

Experimental Statistics

24th November 2022

Introduction

This report provides information on how the Planning Inspectorate has performed against new measures by which Ministers agreed to assess the organisation's casework performance for appeals.

These measures are:

- A. Appeals valid on first submission
- B. How long appeals take
 - There is also an ambition for more consistent, timely decisions
- C. Customer satisfaction
- D. Number of cases quality assured

Full details of these are available at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1049462/Housing_Minister_letter_to_PINS.pdf

For measures A and D, this report covers the three months July to September 2022. Information on how long appeal decisions take from valid receipt to decision (measure B) covers the 12 months from November 2021 to October 2022. No information is available on measure C.

This is the second time such information has been produced¹, and work is still in development. Updates will be provided every three months, with the next publication in February 2023.

These statistics are designated as Experimental Statistics and any feedback would be welcome. Please send comments to statistics@planninginspectorate.gov.uk

There will be a formal review in March 2023 to decide whether to continue this series.

¹ It's the first time this data on how long appeals take has been published. Information on appeals valid on first submission, and on number of cases quality assured, was published in August 2022.

A. Appeals Valid on First Submission

Ambition: Proportion rising annually and ambition to reach 100%. Rising to at least 85% in 2023/24.

For appeals received during July to September 2022, 68.9% were valid first time². Table 1 shows how the proportion valid on first submission varies over the last six quarters. The proportion valid at first submission appears to be increasing, from around 62% for the first two quarters, to around 65% for the next three quarters; and up to 69% for the most recent quarter, July to September 2022.

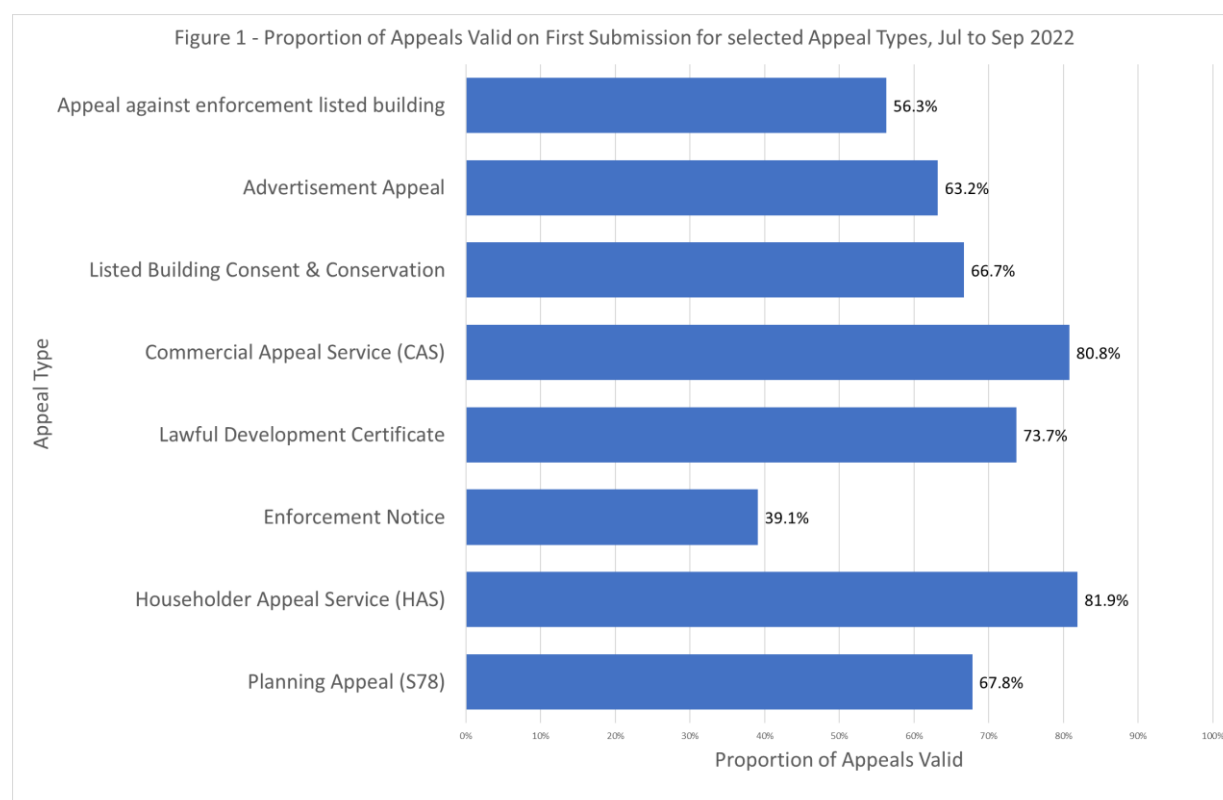
Table 1 - Proportion of Appeals Valid on First Submission, By Quarter, Apr 21 - Sep 2022

| Appeals Received | Apr – Jun 2021 | Jul – Sep 2021 | Oct – Dec 2021 | Jan – Mar 2022 | Apr – Jun 2022 | Jul -Sep 2022 |
|--------------------|----------------|----------------|----------------|----------------|----------------|---------------|
| % Valid First Time | 62.2% | 61.5% | 65.0% | 65.0% | 64.9% | 68.9% |

Source: Horizon

The Inspectorate are developing new digital public services. As more appeals are submitted through those services the proportion of valid cases submitted is expected to rise.

