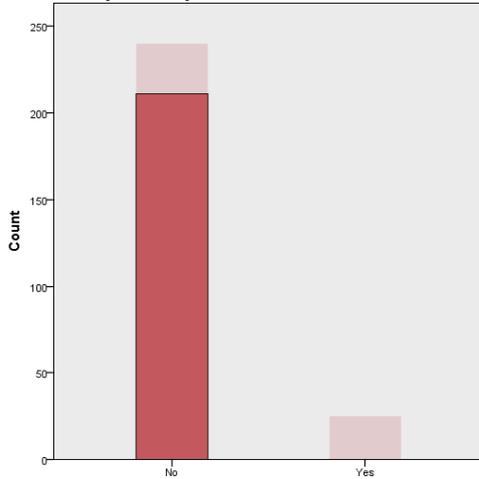
For the variables identified which were correlated with a longer length of inquiry and improved the model fit, the variables in question are not completely deterministic. For example, although the majority of cases where Green Belt was an issue were placed into a third cluster which took longer on average, not all of them were placed in this cluster. This means that whilst Green Belt issues may increase the length of time associated with an inquiry, there may be steps LPAs can take to mitigate the risk.

Interestingly, no association was found between a number of variables that we might expect to influence the length of an inquiry, for example, total sitting days and number of reasons for refusal.

**Appendix: Distributions\* of variables associated with length of time taken for different stages of completed (inquiries) appeals**

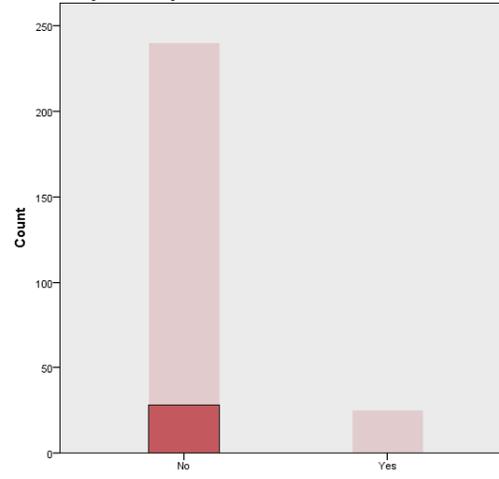
\*The light red area indicates the entire distribution, whilst the dark red shows which proportion of the distribution is contained within the specific cluster

**Whether appeal was recovered - cluster 1  
N = 211 (79.6%)**



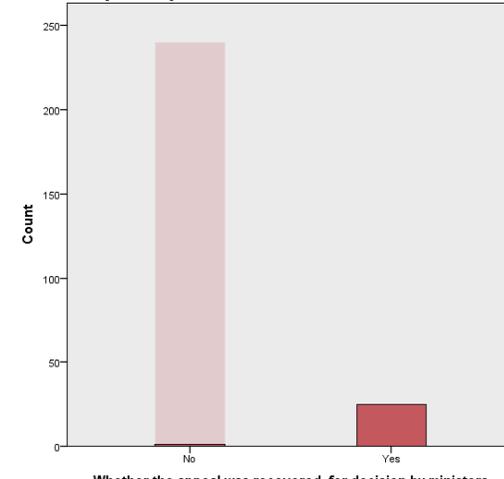
Whether the appeal was recovered, for decision by ministers

**Whether appeal was recovered - cluster 2  
N = 28 (10.6%)**

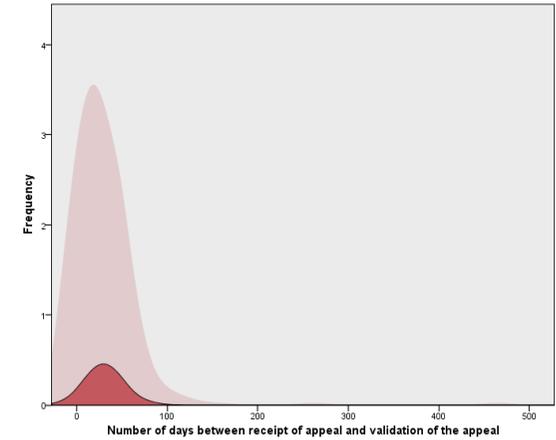
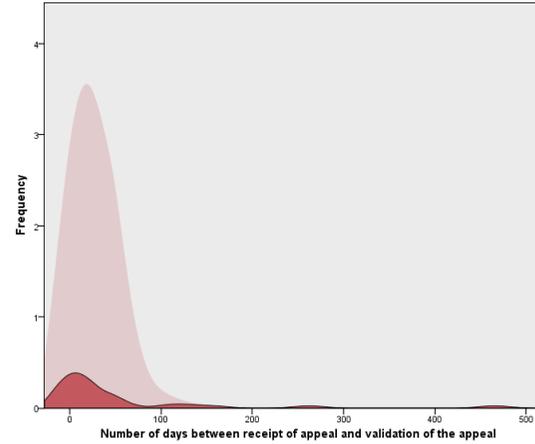
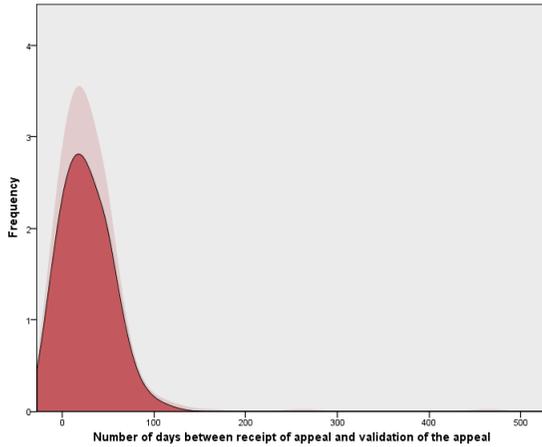


Whether the appeal was recovered, for decision by ministers

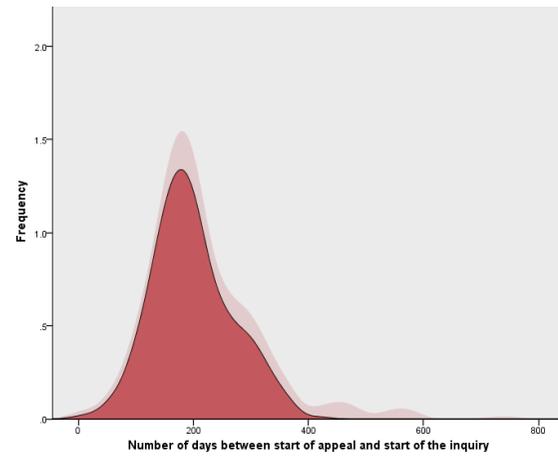
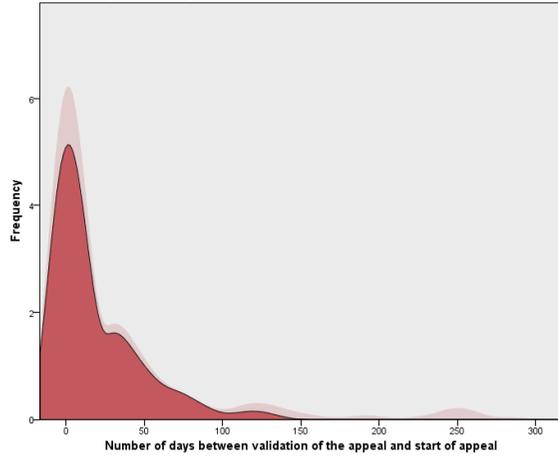
**Whether appeal was recovered - cluster 3  
N = 26 (9.8%)**



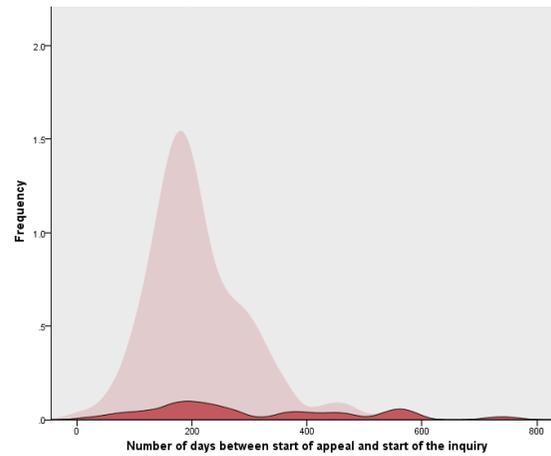
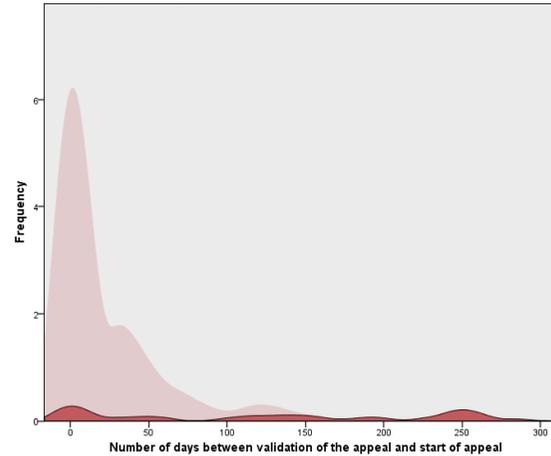
Whether the appeal was recovered, for decision by ministers



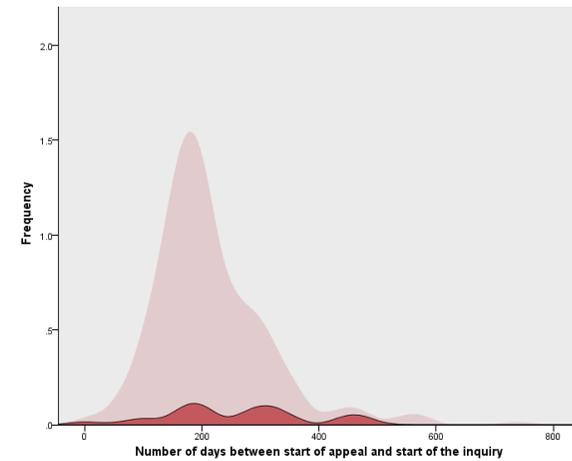
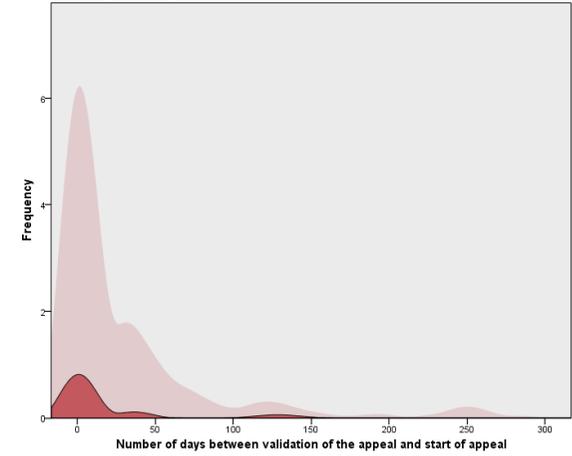
**Whether appeal was recovered - cluster 1**  
**N = 211 (79.6%)**



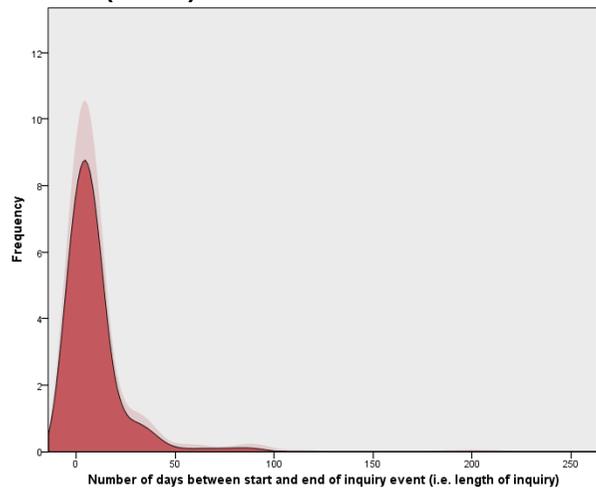
**Whether appeal was recovered - cluster 2**  
**N = 28 (10.6%)**



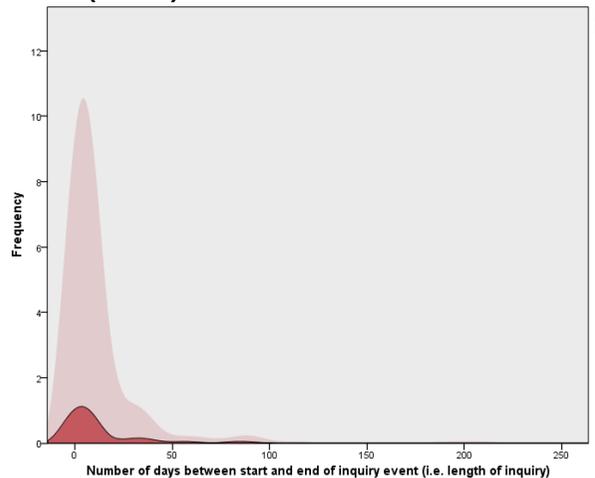
**Whether appeal was recovered - cluster 3**  
**N = 26 (9.8%)**



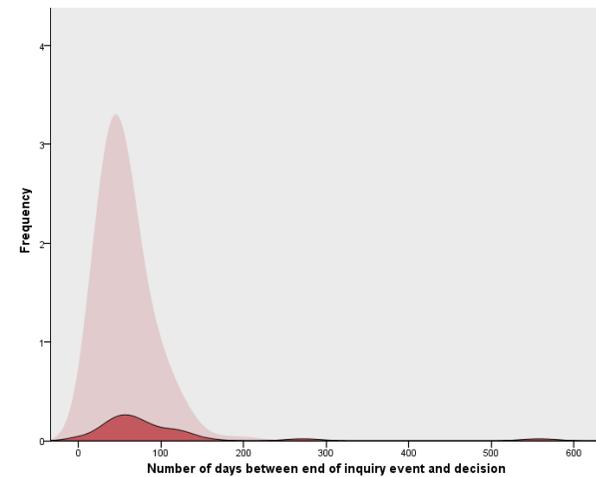
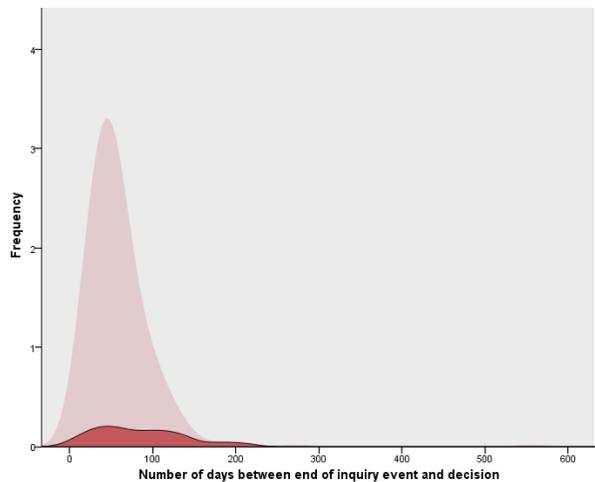
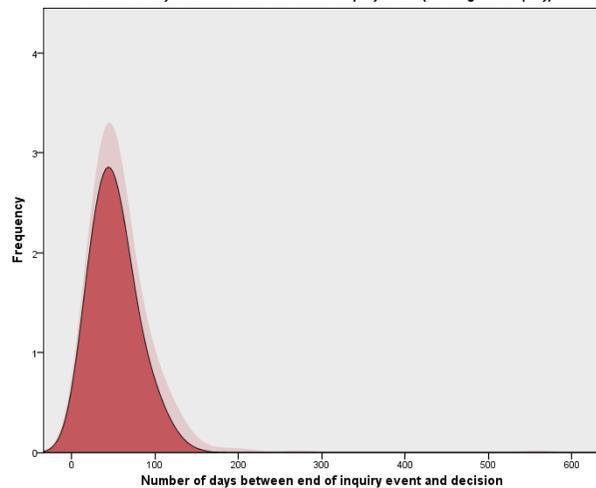
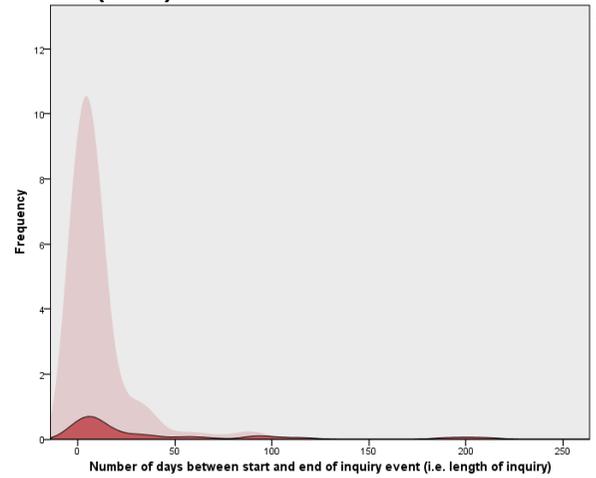
**Whether appeal was recovered - cluster 1**  
**N = 211 (79.6%)**



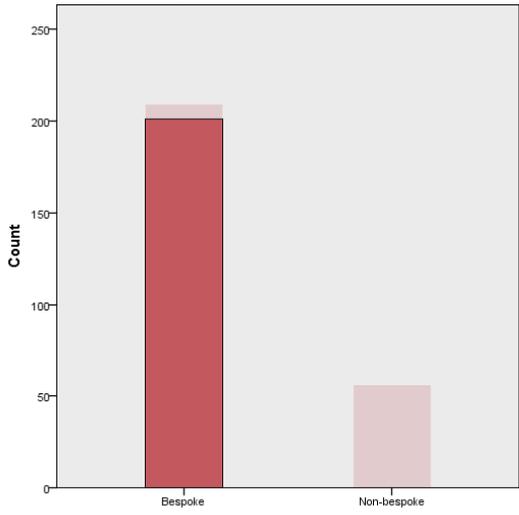
**Whether appeal was recovered - cluster 2**  
**N = 28 (10.6%)**



