

# Shake-up will make it harder for residents to fight off developers

By Jack Doyle  
Home Affairs Correspondent

**RESIDENTS'** rights to appeal against planning applications will be sharply curbed under rules announced today.

Ministers say the limits on court action will stop 'time-wasting' appeals to block new developments – and encourage both economic growth and house-building.

But campaigners warn local communities face a further erosion of their powers to block unwanted building.

Judicial reviews are the last option for those opposing developments whose cases have been thrown out by their council.

From later this year, anyone who wants to launch such a review will have just six weeks to apply – down from the current deadline of three months.

Their opportunities to appeal if the court refuses to hear the case will also be limited. And ministers are also set to quadruple fees for judicial review applications from £60 to £235.

And there will be a ban on demanding a personal hearing if the written application has been ruled 'totally without merit'.

Residents who wish to oppose a new development first appeal to their local authority, then to the planning inspectorate, and finally go to the High Court for a judicial review. Last year David Cameron said the cost of reviews would increase 'so people think twice about time-wasting'.

Announcing the changes, Justice Secretary Chris Grayling said: 'Judicial Review should be

used by people who have carefully considered whether they have proper grounds to challenge a decision.

'We are changing the system so it cannot be used anymore as a cheap delaying tactic.'

Officials said the moves were aimed at tackling a culture of 'meritless judicial review applications to delay immigration decisions and hold up development'.

But Claire Norman, from the Campaign to Protect Rural England, said: 'This has the potential to unfairly compromise the rights of individuals to be able to challenge planning decisions that affect where they live and

## 'STREAMLINED' PLANNING INCREASES DELAYS

A 'REVOLUTION' in the planning system aimed at speeding up approvals has led to longer delays for decisions.

The proportion of small-scale developments – those with fewer than ten homes – approved within eight weeks has fallen from 71 per cent to 68 per cent between 2011 and 2012.

Larger developments have also taken longer to approve, falling from 60 per cent meeting the 13-week decision target to 57 per cent over the year. Officials had hoped that a streamlining of the system, where decisions were meant to be biased in favour of 'sustainable' developments, would lead

to quicker decisions. The delays come despite whittling down of guidance from 1,400 pages to just 52 in the National Planning Policy Framework.

Neil Sinden, of the Campaign to Protect Rural England, said: 'These figures show that even in their own terms the Government's planning reforms are not delivering.'

Labour's planning minister Roberta Blackman-Woods said: 'In reality planning applications are now taking longer to decide and, unsurprisingly given planning was never the brake on growth the Government claimed it was, the economy is still flatlining.'

their local communities. It's therefore a worrying challenge to localism.'

She said changing the laws on judicial review to deal with planning issues was a 'broad-sword approach where a scalpel would do'.

'The system is already unfairly stacked against local people and this was one of the few ways open to them to oppose terrible developments.

'If this option is put even further out of their reach, the ability for them to take part in the democratic planning process is eroded even further.'

The number of judicial review

cases has soared in England and Wales in recent years.

Applications for reviews rose from 6,692 in 2007 to 11,359 in 2011. But of those, just one in six were granted permission to go ahead and only a handful were ultimately successful.

The majority are immigration cases. Lawyers for foreign nationals have been accused of abusing the process to block their client from being removed from the country.

In 2011 some 8,649 immigration judicial review applications were made, but only 607 went to a hearing and only 54 were successful. On average, cases dealt with on paper took 83 days to be dealt with and those which went to a hearing 275 days.

The measures are expected to take effect from the summer.

**LITTLEJOHN IS BACK NEXT WEEK**

DAILY MAIL, TUESDAY APRIL 23, 2013