Figure 1 below shows how the proportion valid first-time during July to September 2022, varied for a selection of appeal types.



Source: Horizon

² Please note that this is calculated using a proxy: included are those cases where the date that the appeal had been validly received, is the same as the date that the case was first received. Additionally, be aware that the date for 'validly received' is the date on which the information was received, even if it is assessed as being valid on a later date.

The appeal types with the highest proportions valid first time are Householder Appeals Service and Commercial Appeals Service, both over 80%. Half this proportion, 39%, of enforcement notice appeals are valid. The largest volume of appeals received are planning appeals (s78), and these have a similar proportion valid on first submission (68%), to the proportion of all cases (69%). Detail on the number of cases received is at Annex A.

Robust data on the reasons for appeals not being valid are not currently available. The Inspectorate are developing new digital public services and as more cases are submitted using those services the data we hold will improve.

B. How Long Appeals Take

Ambition: As an initial milestone in making more consistent, timely decisions The Planning Inspectorate should be working towards consistently achieving decisions in these ranges:

Appeals decided entirely using writing evidence in 16 – 20 weeks

Appeals decided including at least some evidence through hearing or inquiry in 24 - 26 weeks (30 weeks to recommendation for called in or recovered cases)

This section provides information on how long it has taken to make decisions in the last 12 months. (In this case, November 2021 to October 2022). Complementary statistics can be found in our monthly Official Statistics publication³.

Figure 2 below shows the proportion of cases decided:

- within 20 weeks⁴;
- within 26 weeks (but more than 20 weeks);
- within 52 weeks (but more than 26 weeks); and
- more than 52 weeks.

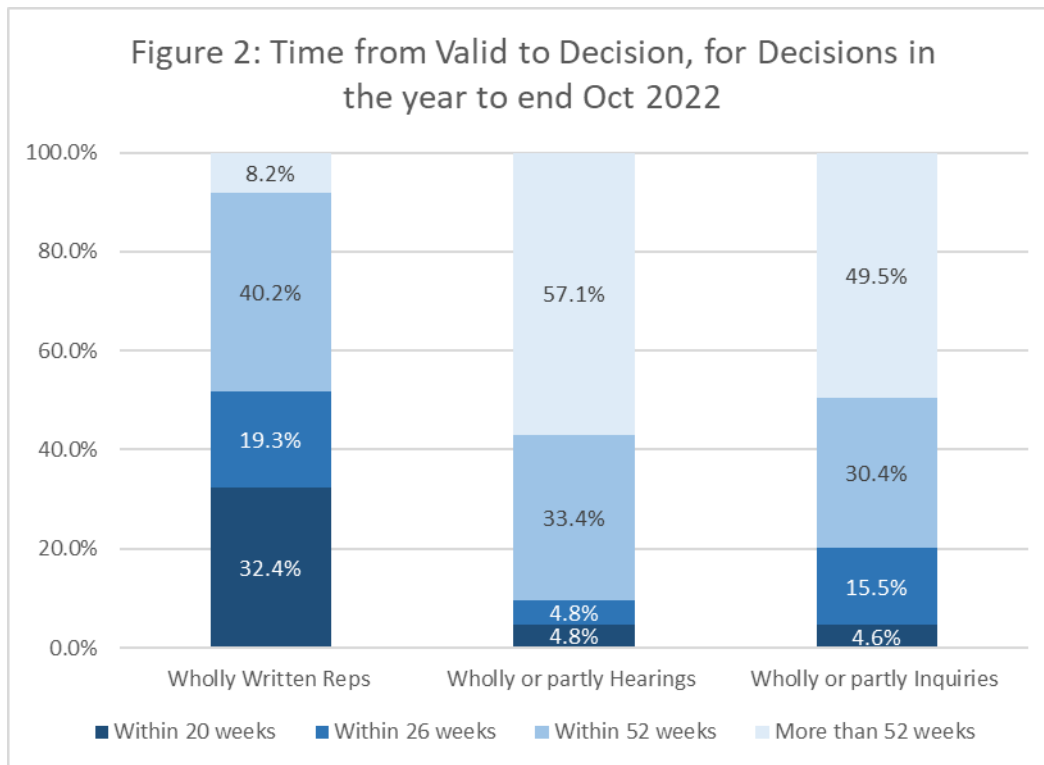
The data applies to all cases decided in the year to the end of October 2022; and is broken down by the procedure used to arrive at the decision. The data for this Figure is available at Annex B.

