



# Effective Appeals

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# What?

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- Inspector's Role
- The Witness
- Evidence
- What's helpful & What's not
- Making the Decision
- Costs
  - Avoiding
  - Responding



# The Inspector's Role

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- Acting for the Welsh Ministers
- Exercising independent judgement
  - not 'Independent'
- The "Franks" Principles:
  - Openness - Fairness - Impartiality
- Gathering & weighing evidence
- Principal controversial issues



# The Witness

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- Provide Inspector with the facts
- Ensure Inspector understands your case
- Allow Inspector to prepare properly
  - Provide all evidence on time
- Co-operate with the other parties
  - Identify common ground – and differences!
- Agree the main issues



# Your Evidence

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- Proofs/statements should be relevant, structured, *concise* and timely
- Structure - *opinions* in the proofs and *facts* in the appendices
- Summaries should be short - and prepared at the same time as statement
- Supplementary proofs – avoid if possible



# Evidence

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## **DO**

- establish scope of evidence
- work out structure and keep to it
- decide best way to present evidence
- be clear and concise
- number paragraphs and pages
- agree common ground



# Evidence

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## **DON'T**

- use words when plans & photos are available
- use lengthy quotations
- use padding
- use repetition
- use tables and facts within your proof
  - Appendices



# What's Helpful

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- Co-operation
  - Statements of Common Ground
- Brevity & Focus
- Timeliness
- Honesty & Clarity
- Plans/Photos
- Facts & Reasoned Opinion
- Correct application of policy
- Agreed Methodology



# What's Not

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- Rabbits
- Lengthy quotations & Padding
- Assertion
- Hostility/Aggression
- Round the Houses/Repetition
- Making up Questions
- Defensiveness



# Decision Making

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- The correct approach
- S54A/S38(6)
  - What is the devt plan?
  - What national policies?
  - What else – SPG/Briefs etc?
  - What other material considerations?
  - What weight to give?
  - ***What is the harm?***



# Decision Making

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- Policies not to be applied slavishly!
- SPG – its guidance!
  - “Does not comply” – so what?
  - What is the harm?
  - Beware of ‘standards’
  - What are the implications?



# Costs - Avoiding

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- Study the Circular!
- Show there were reasonable planning grounds for the decision/appeal
- Justify all reasons for refusal/grounds of appeal
- Respond to requests from other side
- Co-operate
- Consider judgements/appeal decisions



# Costs - Responding

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- Refer to Circular 23/93
- Remember the 2 tests
- Keep it simple - answer the allegations
- Show LPA/appellant acted reasonably
- Have you shown the LPA/appellant had reasonable planning grounds for its position?
- Have you justified all reasons for refusal?
- Were there reasonable grounds for appeal?



# Questions?

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