



The Planning Inspectorate

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

A brief guide to planning hearings

What is a planning hearing?

Planning hearings are an effective way of presenting planning arguments to an inspector in person, without the more formal atmosphere of an inquiry. They also allow the inspector to examine important issues in depth by asking questions of the parties (the organisations and people involved). Hearings are usually completed in one day or less, so they are suitable for relatively straightforward appeals and those where there is little or no public interest. However, local residents may go to the hearing and give their views to the inspector.

Once the hearing begins, the inspector will identify the main planning issues which the parties disagree on and lead an informal discussion between the parties on these points. Parties do not normally have legal representatives. Parties cannot formally ask each other questions but they can ask the inspector to do this for them.

It can be useful to continue the hearing at the site so that the parties can point out physical features and make their case more effectively. This helps inspectors see for themselves how the proposal would be likely to affect the site's surroundings and neighbours' properties.

Inspectors will take all the evidence into account and make a decision. The decision will not repeat all the points discussed at the hearing but will identify the main issues and set out the inspector's reasons for granting or refusing the planning permission.

Speaking at the hearing

The inspector will usually prepare and send out an agenda covering the topics for discussion with a timetable for discussion. This will explain the proposal, show which plans are relevant and explain how the hearing will progress so that everyone fully understands how the topics to be discussed relate to the proposal.

The inspector will try to make sure that everyone who wants to speak has an opportunity to do so. He or she will encourage a full and frank exchange of views but will also expect parties to keep to the agenda and avoid repeating points. So, it can be useful for local residents to appoint one spokesperson or share out topics between several people present.

Local residents have an important role to play in the hearing process. The inspector will want to hear your views and will encourage a fairly informal atmosphere so that anyone who is not familiar with planning matters is not discouraged from speaking or made to feel uncomfortable. By following the agenda, anyone who wants to speak on a particular point will know when this point is being discussed.

All the documents should be sent to us well before the day of the hearing but the inspector may, in exceptional circumstances, accept important papers on the day. If so, the inspector may consider a short break in the hearing (called an 'adjournment') so that everyone can study the new papers.

The jargon explained

Main or 'principal' parties: the person or organisation which asked for the hearing (and their agent, if there is one) and the local planning authority.

Other parties: town or parish councils, local residents, and so on.

Main issues: the main points of disagreement between the parties that the inspector identifies.

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

Planning Policy Guidance (PPGs), Planning Policy Statements (PPSs): documents prepared by the Government containing national planning guidance on important subjects such as housing.

Material considerations: any information about the specific proposal that the inspector must consider.

Frequently asked questions

How does a hearing differ from an inquiry?

Inquiries are not courts of law but the parties do usually sit apart from each other and ask each other questions. By contrast, hearings are more like discussions between the parties and the atmosphere is more relaxed, with the inspector leading the discussion. The parties are not usually legally represented and parties do not formally question each other's evidence (although they can ask the inspector to do this for them).

Can I ask the developer questions?

Yes, if the inspector agrees. If the inspector has prepared an agenda it should show the point in the hearing where each particular topic will be discussed.

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

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

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

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

How long will I have to wait for the decision?

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

How will I know when you issue the inspector's decision?

You can ask us to send you a copy of the decision. If you speak at the hearing, we will automatically send you a copy.

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

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

So if the inspector refuses planning permission, is that the end of the matter or can the developer try again?

Although the inspector's decision is final, the developer can change the plans and make a new application to the council if they think they can resolve the problems the inspector identified. The council will then have to decide if the new plans would be acceptable.

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

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

How can I find out more information?

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

Inspectors' code of conduct

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

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

Who should pay costs?

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