Figure 2 shows how many cases are decided within a year, and how many take longer than a year. It shows that a much smaller proportion of cases decided by written representations take more than a year (8.2% more than 52 weeks) than those decided by Hearings (57.1% take more than 52 weeks) or Inquiries (49.5% take more than 52 weeks).

It also shows that a greater proportion of cases decided by written representations are decided within 20 weeks (32.4%) than those decided by Hearings or Inquiries (both less than 5% within 20 weeks)

³ Please note that these are experimental statistics, with further work required to ensure robust, consistent quality assurance around them. As such they do not have the same status as the Official Statistics measures for the same period.

⁴ The count of measures “within” a given number weeks, includes cases which took that number of weeks to decide. For example, cases that took 20 weeks are included in the “within 20 weeks” count.



Source: Horizon

Measures set by the Minister that apply to cases decided wholly by written representations are shown in Annex C.

Consultation

If you would like to make a suggestion on which information you would like to see; or would like to have the chance to comment on any proposals on what is published, please contact us via statistics@planninginspectorate.gov.uk

Figure 2 is a simplification – the main purpose to show the proportion of cases that meet Ministerial timescales.

Figure 3 below shows more detail. It gives the full spread of time taken to decide cases, providing visibility of those case far outside the accepted range. It shows all cases decided in the 12 months to the end of October 2022; and a breakdown by the decision procedure. Larger pictures are available at Annex D.

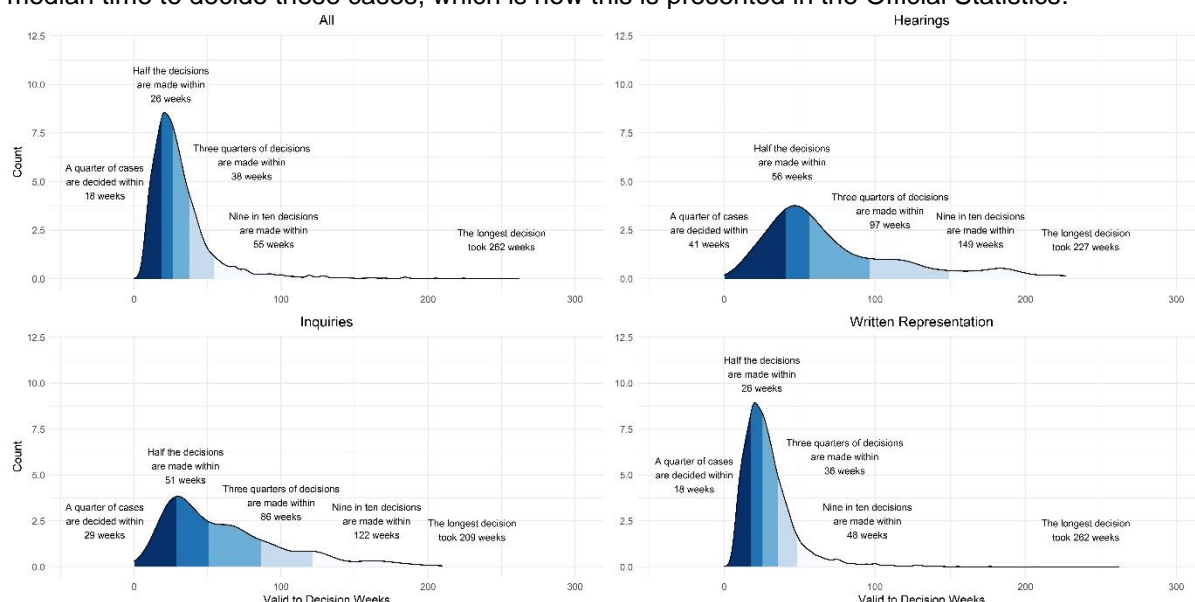
Figure 3 shows:

- The spread of time taken to decide for all cases, is similar to the spread for those decided wholly by written representations. This is because the large majority (16,301/17,455) of cases are decided this way.
- For all procedure types, there are a small number of cases that take over four years (200 weeks and more) – two decided through written representations, two through inquiries, 16 through hearings.
- Three quarters of cases decided wholly by written representations are decided within 36 weeks. The corresponding time for three quarters of cases decided wholly or partly by Hearings (97 weeks) and Inquiries (86 weeks), is more than twice as long.
- Nine in ten cases decided wholly by written representations are decided within 48 weeks. The corresponding time for nine out ten cases decided wholly or

partly by Hearings (149 weeks) and Inquiries (122 weeks), is roughly three times as long.