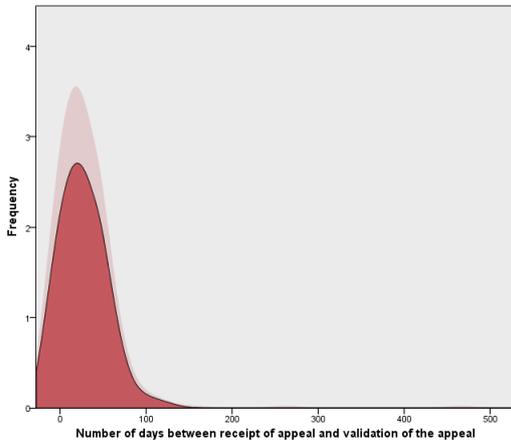
**Whether appeal was recovered - cluster 3**  
**N = 26 (9.8%)**



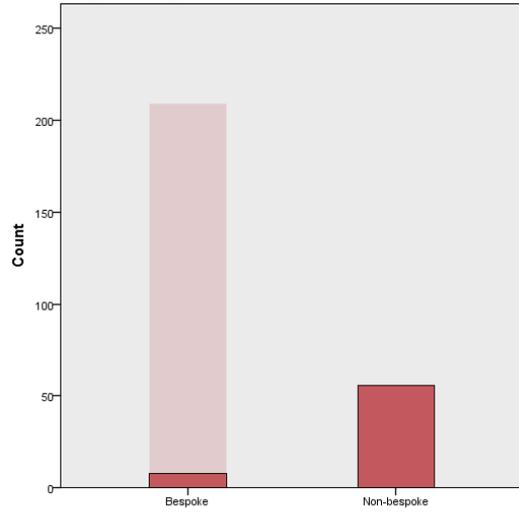
**Whether appeal was bespoke – cluster 1  
N = 201 (75.8%)**



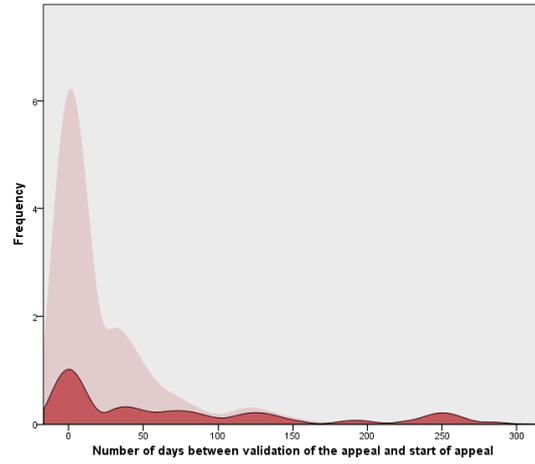
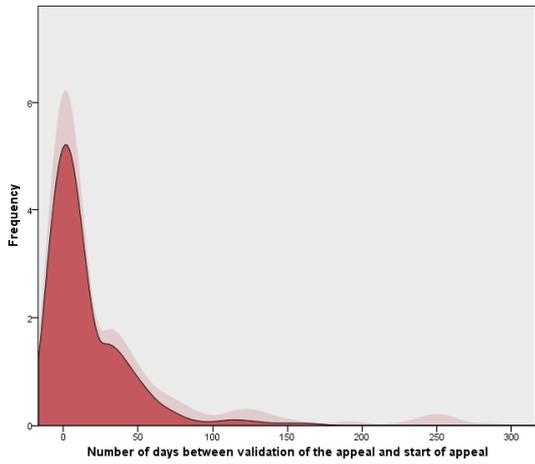
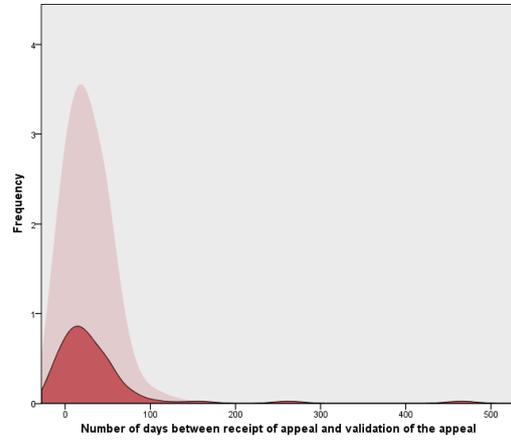
**Bespoke or non-bespoke appeal**



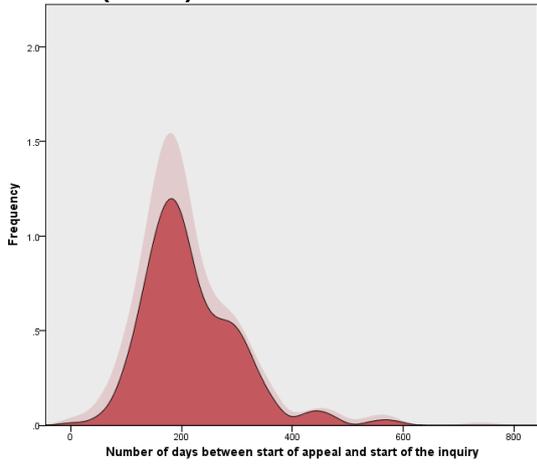
**Whether appeal was bespoke – cluster 2  
N = 64 (24.2%)**



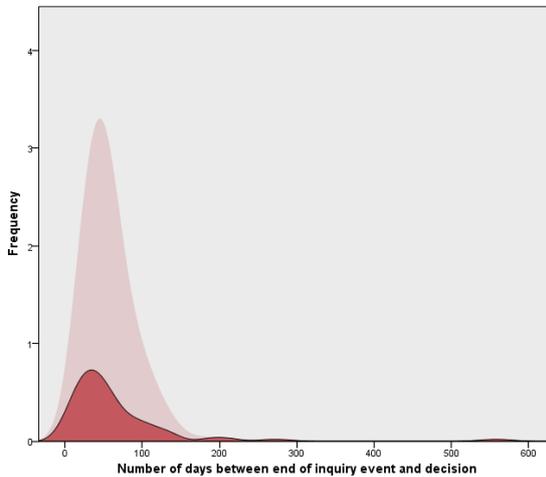
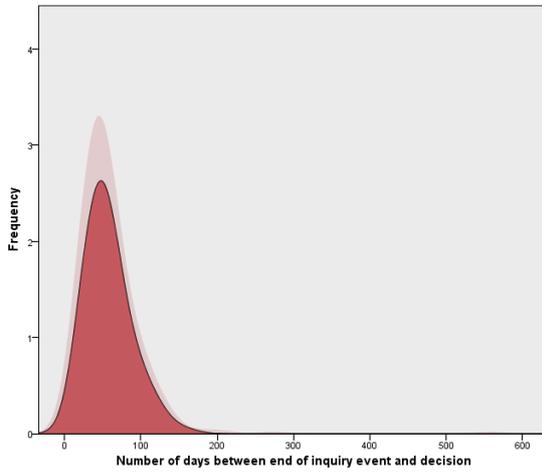
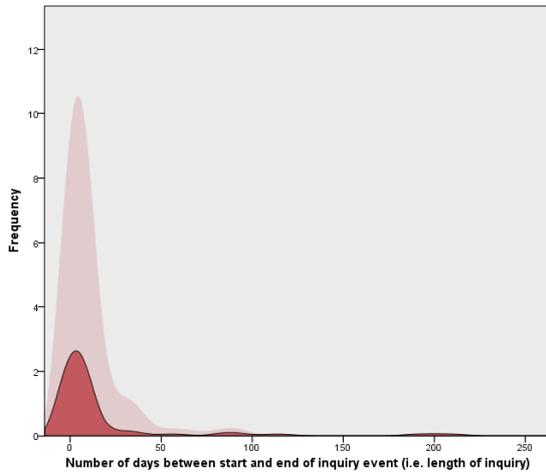
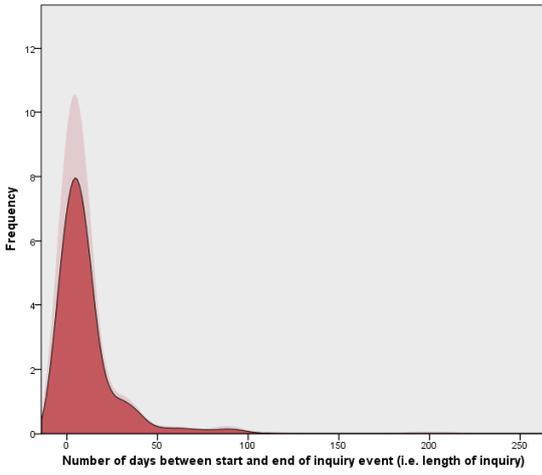
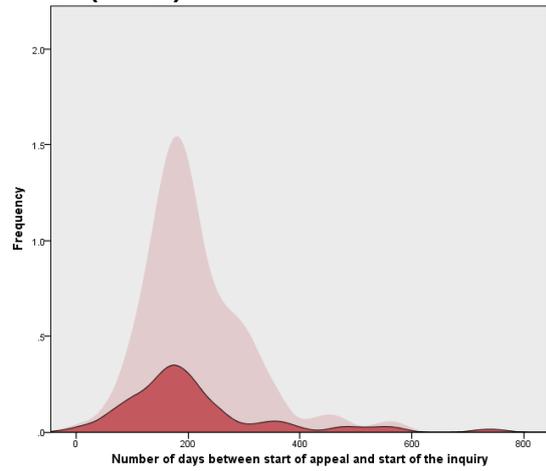
**Bespoke or non-bespoke appeal**



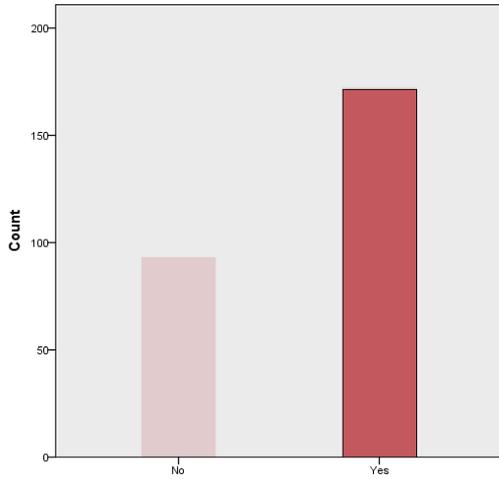
**Whether appeal was bespoke – cluster 1  
N = 201 (75.8%)**



**Whether appeal was bespoke – cluster 2  
N = 64 (24.2%)**

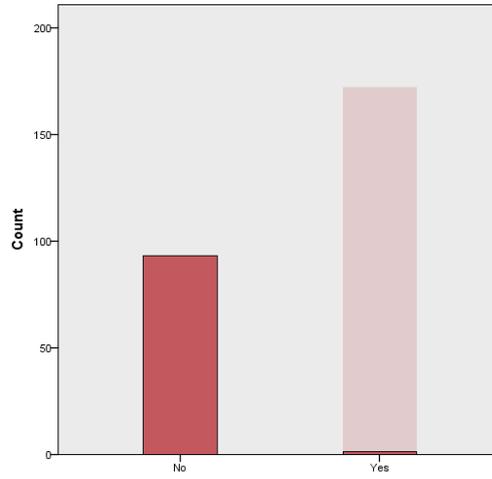


**HSG 5 year land supply issue - cluster 1  
N = 171 (64.5%)**

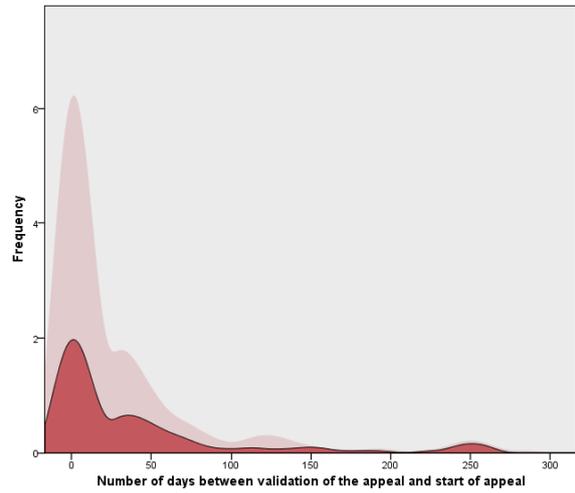
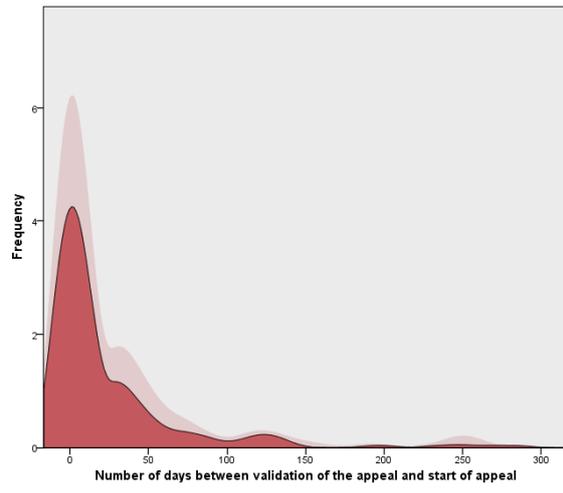
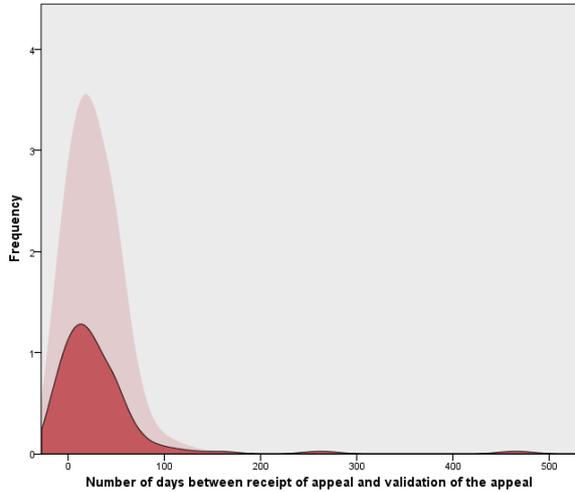
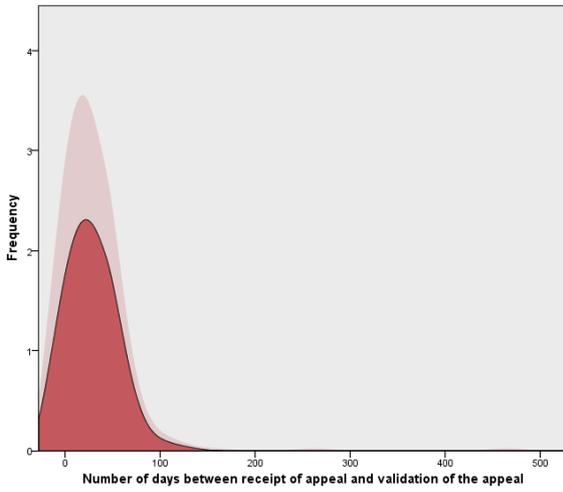


Whether 5 year land supply was an issue in deciding the appeal

**HSG 5 year land supply issue - cluster 2  
N=94 (35.5%)**

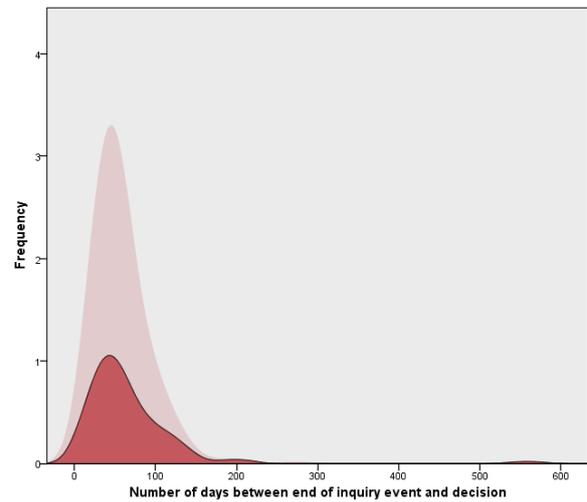
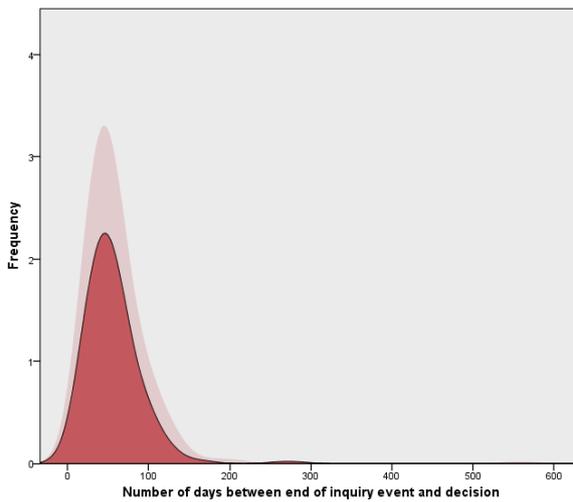
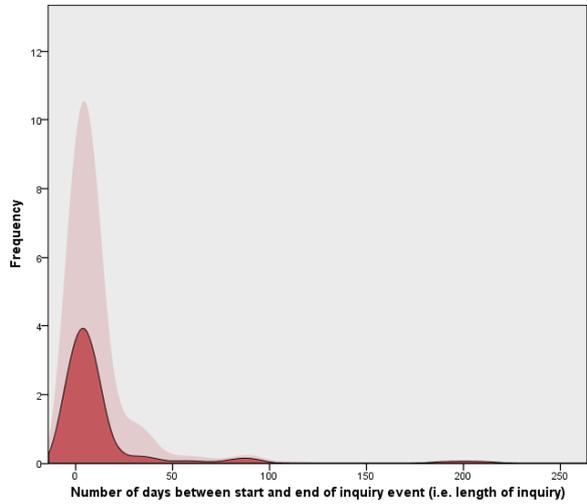
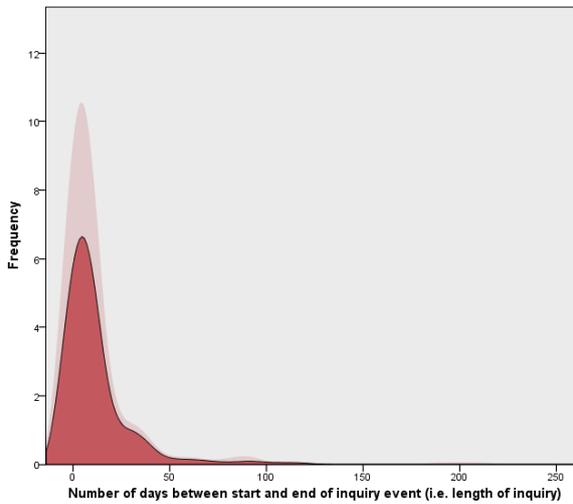
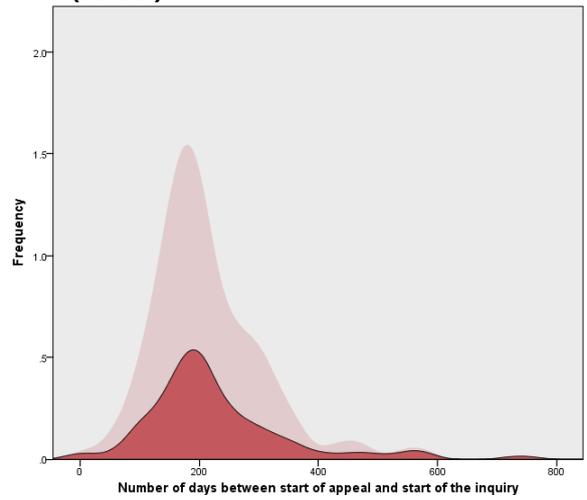
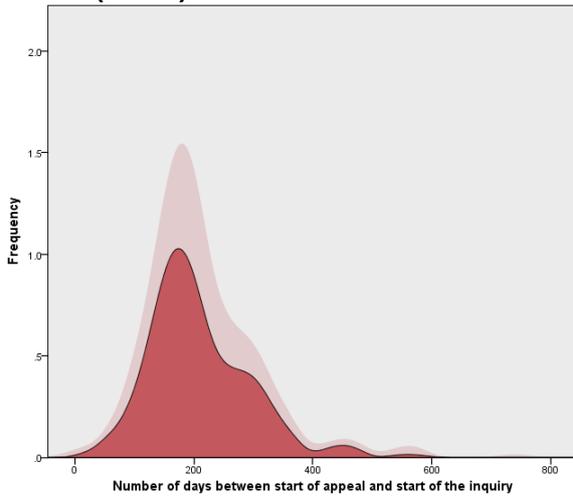


