

Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JJ/06191/19

Janet Finch-Saunders AM
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Dear Janet,

Thank you for your letter of 05 July, on behalf of the Petitions Committee, relating to petition P-05-843.

1. Reviewing decisions contrary to the development plan. I have already asked my officials to explore whether the Town and Country Planning (Notification) (Wales) Direction 2012 can be expanded to capture a wider range of applications which Local Planning Authorities have resolved to approve contrary to the development plan in place for the area. This passes the application to the Welsh Ministers, who have 21 days to decide whether or not to call in the application for their own determination. This would have a similar effect to the introduction of a third party right of appeal for applications which are a departure from the adopted development plan.
2. Amendments to the Town and Country Planning (Use Classes) Order 1987. Work is ongoing to consider further refinements, and potential subdivision, of the A3 “food and drink” use class. The Welsh Government will consult on proposals for more refined food and drink use classes in the near future.
3. Decisions made by the Planning Inspectorate are made on behalf of the Welsh Ministers. Such decisions can be challenged via judicial review. A judicial review of a planning decision would not consider the merits of the case. Rather, it would depend on a claim of the handling of the application being legally flawed.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

There is no statutory right to judicial review of a planning decision; one would first need to seek leave from the Courts to pursue such a case. The Courts have indicated such a challenge should ordinarily be mounted within six weeks of the grounds for challenge first arising. Such challenges do arise but are infrequent.

The Planning Inspectorate provides annual performance reporting statistics on the quality of appeal decisions, based on the percentage of decisions which are subject to legal challenge. The Inspectorate has a target of no more than 1% of decisions being subject to successful legal challenge. The Inspectorate has met this target every year since 2010.

On a less formal basis, excellent working relationships exist between officials in Welsh Government and the Planning Inspectorate Wales Division. This enables regular dialogue between officials and Inspectors on any emerging or changing national policies, or changes to the Local Development Plan process. This joint working ensures appeal decisions are made in the context of the latest and best advice on national policy considerations.

I trust my response to your request for further information is useful to the Committee.

Yours sincerely,



Julie James AC/AM

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