Figure 3 – Spread of time taken to decide cases (in weeks), for cases decided November 21 – October 22

Note: The figure for “Half the decisions are made within” is the 50th percentile; this is the same as the median time to decide these cases, which is how this is presented in the Official Statistics.



Source: Horizon

The Ministerial measure⁵ requires information on how long appeal decisions take from valid receipt to decision⁶, with information on various percentiles.

Ambition: Decision time for 50th percentile falling. Decision time for 90th percentile falling faster than 50th percentile.

The ambition is that cases are decided more quickly, and the time taken for longest cases is reduced. If the ambition is met, the gap between the 50th percentile and 90th percentile needs to reduce.

What is a percentile?

A percentile is a measure that shows the value below which a given percentage of the values in a group of numbers fall.

For example, if we tell you the 25th percentile for decision times, then you know that 25% of decisions are issued in less time (or the same time) as that.

Table 2 below shows the 25th, 50th, 75th and 90th percentiles for valid to decision, in weeks, for the decisions made from November 2021 to October 2022. Note that these match the timings given in text on the shapes in Figure 3 above.

⁵ Measure: How long appeal decisions take from valid receipt to decision with information on 25th, 50th, 75th, 90th and 100th percentiles accompanied by reasons to explain what factors affected longer or shorter timeframes.

⁶ As noted in Footnote 1 above, the date for ‘validly received’ is the date on which the information was received, even if it is assessed as being valid on a later date

Table 2 - Percentiles for Valid to Decision (in weeks) for decisions made November 2021 – October 2022 – and number of decisions in that time

| Procedure | 25 th percentile | 50 th percentile | 75 th percentile | 90 th percentile | 100 th percentile | Number of decisions |
|--------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|---------------------------------|------------------------|
| Written reps | 18 weeks | 26 weeks | 36 weeks | 48 weeks | 262 weeks | 16,301 |
| Hearing | 41 weeks | 56 weeks | 97 weeks | 149 weeks | 227 weeks | 671 |
| Inquiry | 29 weeks | 51 weeks | 86 weeks | 122 weeks | 209 weeks | 483 |
| All | 18 weeks | 26 weeks | 38 weeks | 55 weeks | 262 weeks | 17,455 |

Source: Horizon

If performance changes, it will be more quickly apparent by looking at quarterly data than 12 monthly data. And the ambition is to show a fall. So Annex E shows the same percentiles, for decisions in the three months July to September 2022. There are relatively few hearings and inquiries in each quarter, which means quarterly percentiles for these appeals are susceptible to extreme values - this means they should be viewed with caution. Future publications will provide updates on subsequent quarters.

Figure 4 and Table 3 below show the 50th and 90th percentiles for valid to decision time (in weeks) for the last six quarters, for all decisions. It shows that both measures are rising rather than falling; and that the gap between them is not reducing.