Whether 5 year land supply was an issue in deciding the appeal

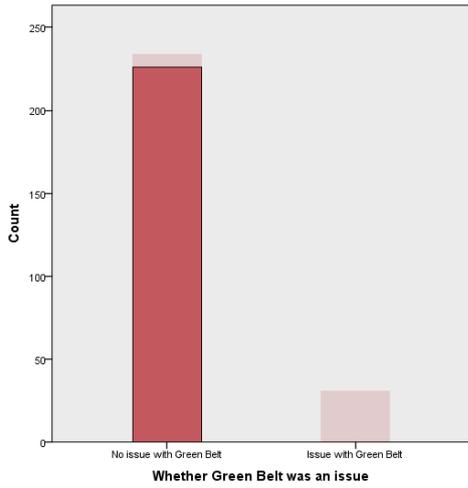


**HSG 5 year land supply issue - cluster 1  
N = 171 (64.5%)**

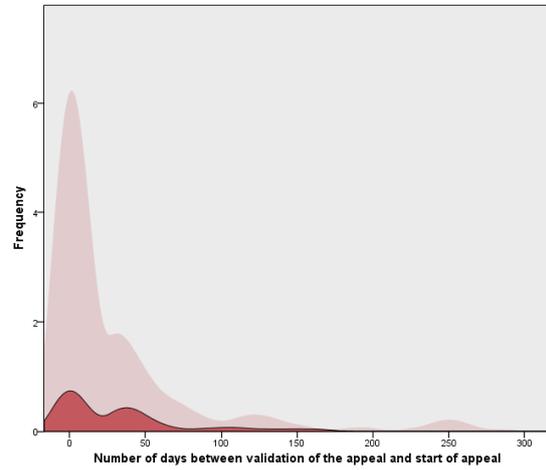
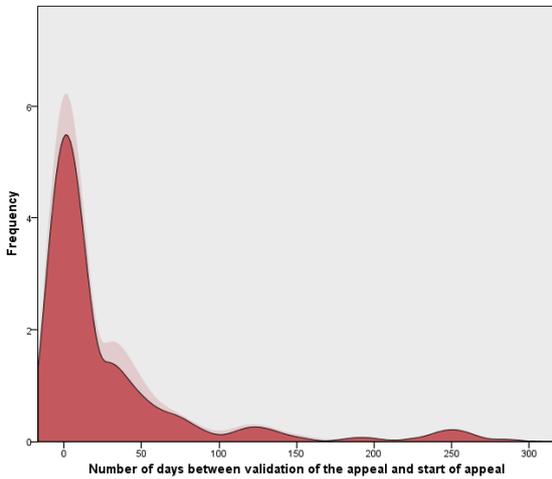
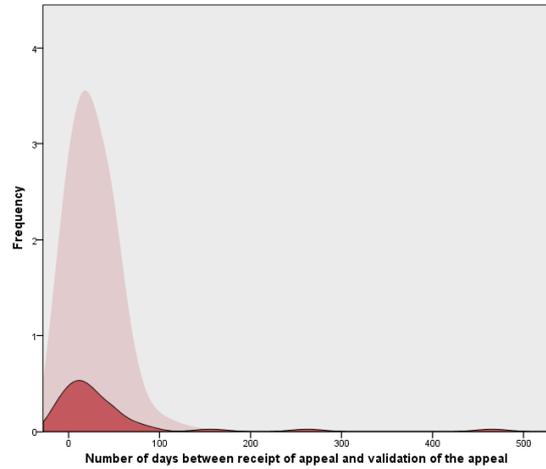
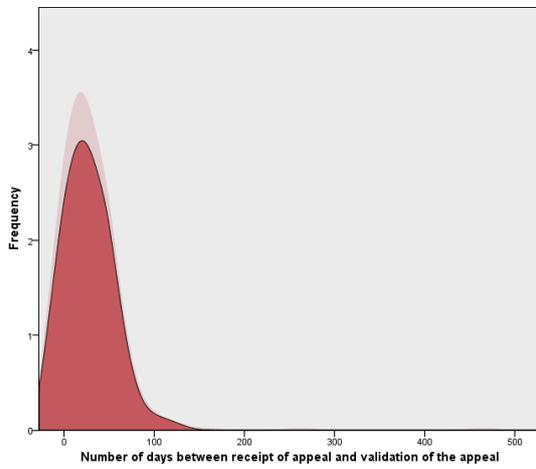
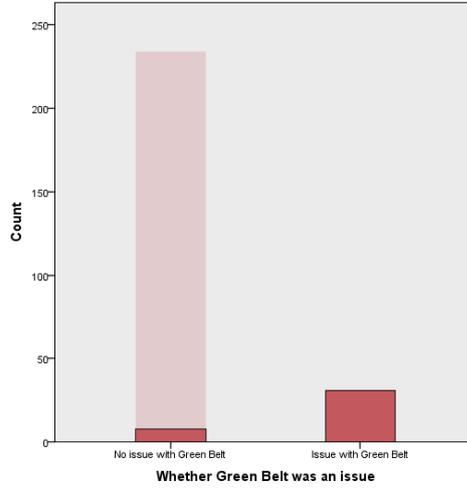
**HSG 5 year land supply issue - cluster 2  
N=94 (35.5%)**



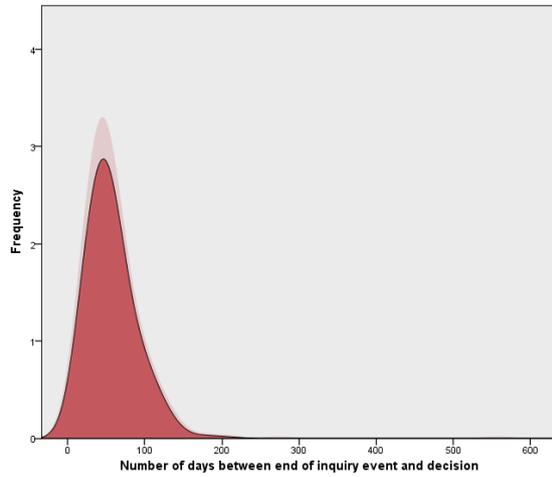
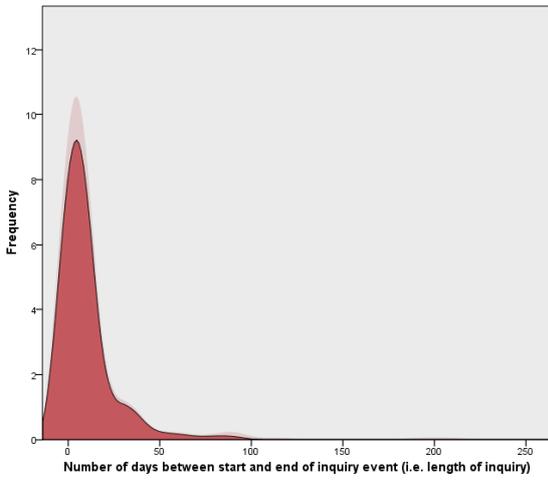
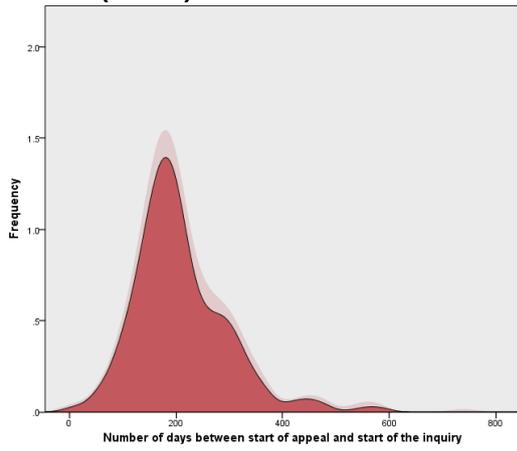
**Whether Green Belt was an issue – cluster 1  
N = 226 (85.3%)**



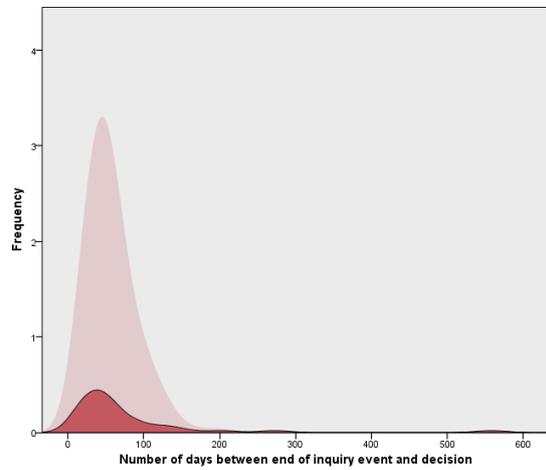
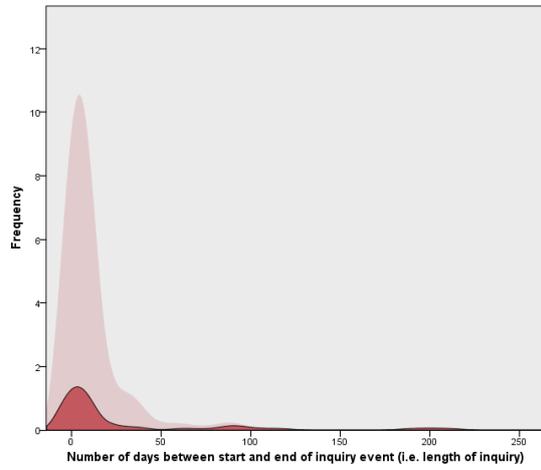
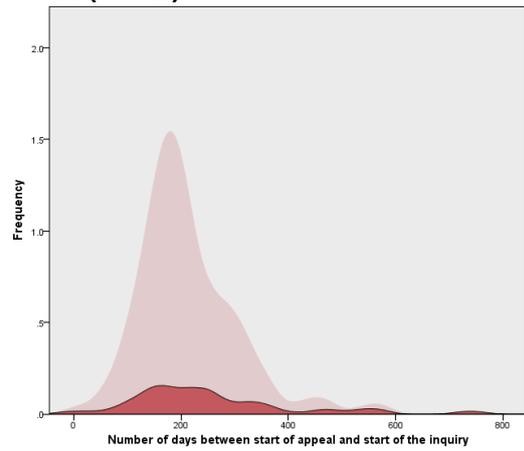
**Whether Green Belt was an issue – cluster 2  
N = 39 (14.7%)**



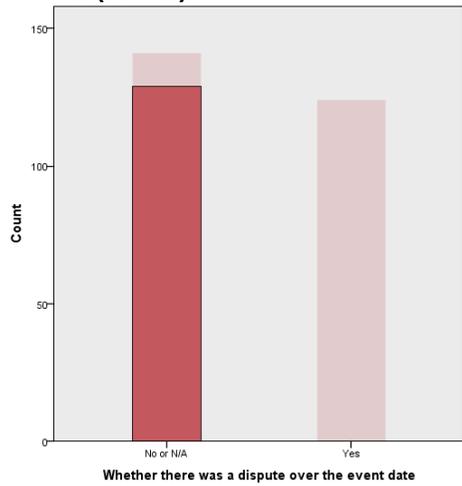
**Whether Green Belt was an issue – cluster 1  
N = 226 (85.3%)**



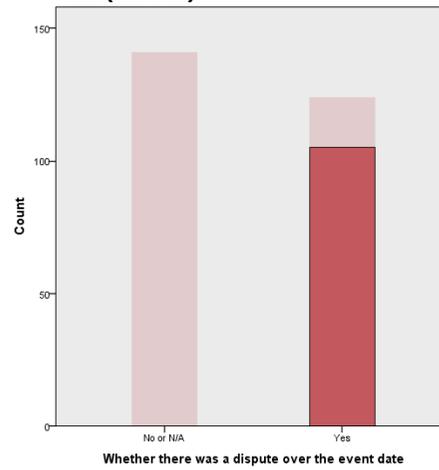
**Whether Green Belt was an issue – cluster 2  
N = 39 (14.7%)**



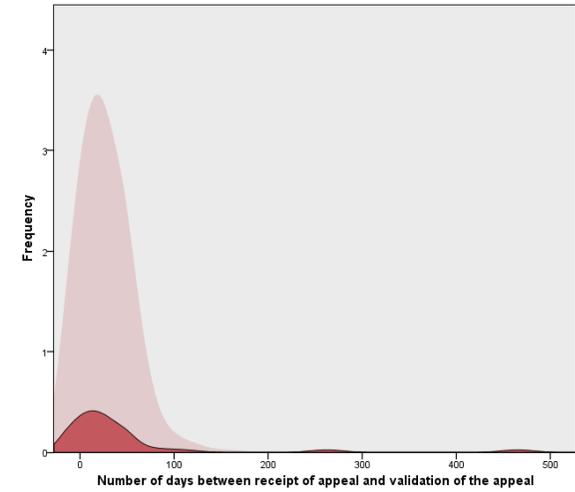
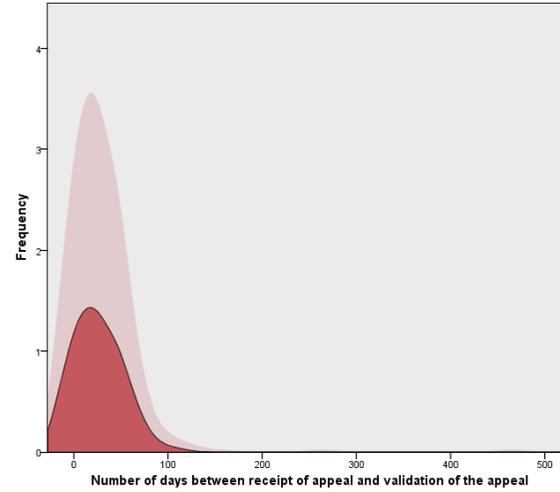
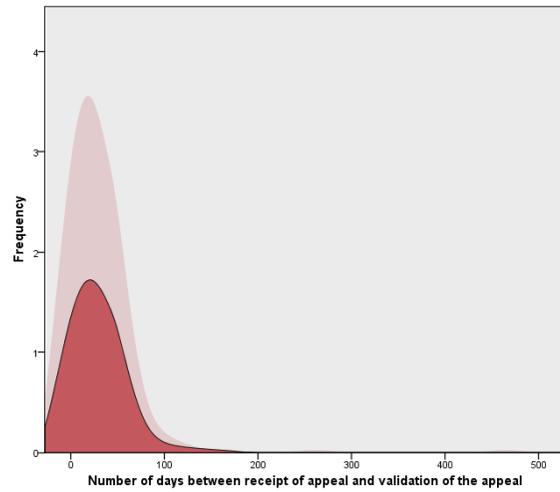
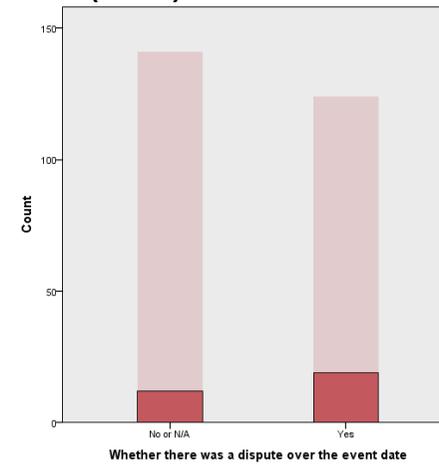
**Whether inquiry event date dispute - cluster 1**  
**N = 129 (48.7%)**



