



## Be warned, this planning shake-up will affect us all

In 1995 I lost everything. A company in which I was involved failed, so I fell back to writing, and speaking about building, to make money. Meanwhile, my wife and I needed to get back on to the property ladder.

We saved hard and in 1998 purchased a house, which we improved. I then bought a building plot on which we built a new home, considerably increasing our equity in the process. A short while later, we bought another plot and built our current bungalow. Last year I helped my son build his own home. At the moment I am building two bungalows to sell.

None of this would have happened were it not for the current appeal process, as most of these plots were initially refused consent despite the fact that they were infill plots with no other obvious use. If there is no genuine right of appeal to a truly independent body then the 30-40 per cent of applications that currently gain acceptance on appeal will fail. Which means that any of us who would like to extend our homes, or build new ones, will have our plans rejected out of hand.

Under existing legislation, if a planning application is refused there is an automatic right of appeal to the Planning Inspectorate. This is a long and costly procedure but it is essentially regarded as fair by all sides as it allows an independent assessment that can see past the influences of personal politics and the subjective opinions of individuals.

Along with many others, I am extremely worried at the proposals within the Planning Bill 2007, which is not yet law but is now going through Parliament. This will limit the right of appeal to the Inspectorate for all applications refused under Delegated Powers.

Delegated Powers are where the decision on a planning application, instead of being considered by the full planning committee, is determined by a senior planning officer in consultation with their case officers. At present most applications of a minor nature are decided in this way. Now Government targets for all but major applications to be dealt with under delegated powers could mean that 90 per cent of applications would be determined by this method.

Clauses 150-154 of the Planning Bill propose that in future those receiving a refusal under delegated powers will only have the right of appeal to a Local Member Review Body, comprised of a group of elected members of the council. But, as the Royal Town Planning Institute

points out, the members of the review body will need expert advice. And who would or could they turn to but the same planning officer employees of the council who have already refused the application. Hardly an impartial process.

The thinking behind these proposals, and the main reason they are attracting some cross-party support, is to devolve power to local level. Politicians continue to believe that if the public is consulted enough, they will broadly support development. Nothing could be further from reality. Given the choice, most people opt for the status quo and are against all forms of development unless, of course, they are the proposers. Planning permissions are very rarely vote-winners.

Make no mistake, if these proposals are adopted it will affect us all.

At some point in many people's lives they'll want to improve, extend or, like me, build their home. At that point we come into contact with the planning laws and realise that, on this issue, we are a very tiny minority dependant upon the votes and opinions of our neighbours as expressed to and through the planning officers. We

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also discover that the whole culture surrounding planning is negative, with applications looked at from the standpoint of: "how can we stop this?" rather than "how can we improve this?"

But planning is and was always designed to be for the common good and sometimes decisions have to be made in that spirit despite the fact that involved, articulate or influential individuals, often conscious of the effect on their property values, object to them. Sometimes sensitive planning issues have to be removed from the maelstrom of self interest that local politics can get mired in. Pragmatic officers and elected councillors who don't want to lose votes know this and often welcome the opportunity of passing the decision-making process to an independent arbiter.

♣ David Snell will speak at the National Homebuilding & Renovating Show at the NEC, Birmingham, which runs April 10-13. Tickets are £10 in advance or £14 on the door. As a special offer, Telegraph readers can buy two for the price of one £14 ticket: call 0871 945 4547 and quote 'Telegraph'. For details on the show itself, visit [www.homebuildingshow.co.uk](http://www.homebuildingshow.co.uk). David Snell's new book, *The Pocket Guide to Building Your Own Home*, will be released at the show.

### YOUR VIEW

**Have you tried to build an extension, and been refused permission? Tell us online**

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