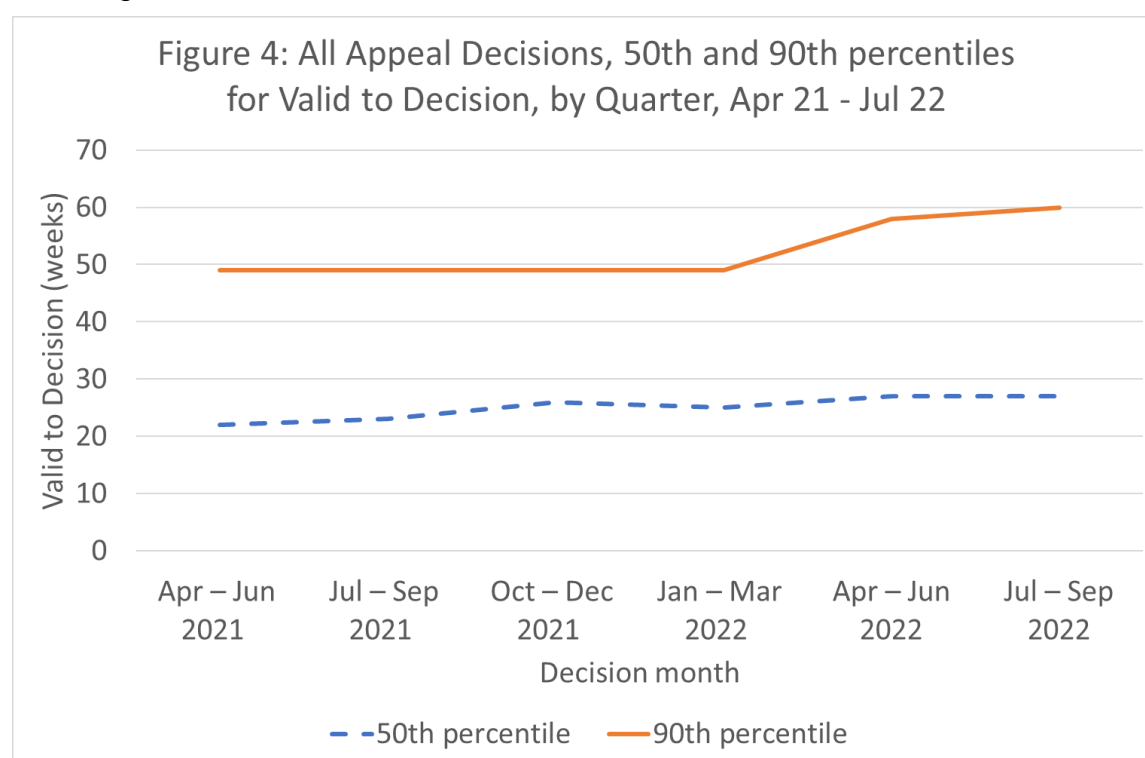


Table 3 - All appeal Decisions, 50th and 90th percentiles of Valid to Decision (weeks), April 2021 to Sep 2022

| Decision made: | 50 th percentile | 90 th percentile | Gap |
|----------------|--------------------------------|--------------------------------|----------|
| Apr – Jun 2021 | 22 weeks | 49 weeks | 27 weeks |
| Jul – Sep 2021 | 23 weeks | 49 weeks | 26 weeks |
| Oct – Dec 2021 | 26 weeks | 49 weeks | 23 weeks |
| Jan – Mar 2022 | 25 weeks | 49 weeks | 24 weeks |
| Apr – Jun 22 | 27 weeks | 58 weeks | 31 weeks |
| Jul – Sep 22 | 27 weeks | 60 weeks | 33 weeks |

Source: Horizon

The table above covers all appeal decisions. Annex F gives figures for appeals decided wholly by written representations; wholly or partially through hearings; and wholly or partially through inquiries.

C. Customer Satisfaction

Ambition: Proportion of customers reporting satisfaction with the planning Inspectorate's services rising annually.

We will be working with the Institute for Customer Service to conduct a satisfaction survey for 2022 and will report the results of this when available.

D. Number of Cases Quality Assured

Ambition: There is no minimum number or percentage ambition on this measure.

During the three months July to September 2022, 1,057 appeal cases were quality assured. These are shown in Table 4 below.

Table 4 - Number of appeal decisions quality assured, July to September 2022

| Number | Category | Explanation |
|--------|--------------------------------------|---|
| 61 | Inspector Manager team reading | Inspector Managers are expected to review a proportion of their Inspectors' decisions post-decision. This is to ensure quality standards and to identify learning opportunities and to check for consistency with the relevant quality framework. |
| 149 | APOs | Recommendations made by Appeals Planning Officers (APOs) are all reviewed as part of routine quality assurance before a decision is issued by an Inspector |
| 847 | Inspector in Training – pre-decision | The majority of decisions made by Inspectors in Training (IITs) are all reviewed for teaching purposes. Each review is by an experienced Inspector |
| 1,057 | Total Appeal decisions | |

Source: MiPINS

To put these totals in context, the 1057 appeal decisions quality assured constitutes around a quarter (25%) of all decisions (4166) issued over that period.

Table 5 shows the number of cases quality assured, beyond appeal cases, for the same quarter. These are much larger more complex cases than the average appeal case.

Table 5 - Number of Other Cases Quality Assured, July to September 2022

| Number | Category | Explanation |
|--------|---|---|
| 8 | Local Plans | All Local Plans are quality assured as part of the examination process. Four Local Plan Reports were issued in this quarter; additional quality assurance took place where the final reports have yet to be issued. |
| 4 | Nationally Significant Infrastructure Projects (NSIP) | All NSIP decisions are quality assured as part of the examination process. Four recommendation reports were submitted to the Secretary of State this quarter. |