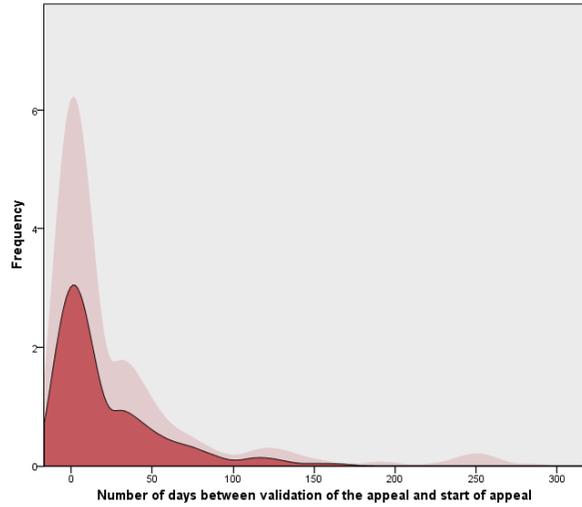
**Whether inquiry event date dispute - cluster 2**  
**N = 105 (39.6%)**



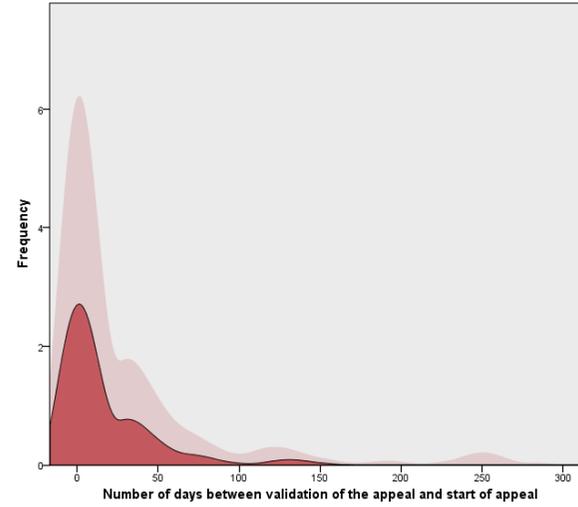
**Whether inquiry event date dispute - cluster 3**  
**N = 31 (11.7%)**



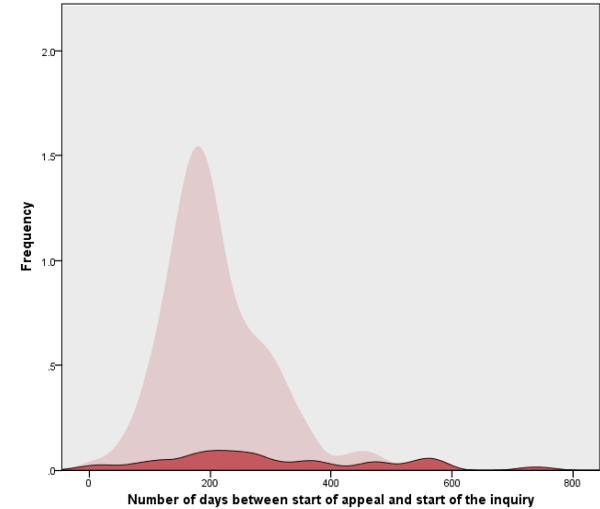
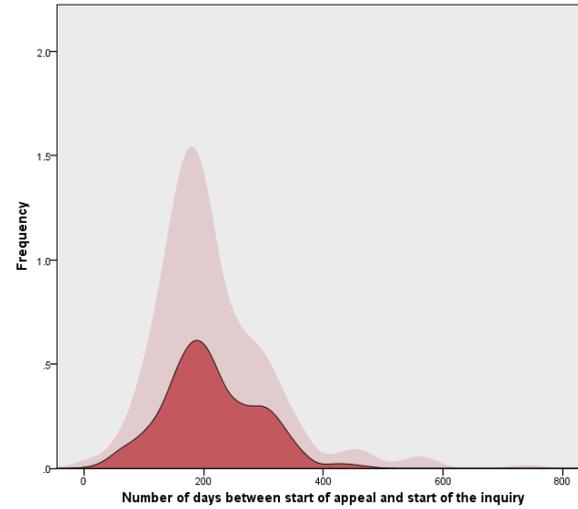
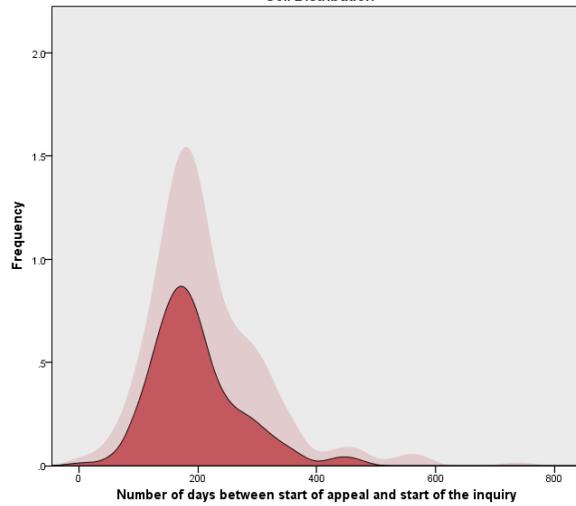
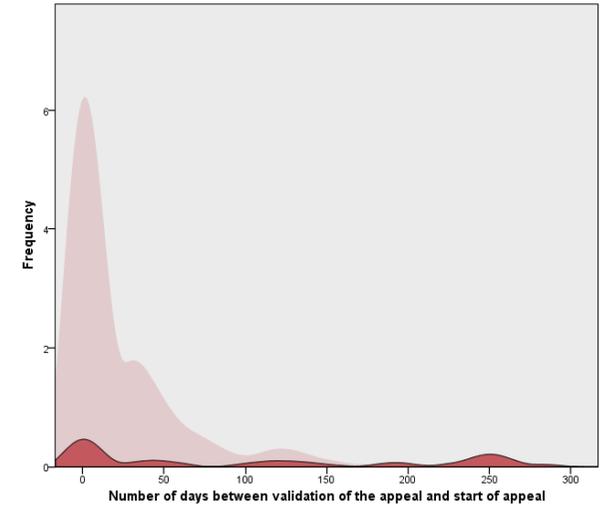
Whether inquiry event date dispute - cluster 1  
N = 129 (48.7%)



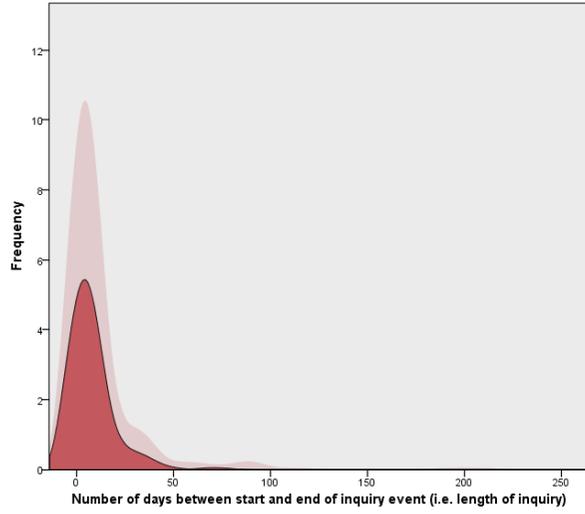
Whether inquiry event date dispute - cluster 2  
N = 105 (39.6%)



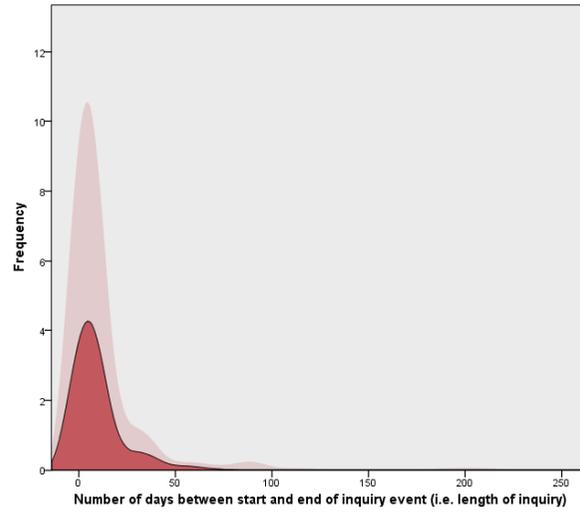
Whether inquiry event date dispute - cluster 3  
N = 31 (11.7%)



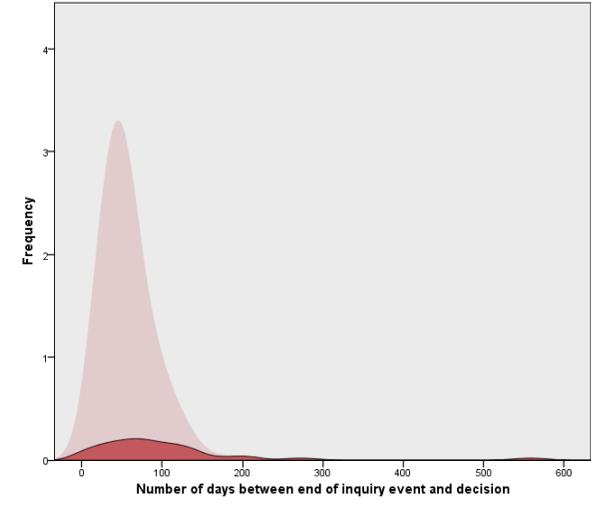
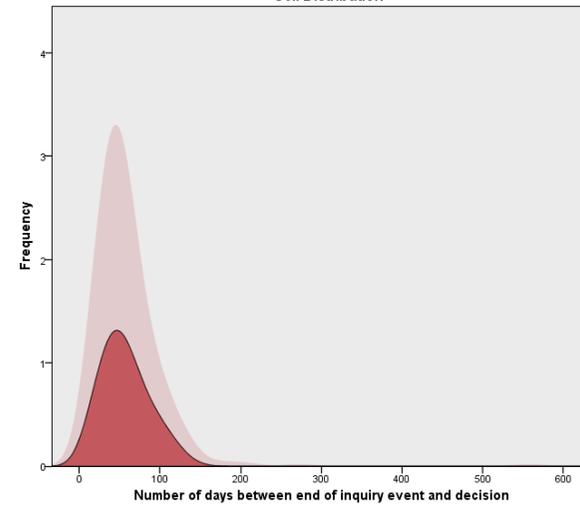
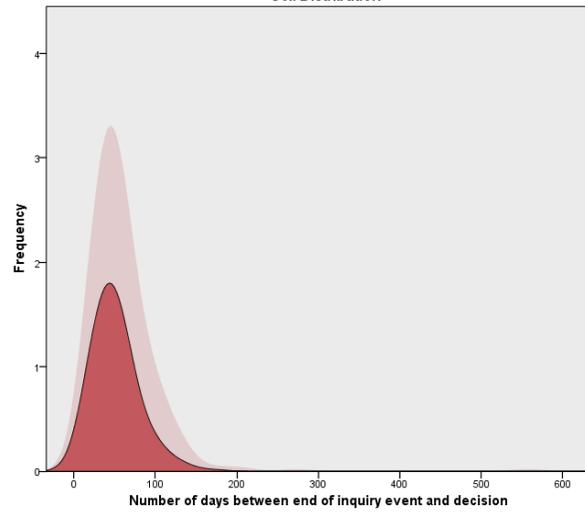
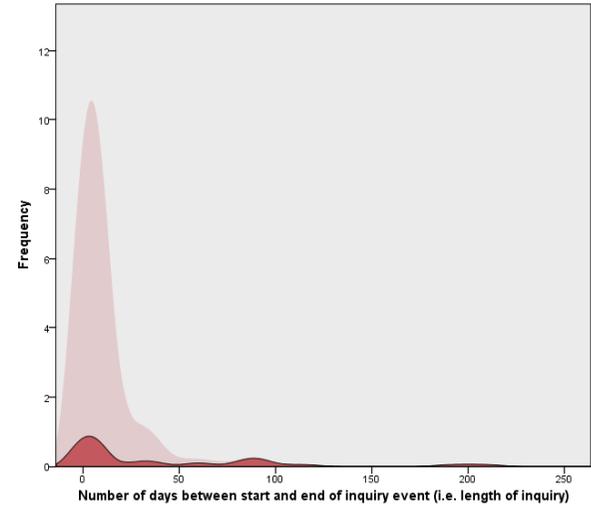
Whether inquiry event date dispute - cluster 1  
N = 129 (48.7%)



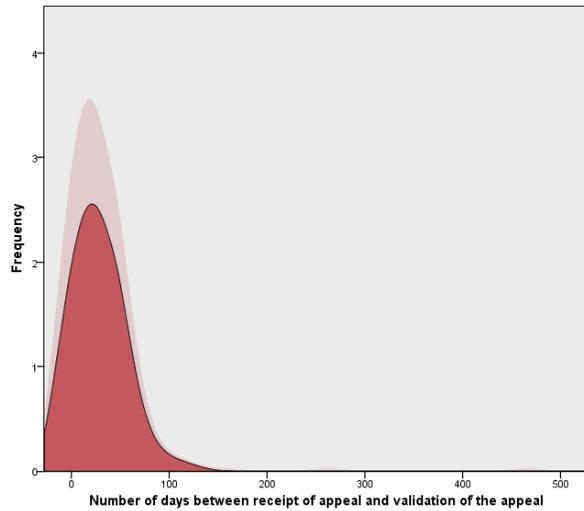
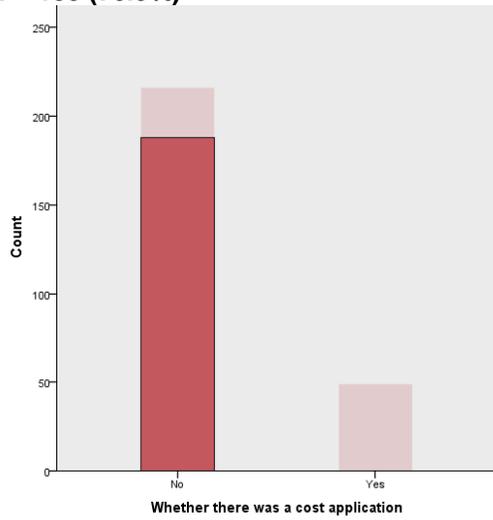
Whether inquiry event date dispute - cluster 2  
N = 105 (39.6%)



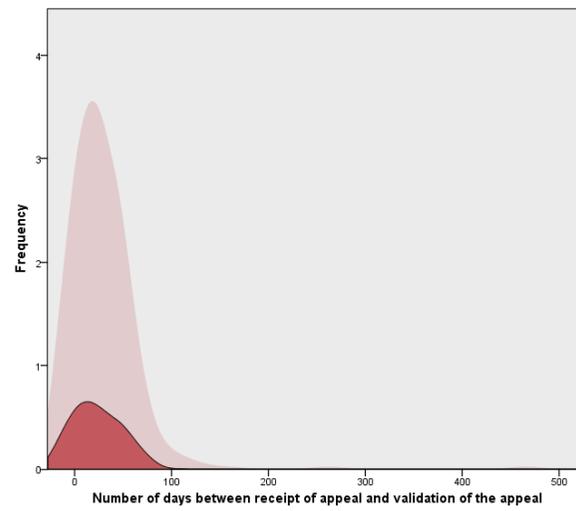
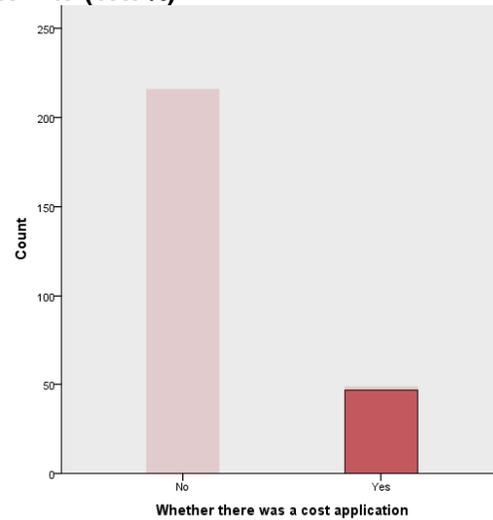
Whether inquiry event date dispute - cluster 3  
N = 31 (11.7%)



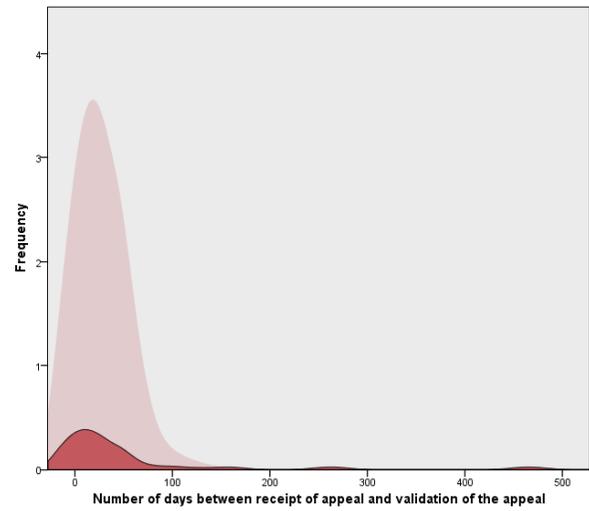
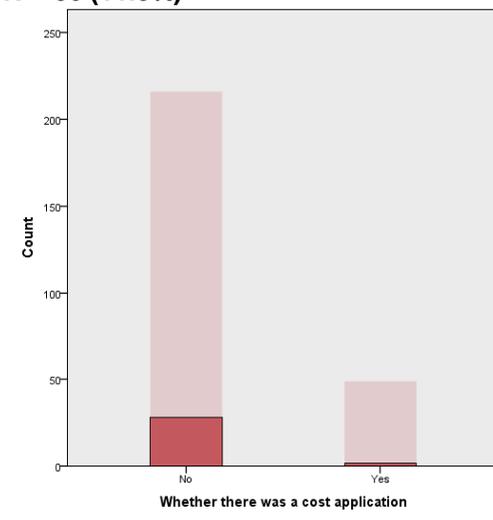
**Whether there was a cost application – cluster 1**  
**N = 188 (70.9%)**



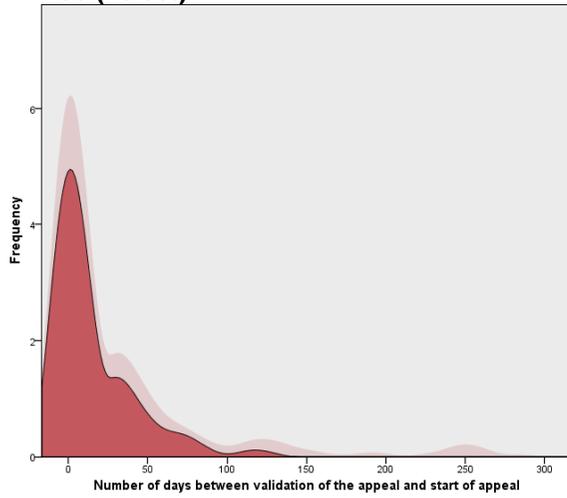
**Whether there was a cost application – cluster 2**  
**N = 47 (17.7%)**



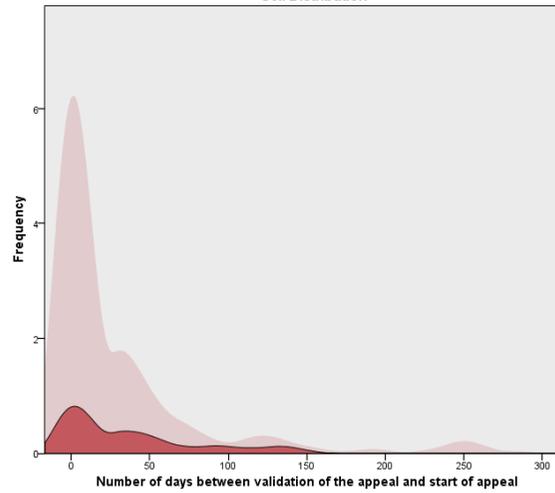
**Whether there was a cost application – cluster 3**  
**N = 30 (11.3%)**



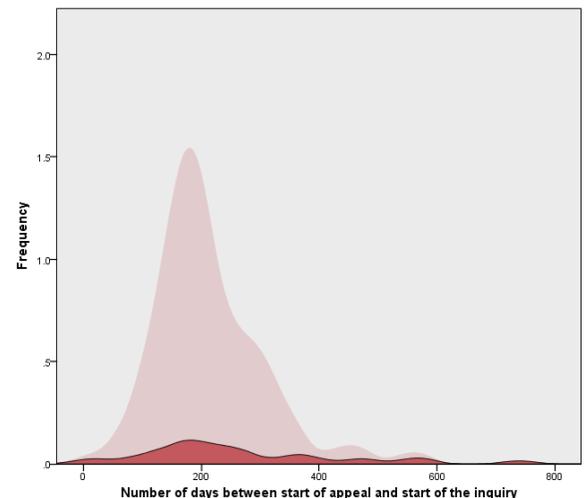
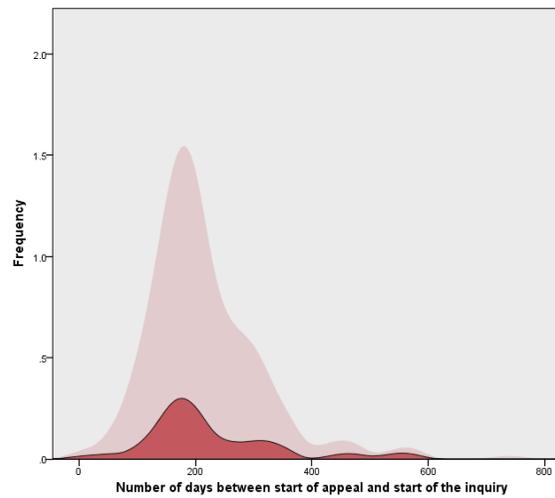
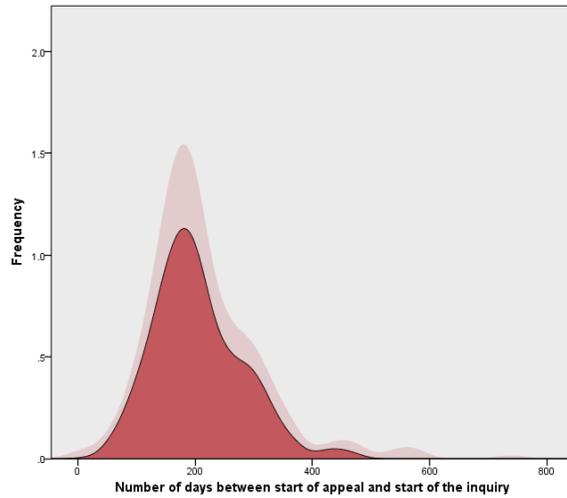
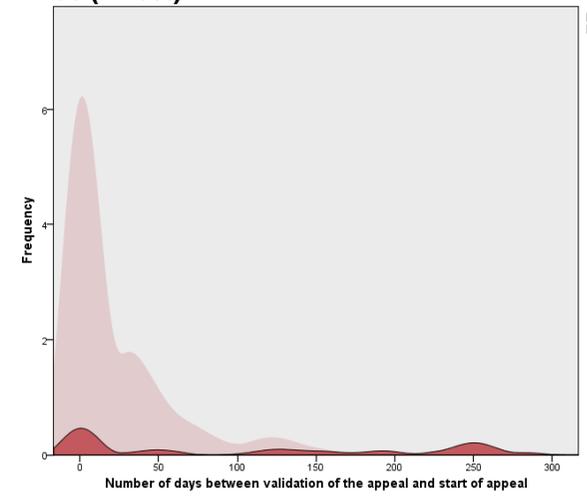
Whether there was a cost application – cluster 1  
**N = 188 (70.9%)**



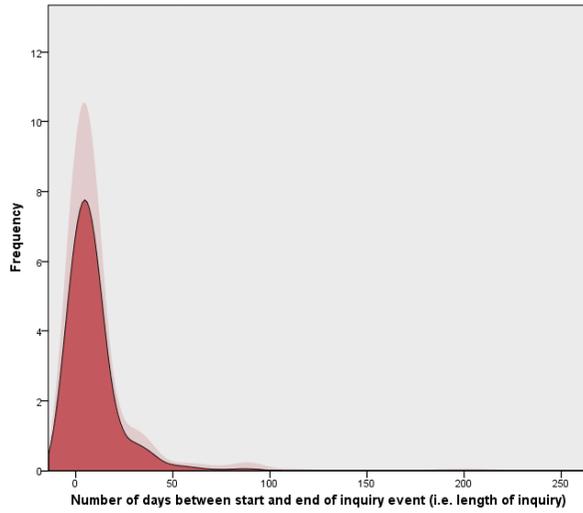
Whether there was a cost application – cluster 2  
**N = 47 (17.7%)**



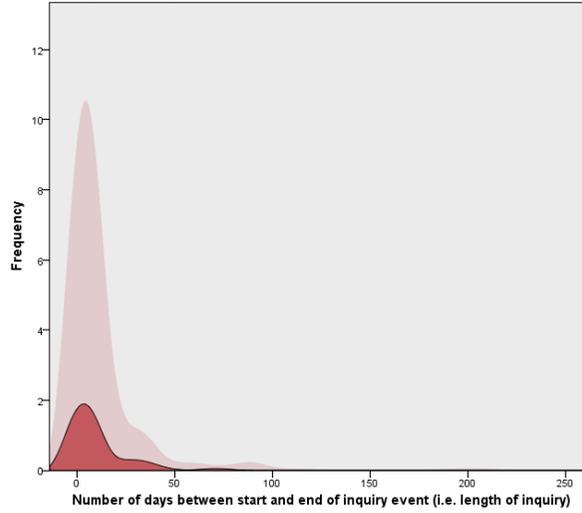
Whether there was a cost application – cluster 3  
**N = 30 (11.3%)**



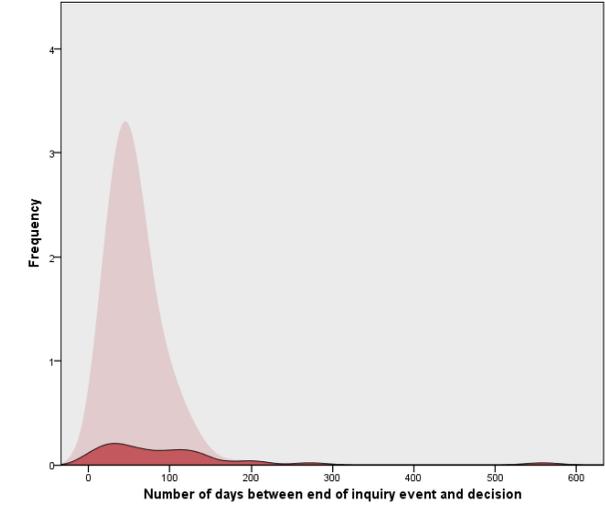
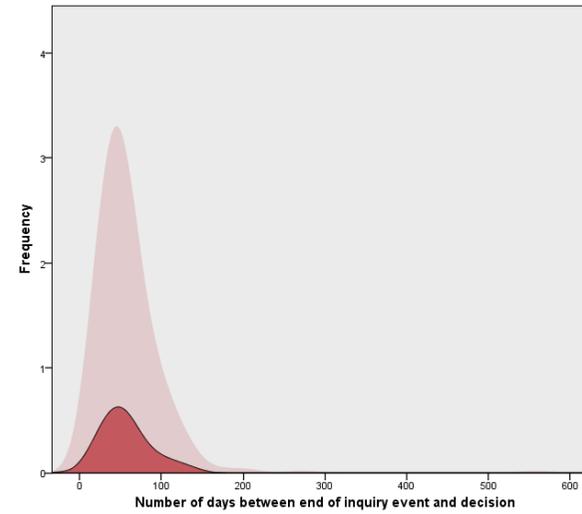
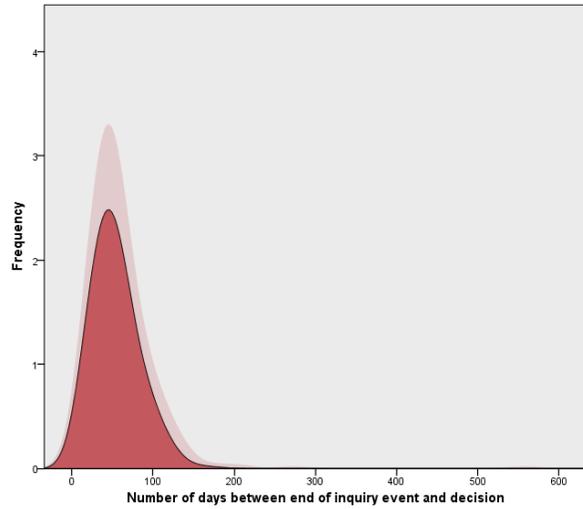
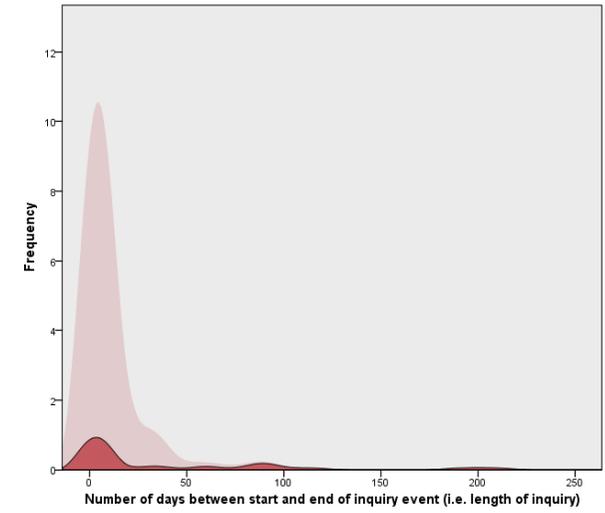
Whether there was a cost application – cluster 1  
N = 188 (70.9%)



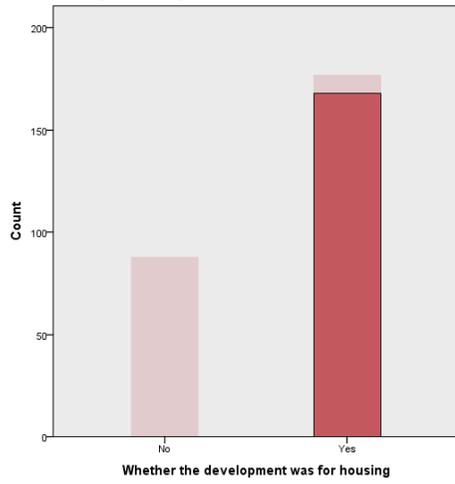
Whether there was a cost application – cluster 2  
N = 47 (17.7%)



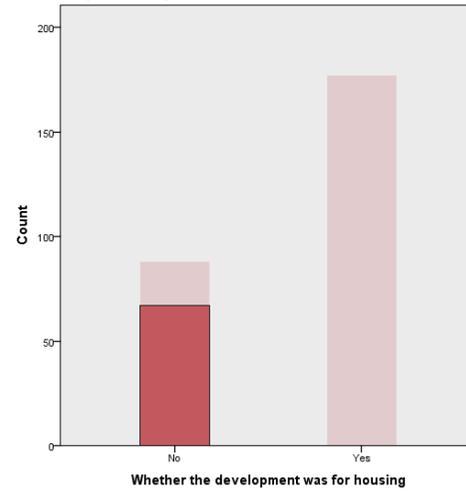
Whether there was a cost application – cluster 3  
N = 30 (11.3%)



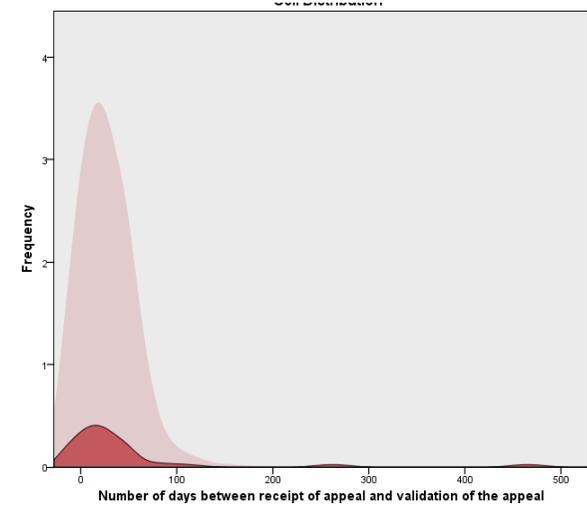
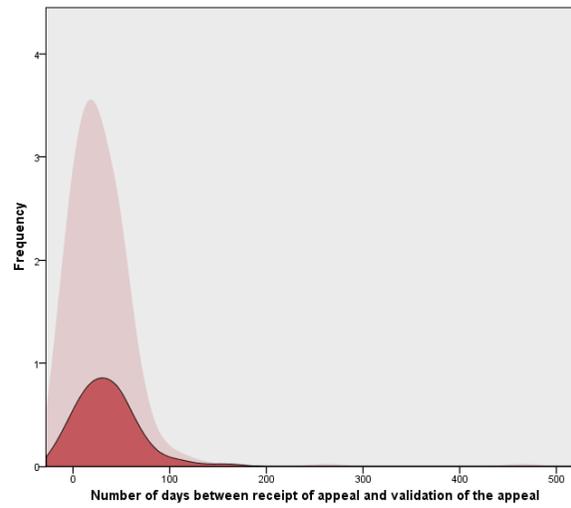
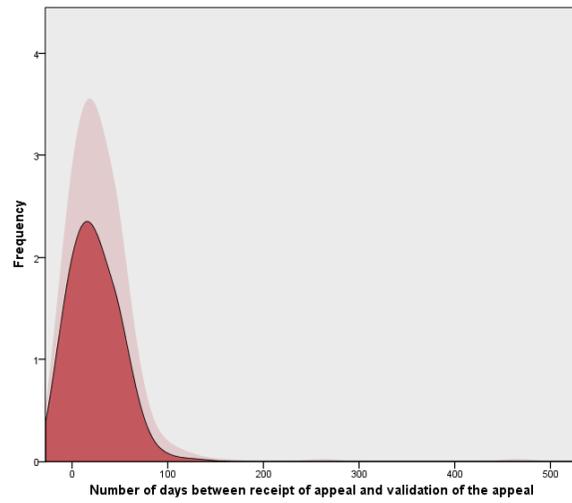
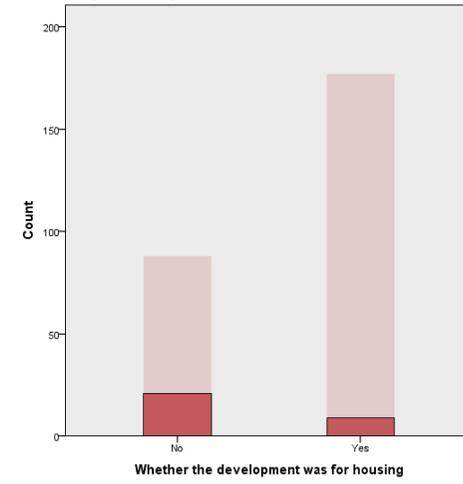
**Housing development type – cluster 1**  
**N = 168 (63.4%)**



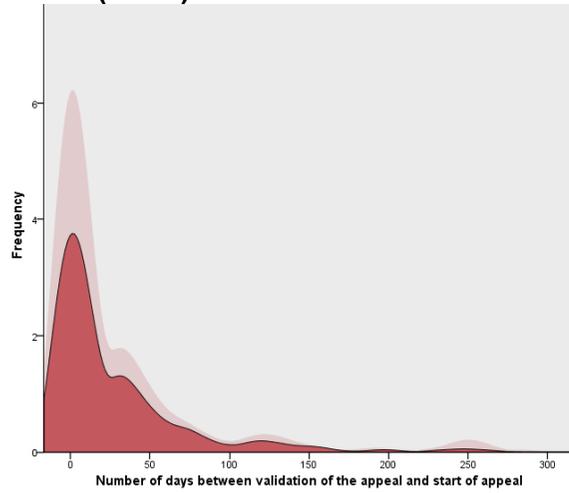
**Housing development type – cluster 2**  
**N = 67 (25.3%)**