Source: Local Plan and NSIP case records

**Annex A - Proportion of Appeals Valid First Time for Selected Appeal Types,
Jul – Sep 2022**

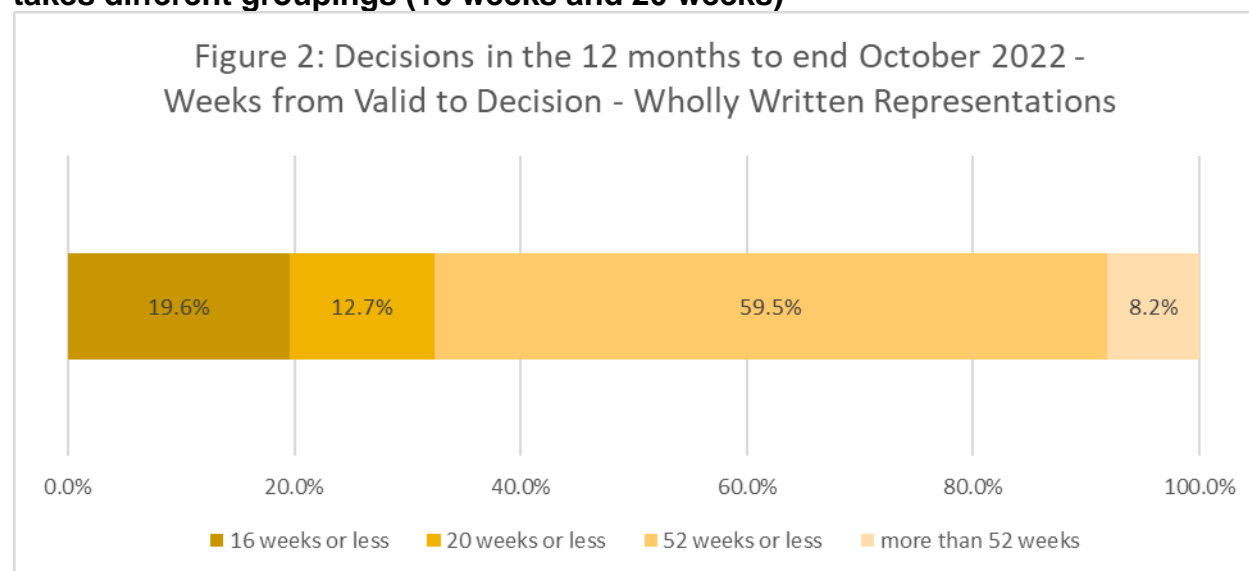
| Appeal Type | Proportion valid on first submission | Number of Appeals |
|--|--------------------------------------|-------------------|
| Planning Appeal (S78) | 67.8% | 2,588 |
| Householder Appeal Service (HAS) | 81.9% | 1,289 |
| Enforcement Notice | 39.1% | 622 |
| Lawful Development Certificate | 73.7% | 137 |
| Commercial Appeal Service (CAS) | 80.8% | 120 |
| Listed Building Consent & Conservation | 66.7% | 102 |
| Advertisement Appeal | 63.2% | 76 |
| Appeal against enforcement listed building | 56.3% | 16 |

Source: Horizon

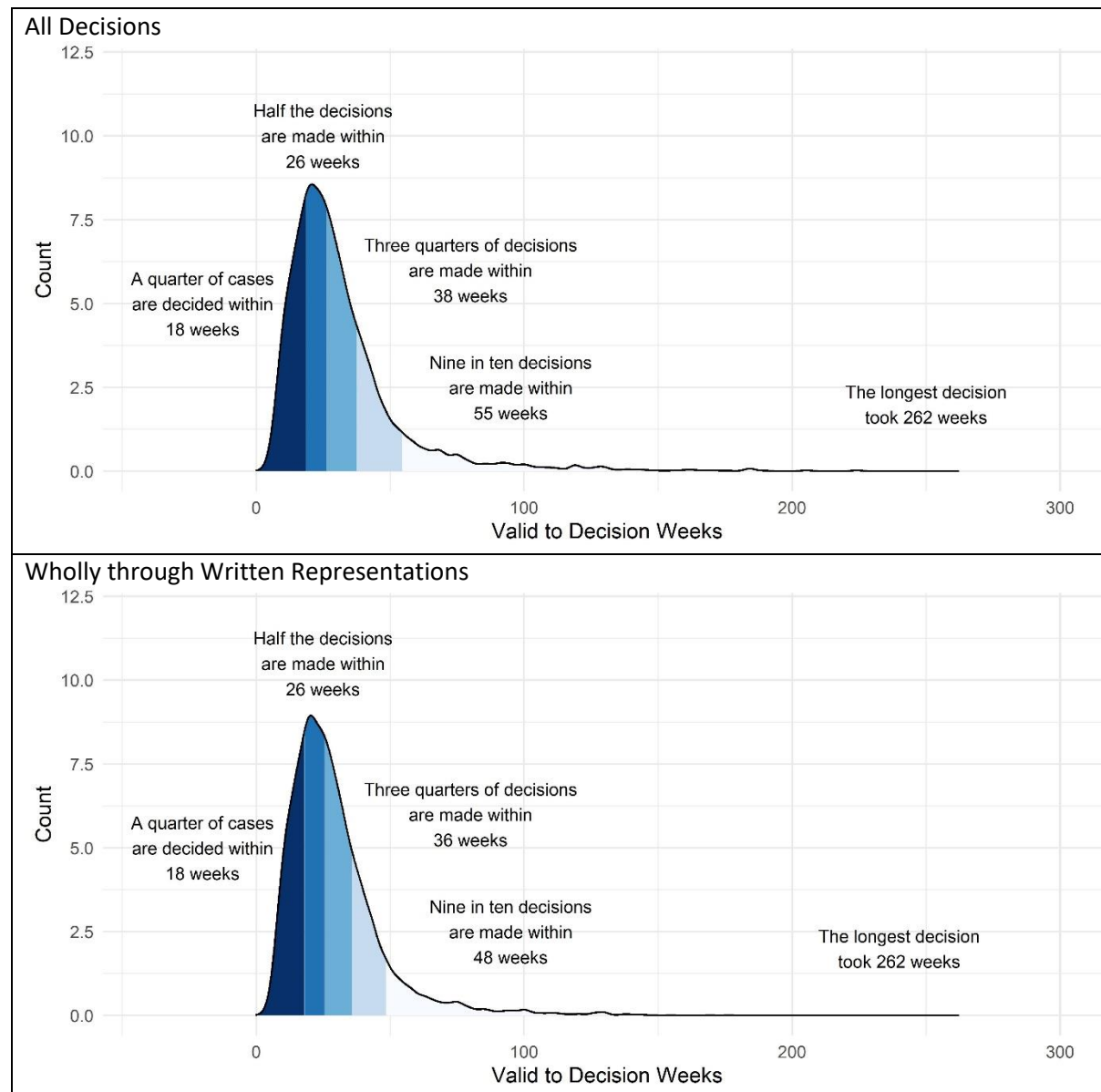
Annex B: Proportion of Appeals decided within 20, 26 and 52 weeks - Decisions Nov 2021 - Oct 2022