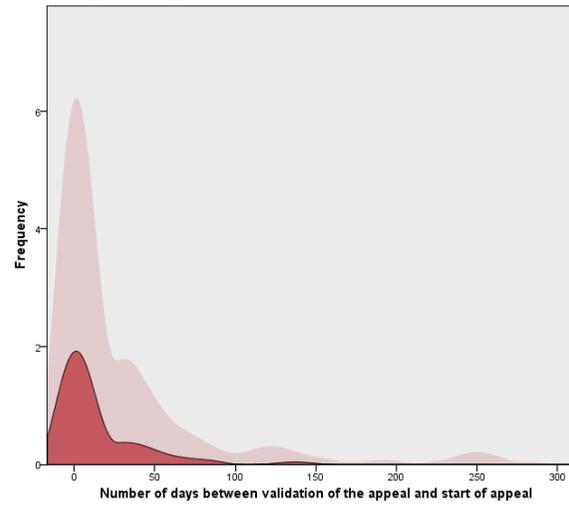
**Housing development type – cluster 3**  
**N = 30 (11.3%)**



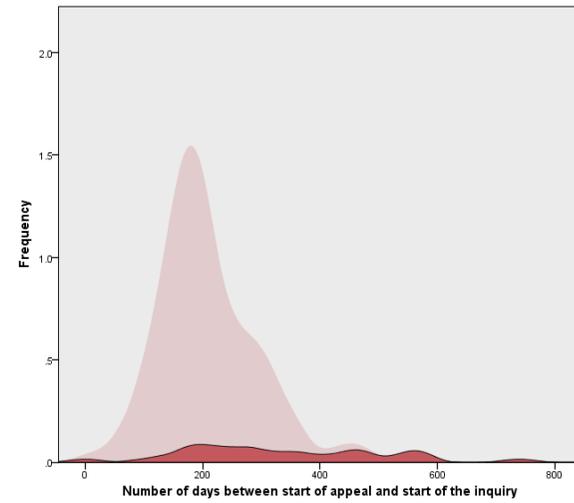
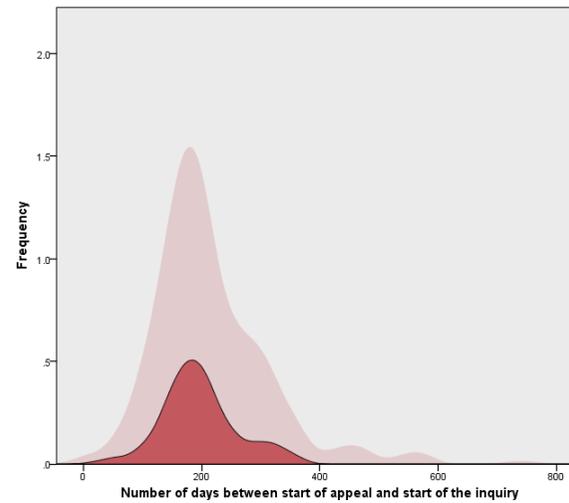
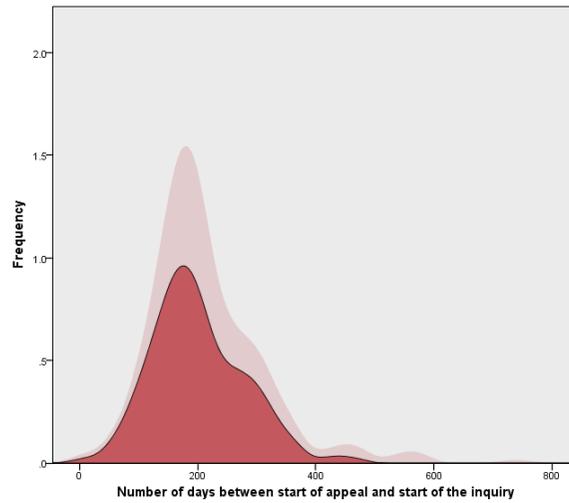
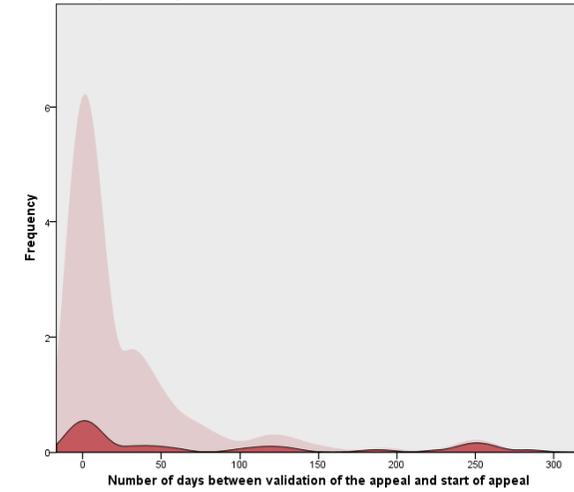
**Housing development type – cluster 1**  
**N = 168 (63.4%)**



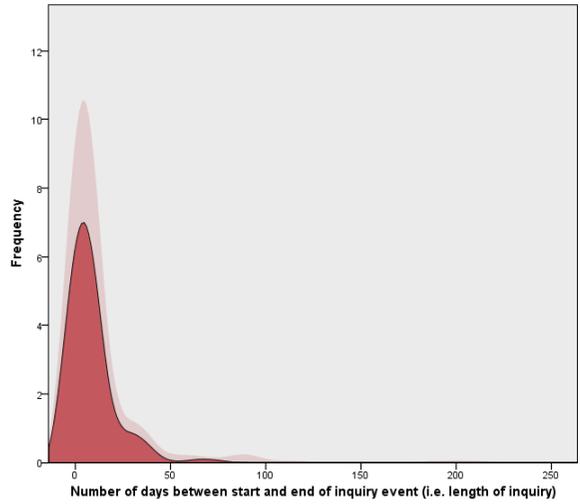
**Housing development type – cluster 2**  
**N = 67 (25.3%)**



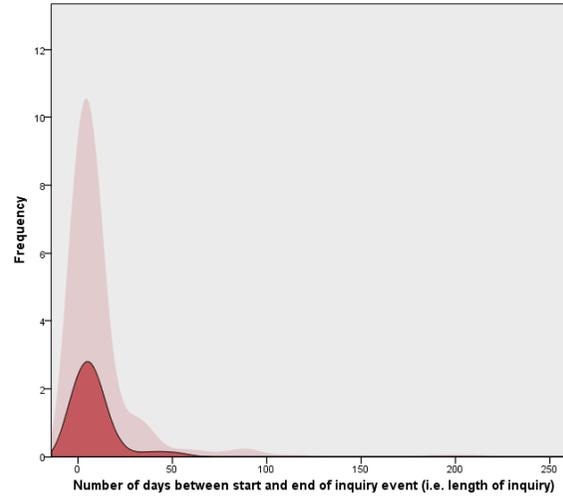
**Housing development type – cluster 3**  
**N = 30 (11.3%)**



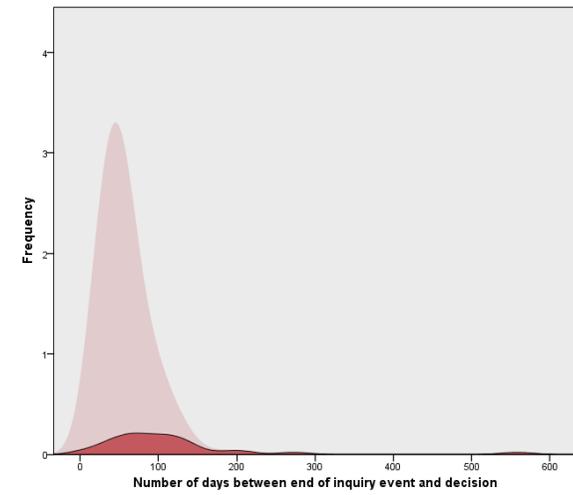
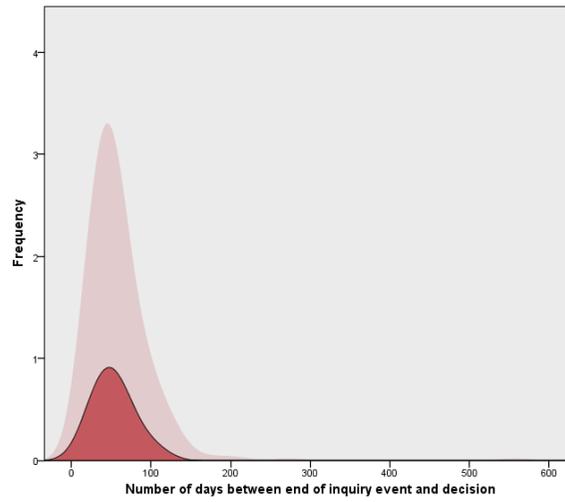
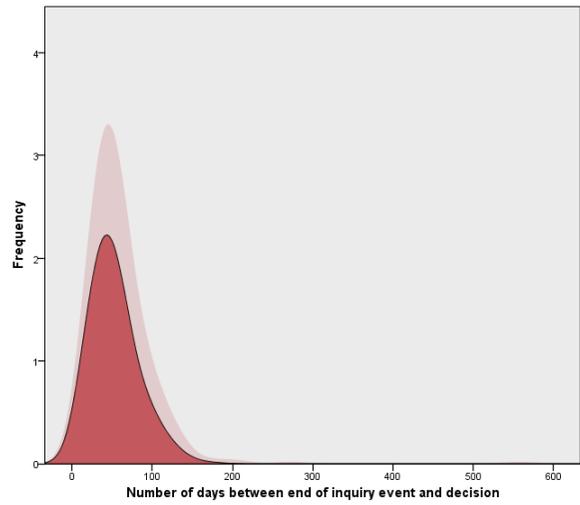
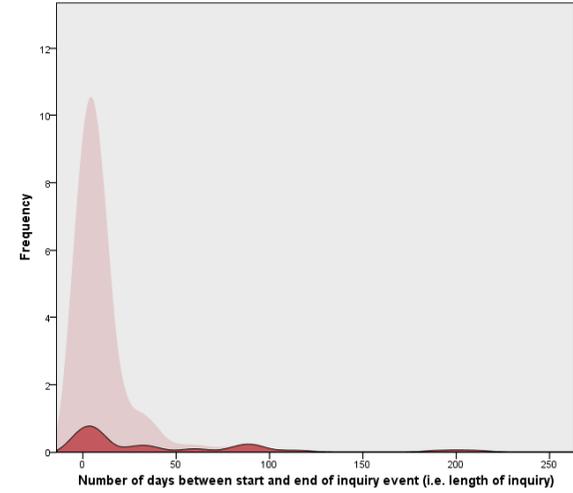
**Housing development type – cluster 1**  
**N = 168 (63.4%)**



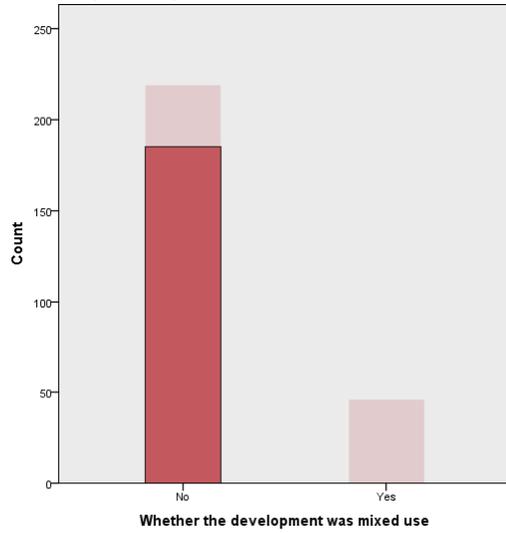
**Housing development type – cluster 2**  
**N = 67 (25.3%)**



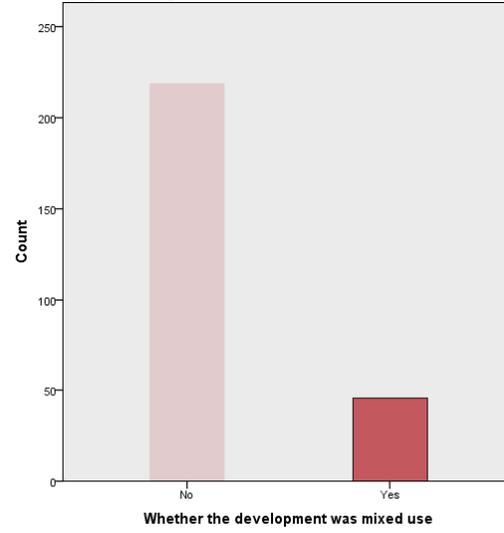
**Housing development type – cluster 3**  
**N = 30 (11.3%)**



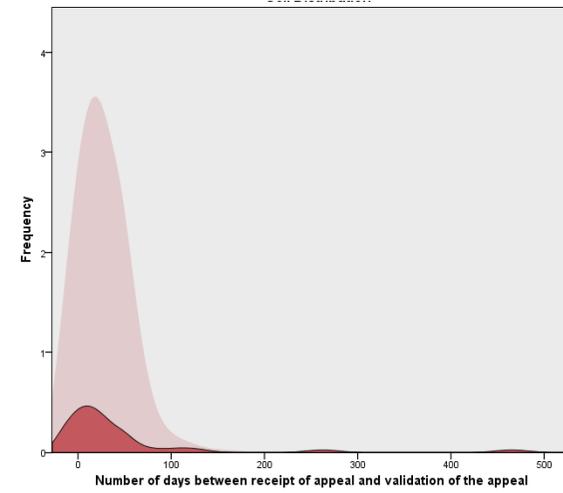
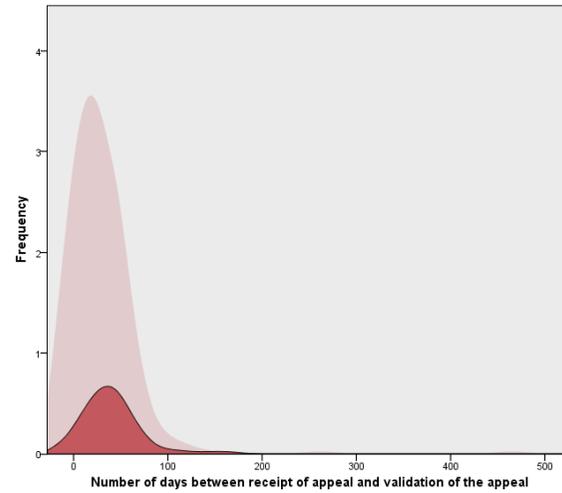
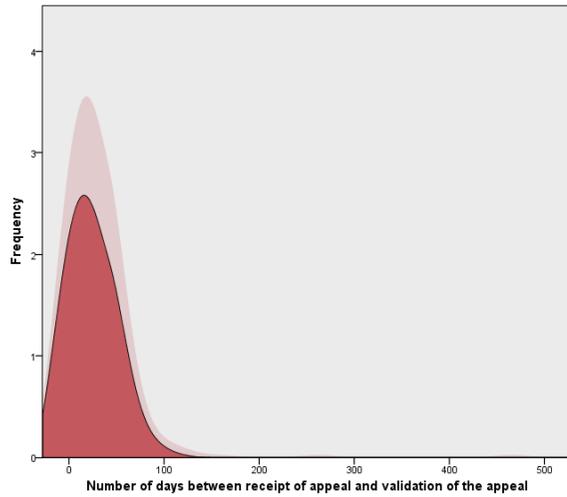
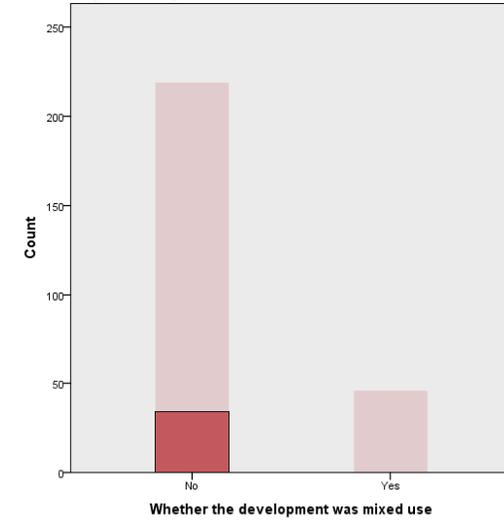
**Mixed use development type – cluster 1  
N = 185 (69.8%)**



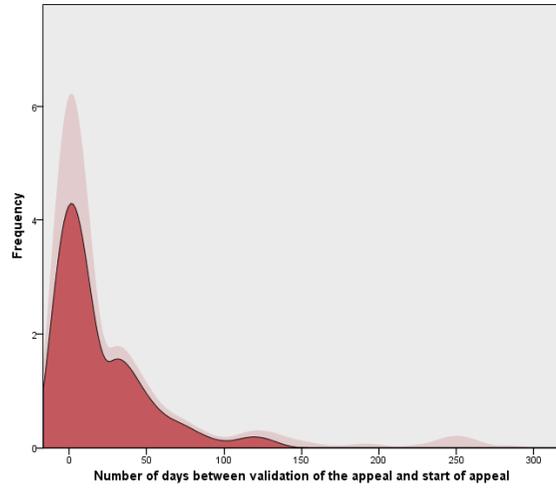
**Mixed use development type – cluster 2  
N = 46 (17.4%)**



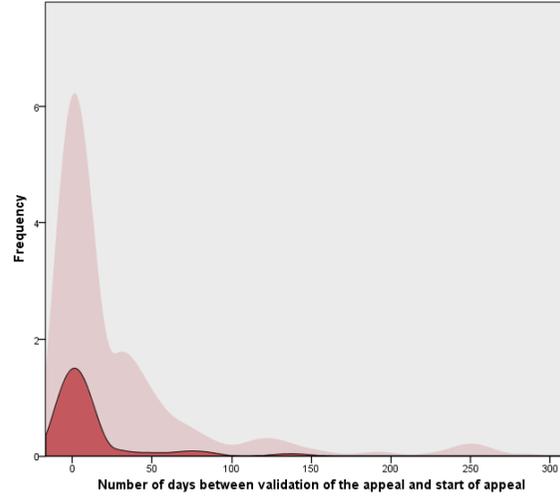
**Mixed use development type – cluster 3  
N = 34 (12.8%)**



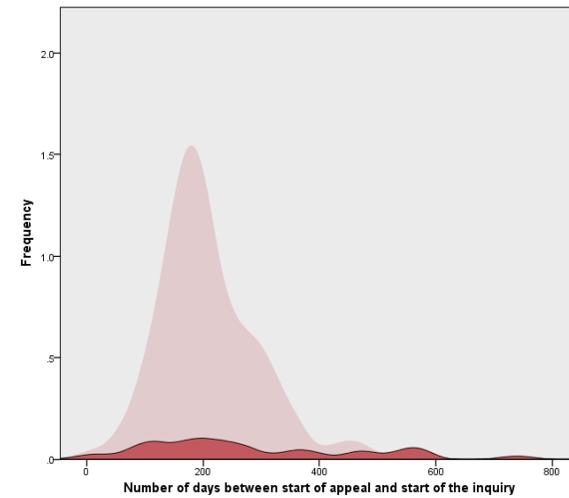
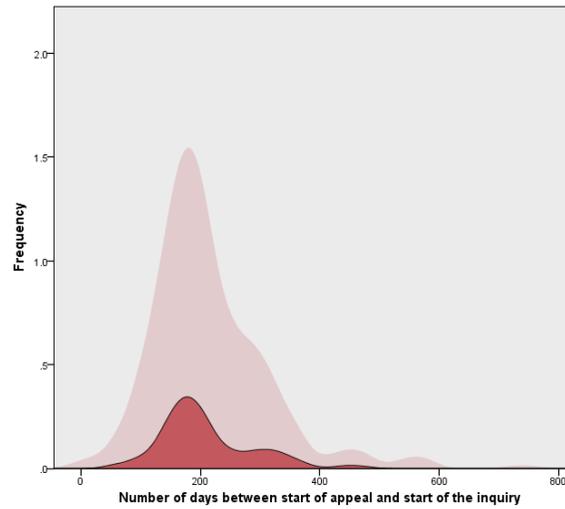
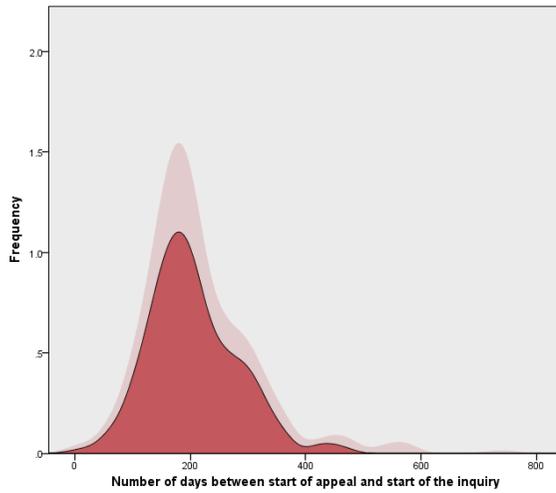
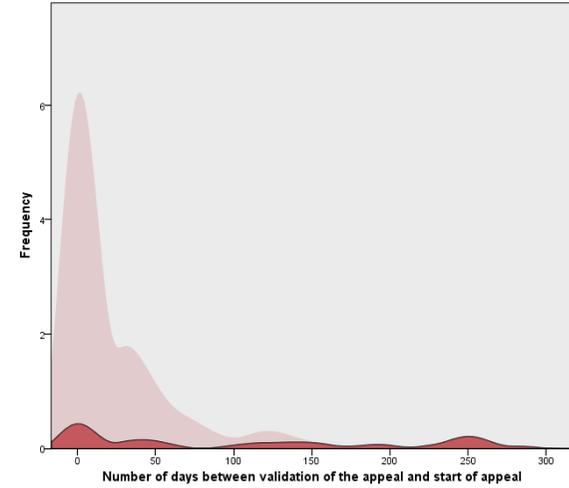
Mixed use development type – cluster 1  
N = 185 (69.8%)



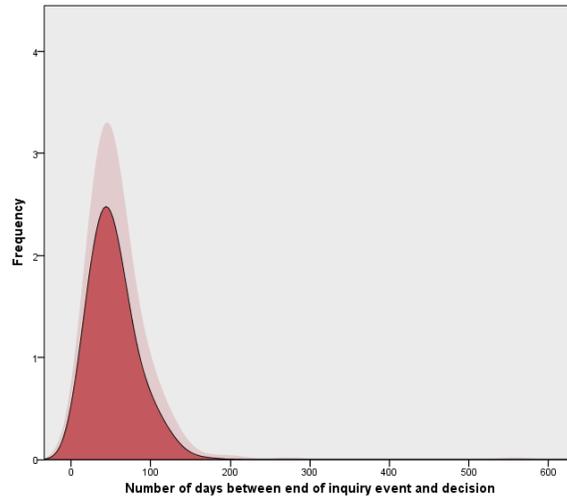
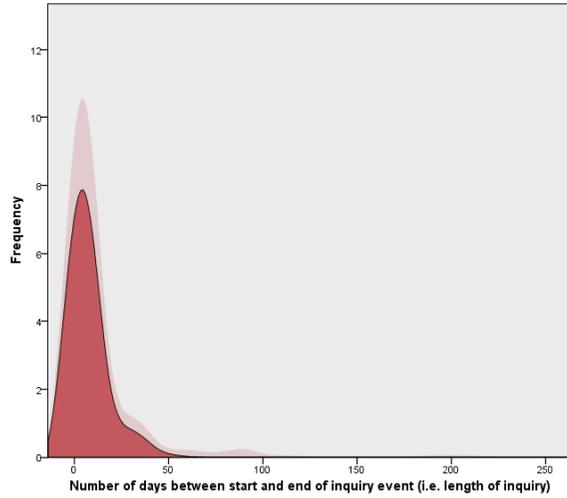
Mixed use development type – cluster 2  
N = 46 (17.4%)



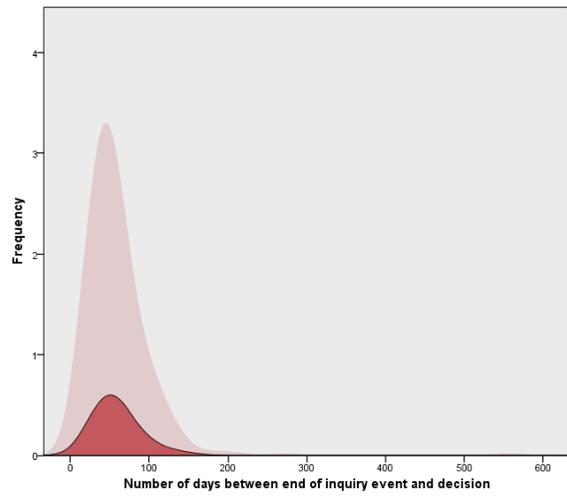
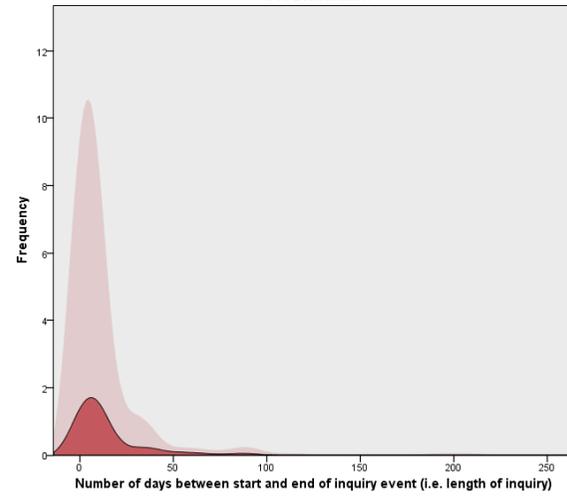
Mixed use development type – cluster 3  
N = 34 (12.8%)



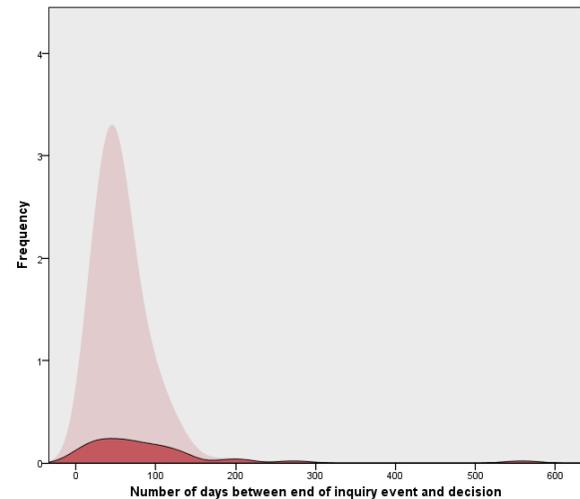
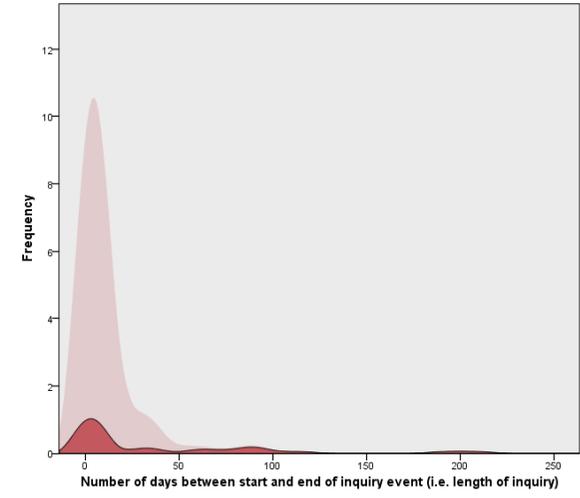
**Mixed use development type – cluster 1**  
**N = 185 (69.8%)**



**Mixed use development type – cluster 2**  
**N = 46 (17.4%)**



**Mixed use development type – cluster 3**  
**N = 34 (12.8%)**



# Annex G – Call for Evidence Analysis

This annex sets out the analysis of the call for evidence. 104 individuals and organisations responded to the survey, with most responses submitted by organisations.



Most respondents have significant inquiry experience.



Respondents came from a variety of backgrounds. There were 10 personal responses from LPA employees or councillors (we have assumed their views represent this sector), and 7 personal responses from lawyers. 5 planning consultants also submitted personal responses.



### Are the right appeal processes used? (83 respondents)

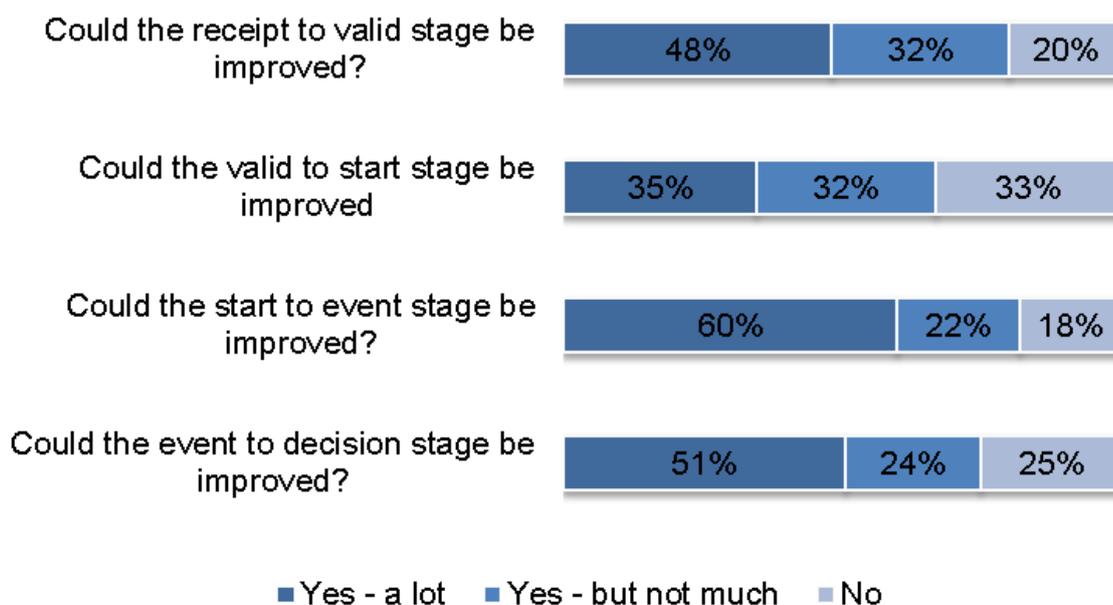
55% responded yes to this question and 45% responded no.



There was no clear consensus on the issues that arose from the long form responses to this question, the most popular issue raised by respondents was that more appeals should be decided by hearing. This suggestion was raised by 8 respondents, fewer than 10% of total responses.

### How much could the process be improved?

This graph shows that of the four stages of the appeals inquiry process, the one that respondents consider needs most reform is the period from the start letter to the inquiry event, with 60% considering it needs a lot of improvement. This is followed by the event to decision stage with 51%.



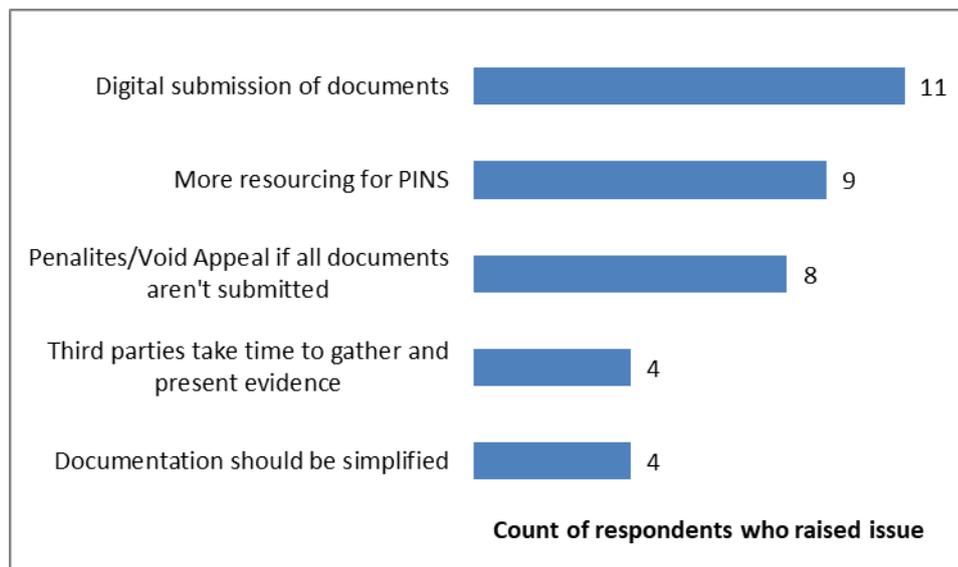
An in-depth analysis was carried out to assess common themes that respondents refer to in the long form answers to these questions. The table below shows the number of respondents that raised key themes that emerge from the call for evidence. This suggests that across all four areas, respondents have consistently raised the need for more resource at the Planning Inspectorate.

	More resource for the Planning Inspectorate	More early engagement with inspectors	More use of technology to increase efficiency	Inspectors should more strictly set and enforce deadlines
How could the receipt to valid stage be improved?	9	N/A	11	8
How could the valid to start stage be improved	6	8	4	N/A
How could the start to event stage be improved?	19	12	N/A	18
How could the event to decision stage be improved?	18	N/A	N/A	4

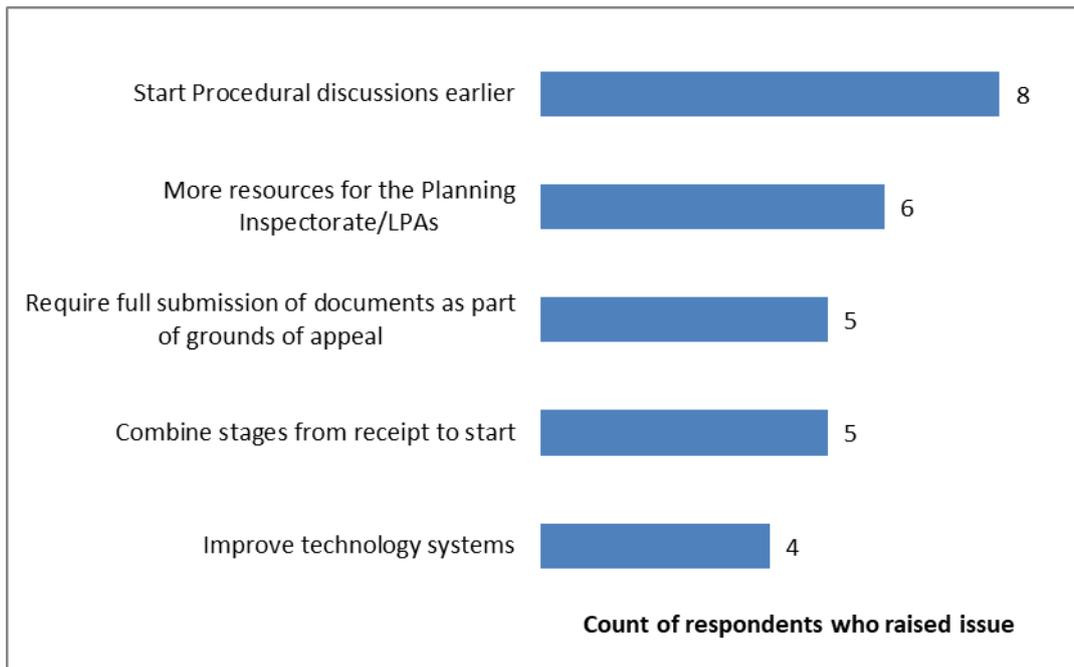
### Summary of responses to long form questions

The tables below summarise the qualitative analysis of questions 10 – 17 of the Call for Evidence. The graphs below show the 5 most popular responses to each question. Respondents were able to provide more than one response. It should be noted that the use of 'PINS' in these graphs refers to the Planning Inspectorate.