| | Within 20 weeks | Within 26 weeks | Within 52 weeks | More than 52 weeks |
|----------------------------|-----------------|-----------------|-----------------|--------------------|
| Wholly Written Reps | 32.4% | 19.3% | 40.2% | 8.2% |
| Wholly or partly Hearings | 4.8% | 4.8% | 33.4% | 57.1% |
| Wholly or partly Inquiries | 4.6% | 15.5% | 30.4% | 49.5% |

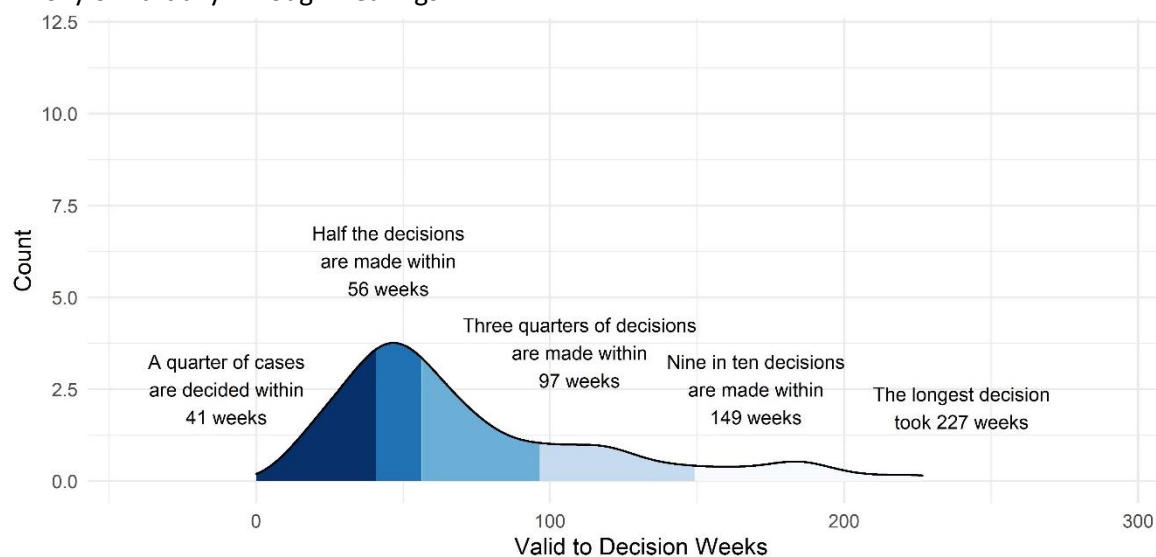
Annex C: Decisions made wholly through written representations - Performance against Ministerial measures – note this takes different groupings (16 weeks and 20 weeks)



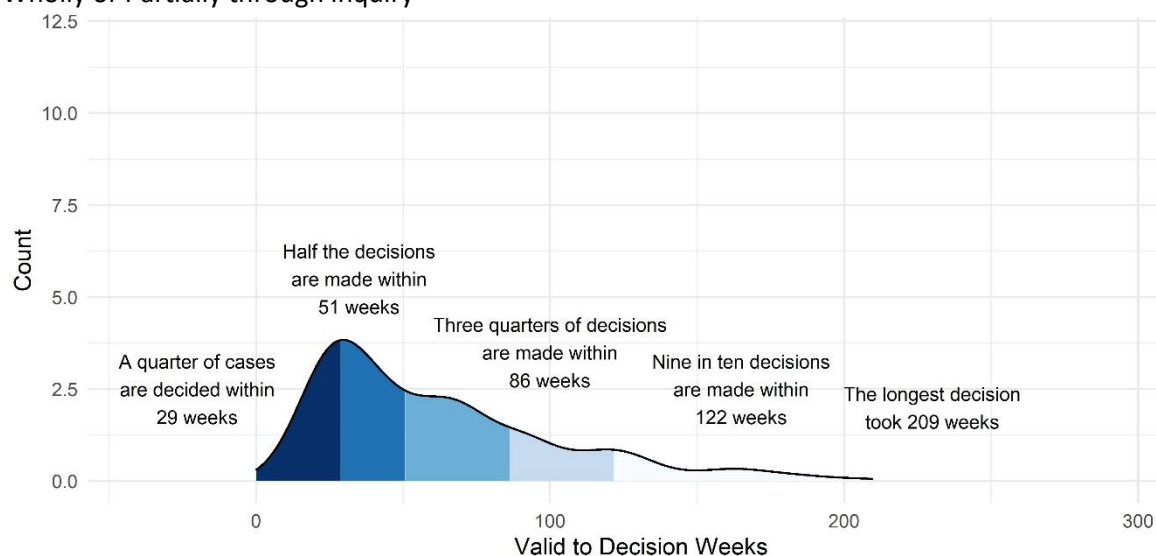
Annex D – Variation in Valid to Decisions (weeks) for appeal decisions made November 2021 to October 2022, by procedure



Wholly or Partially Through Hearings



Wholly or Partially through Inquiry



Annex E - Percentiles for Valid to Decision (in weeks) for decisions made July – September 2022 – and number of decisions in that time

| Procedure | 25 th percentile | 50 th percentile | 75 th percentile | 90 th percentile | 100 th percentile | Number of decisions |
|--------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------------------------------|---------------------|
| Written reps | 19 weeks | 26 weeks | 39 weeks | 53 weeks | 262 weeks | 3,868 |
| Hearing | 37 weeks | 56 weeks | 85 weeks | 138 weeks | 227 weeks | 171 |
| Inquiry | 28 weeks | 69 weeks | 75 weeks | 128 weeks | 181 weeks | 127 |
| All | 19 weeks | 27 weeks | 41 weeks | 60 weeks | 262 weeks | 4,166 |

Source: Horizon

Annex F - Appeal Decisions, 50th and 90th percentiles of Valid to Decision (weeks), April 2021 to Sep 2022 - by procedure

Note: all measurements are in weeks

Wholly by written representations

| Decision made: | 50 th percentile | 90 th percentile | Gap |
|----------------|-----------------------------|-----------------------------|-----|
| Apr – Jun 2021 | 21 | 40 | 19 |
| Jul – Sep 2021 | 22 | 43 | 21 |
| Oct – Dec 2021 | 25 | 44 | 19 |
| Jan – Mar 2022 | 25 | 45 | 20 |
| Apr – Jun 2022 | 26 | 49 | 23 |
| Jul – Sep 2022 | 26 | 53 | 27 |

Wholly or partially through Hearings

| Decision made: | 50 th percentile | 90 th percentile | Gap |
|----------------|-----------------------------|-----------------------------|-----|
| Apr – Jun 2021 | 54 | 88 | 34 |
| Jul – Sep 2021 | 46 | 87 | 41 |
| Oct – Dec 2021 | 51 | 106 | 55 |
| Jan – Mar 2022 | 53 | 134 | 81 |
| Apr – Jun 2022 | 91 | 184 | 93 |
| Jul – Sep 2022 | 56 | 138 | 82 |

Wholly or partially through Inquiries

| Decision made: | 50 th percentile | 90 th percentile | Gap |
|----------------|-----------------------------|-----------------------------|-----|
| Apr – Jun 2021 | 64 | 112 | 48 |
| Jul – Sep 2021 | 75 | 137 | 62 |
| Oct – Dec 2021 | 54 | 130 | 76 |
| Jan – Mar 2022 | 57 | 106 | 49 |
| Apr – Jun 2022 | 63 | 117 | 54 |
| Jul – Sep 2022 | 69 | 128 | 59 |

Source: Horizon