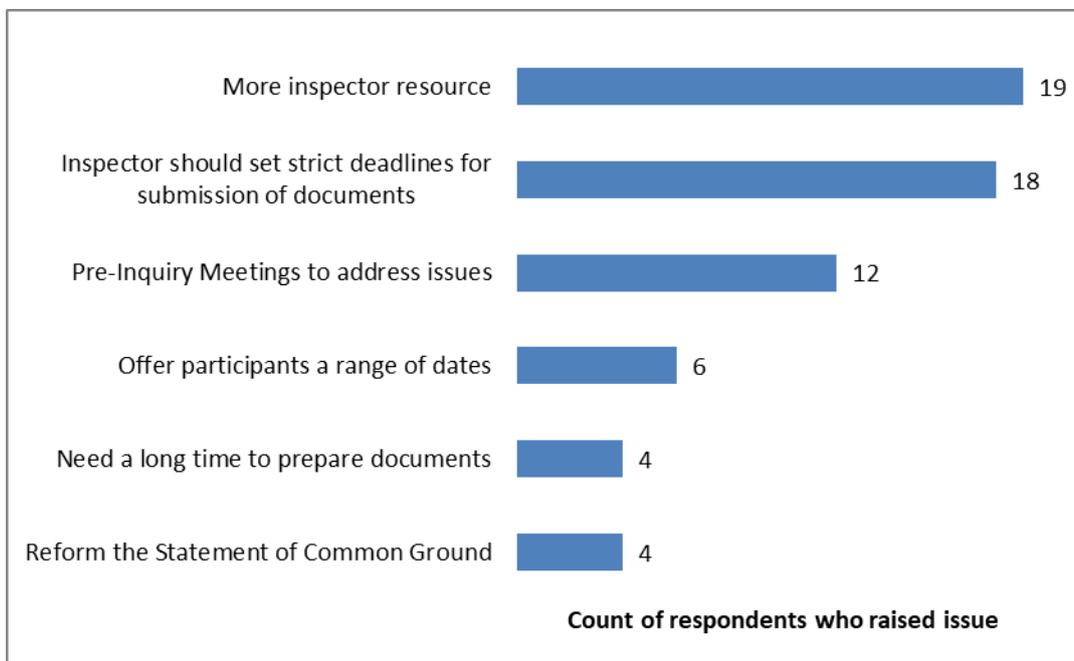
#### Q10 Could the receipt to valid stage be improved?



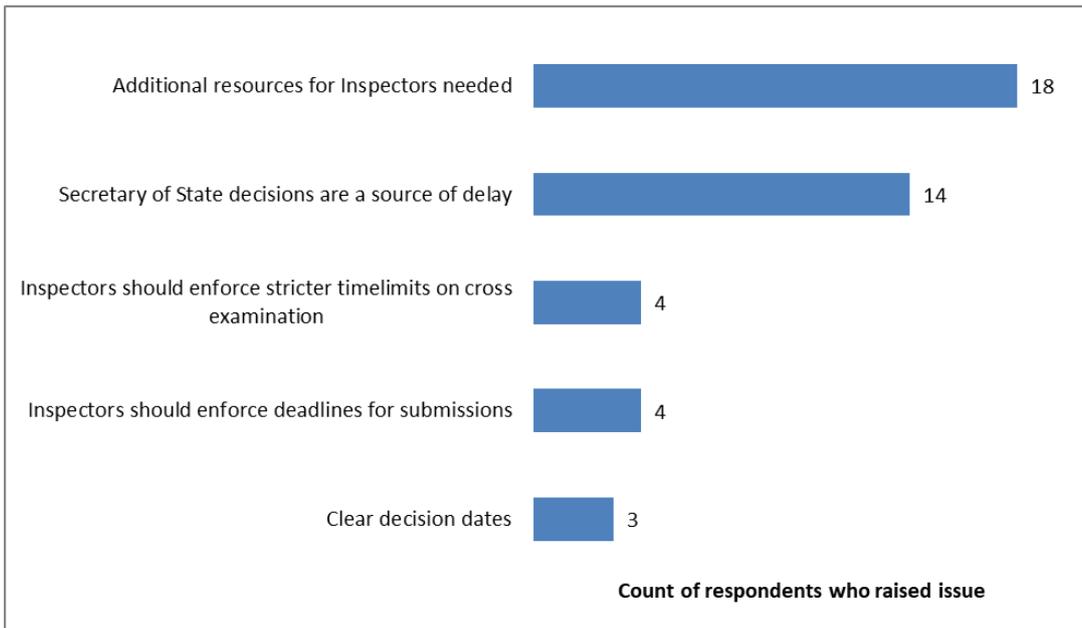
### Q11 Could the valid to start stage be improved?



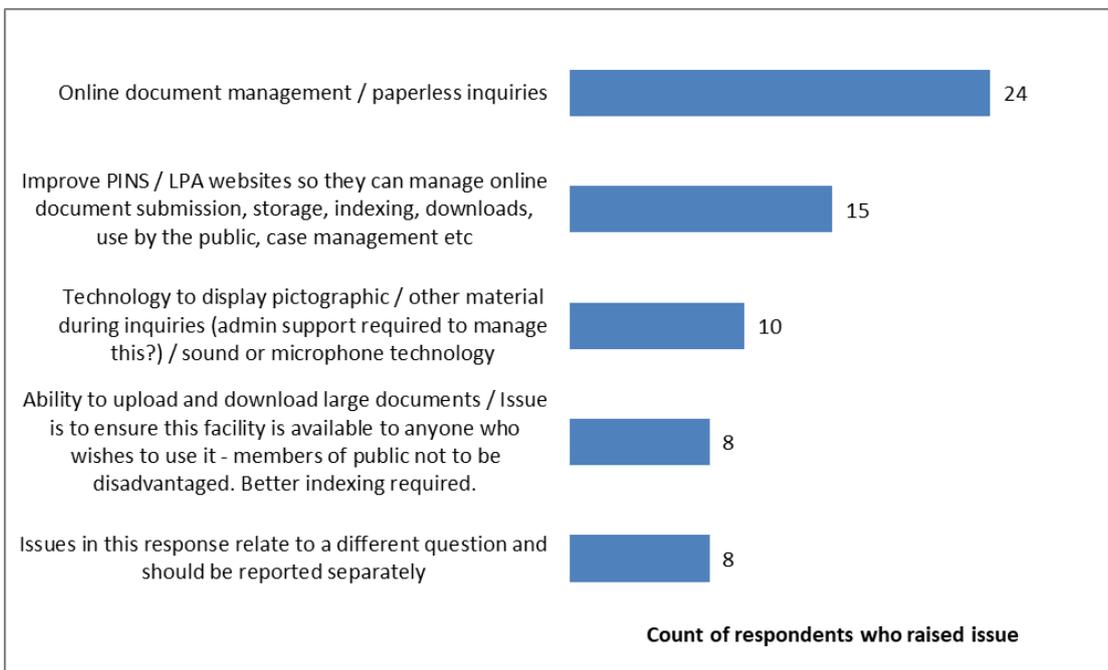
### Q12 Could the start to event stage be improved?



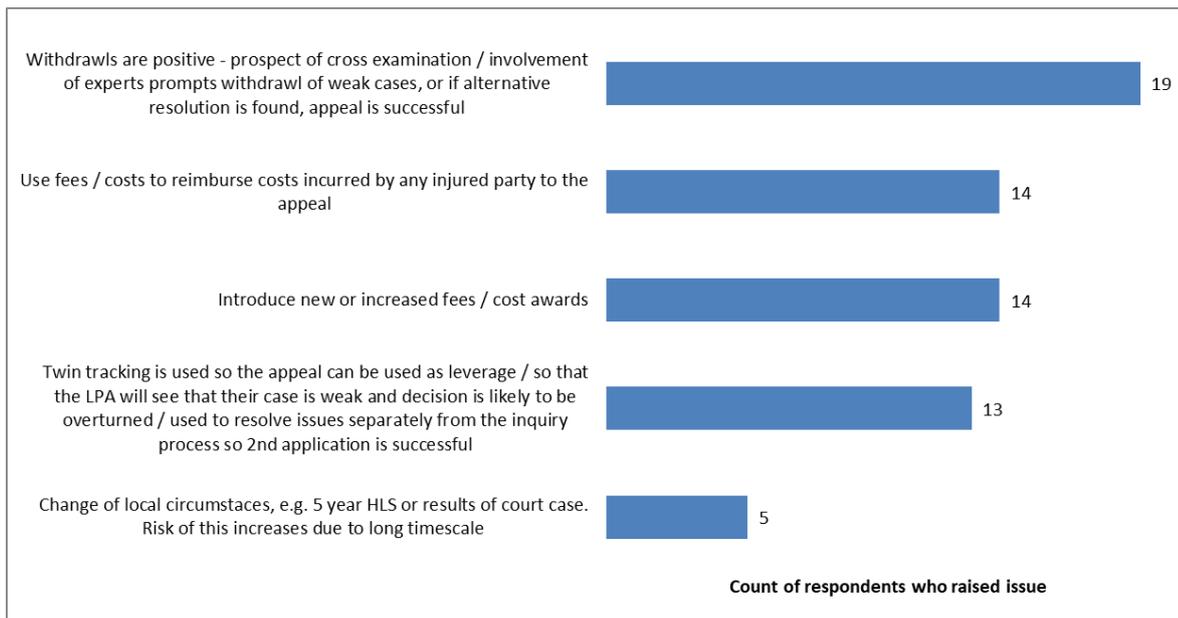
### Q13 Could the event to decision stage be improved?



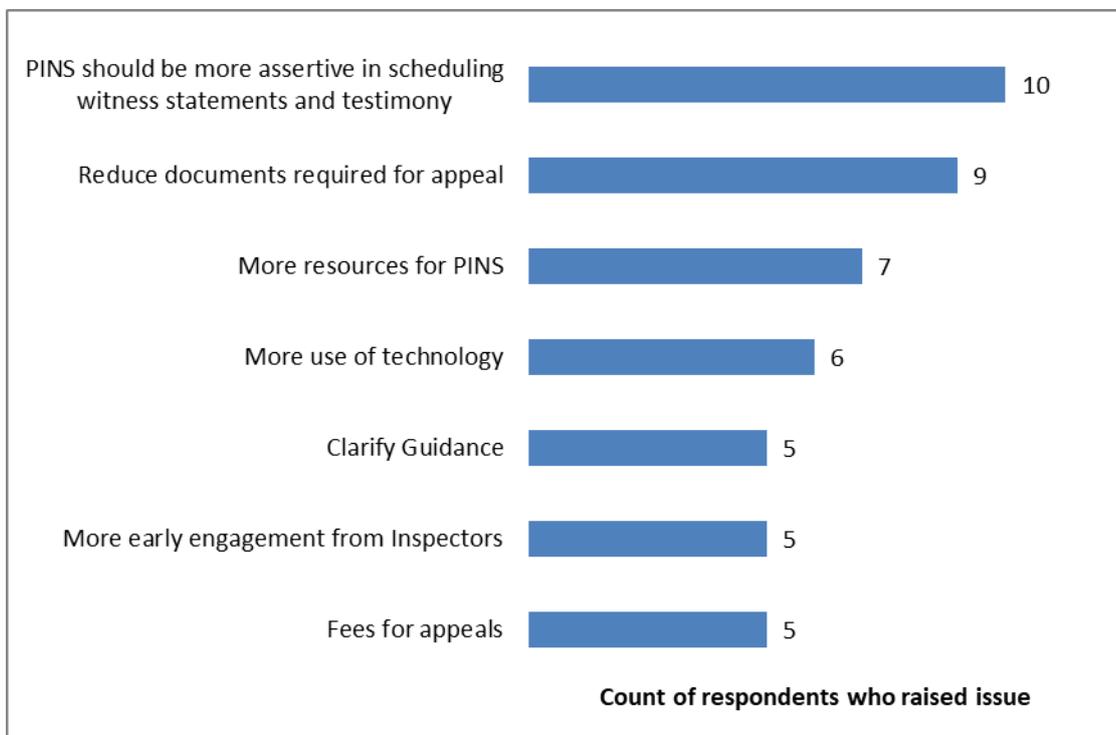
### Q14 Could better use be made of new technology?



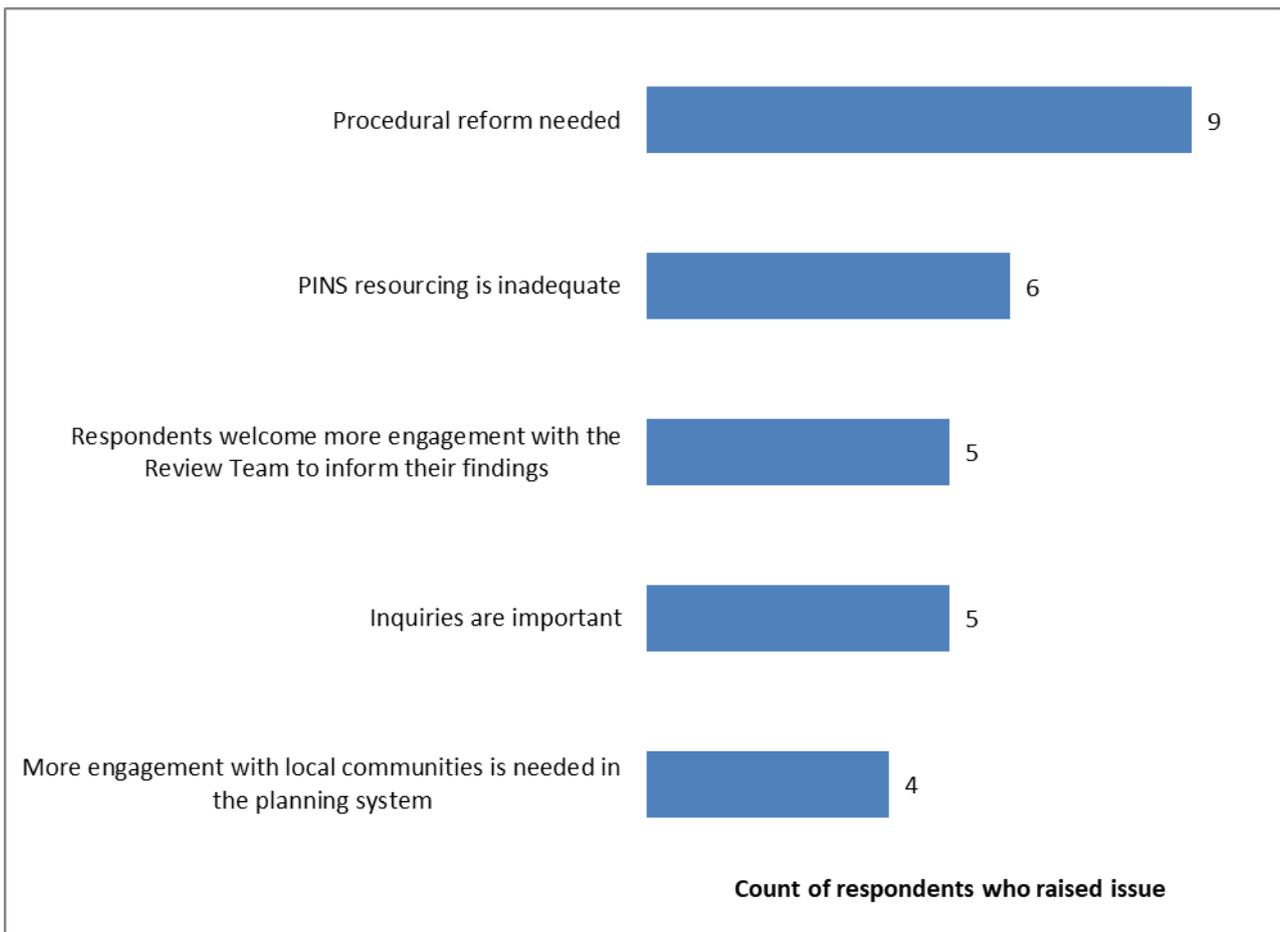
### Q15 Why are appeals withdrawn?



### Q16 What innovative changes could improve the inquiry process?



**Q17 What other comments do you have on the inquiries process?**



# Annex H – Example of directions given by an Inspector at a pre-inquiry meeting in held in 2017

APPEAL REF: XXX

SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990

APPLCIATION BY XXX

LAND ADJACENT TO XXX

LOCAL PLANNING AUTHORITY: XXX

DIRECTIONS GIVEN AT PRE-INQUIRY MEETING

Held on [meeting date] at: [venue]

1. The Council and Applicant (in liaison with the rule 6 party) will submit an agreed Core Documents list to the Planning Inspectorate by email to the case officer no later than [meeting date + 35 days].
2. A Retail Impact Statement of Common Ground (SCG) and a Planning / Highways SCG, signed by the council and applicants, should be submitted to the Planning Inspectorate by no later than [meeting date + 35 days]. Any additional SCG (for example between the Applicants and rule 6 party) should be provided by email to the case officer by no later than [meeting date + 35 days].
3. Proofs of evidence from all main parties (the Council, the Appellant and the rule 6 party) shall be submitted to the Planning Inspectorate by no later than [meeting date + 56 days] with copies sent direct to both other main parties.
4. All main parties, to include the Council, the Applicants and the rule 6 party, shall submit to the Planning Inspectorate a final list of the names of the advocates appearing, those witnesses they will be calling and their professional qualifications together with updated time estimates for examination and cross examination, no later than [meeting date + 65 days}.
5. A draft schedule of conditions shall be submitted by the Council to the Planning Inspectorate by no later than [meeting date + 77 days]. The schedule should indicate which conditions are agreed and which are in dispute.
6. A draft section 106 agreement shall be submitted by the Applicants to the Planning Inspectorate by no later than [meeting date + 77 days]. The agreement should be accompanied by up to date office copy entries.
7. At the same time as submission of the draft s106 agreement, the Council shall submit a Statement of Compliance with the Community Infrastructure Levy Regulations 2010 justifying the contributions sought. The Statement of CIL Compliance shall be submitted by the Council to the Planning Inspectorate by no later than [meeting date + 77 days].

8. A 'Scott schedule' summarising the principal issues and each of the parties' cases in respect of such issues shall be submitted in tabular form one week before the Inquiry opening and shall be updated throughout the Inquiry. The Appellants shall take responsibility for submission and updating of the schedule.

SIGNED [Inspector]