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Ms G Foster  
Standish Voice

Your Ref:

Our Ref: APP/V4250/W/14/3001130 &  
3003142

Sent by email

Date:

12 October 2015

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Dear Ms Foster

**APPEALS AT LAND ADJACENT TO LURDIN LANE AND TO THE WEST OF  
CHORLEY ROAD, STANDISH, WIGAN AND LAND TO THE SOUTH OF RECTORY  
LANE, STANDISH, WIGAN**

Thank you for your letter of 22 September 2015 addressed to the Rt Hon Greg Clark MP.

Although the Secretary of State has overall responsibility for the work of the Department for Communities and Local Government (DCLG) as a whole, you will appreciate that he is unable to respond personally to correspondence that falls within the specialist remit of one of its constituent Executive Agencies.

The administration of planning appeals is our responsibility acting on behalf of the Secretary of State in this capacity. It is usual practice for complaints or queries relating to our work to be referred to us so that we may reply directly. We are best placed to undertake this role as we have a comprehensive understanding of the appeal process and procedures, as well as access to all official documentation. We work independently of Planning Inspectors and our casework teams to ensure that all complaints are investigated thoroughly and impartially. This arrangement ensures that such correspondence is handled with the appropriate level of authority and expertise, in the interests of providing the best possible service to our customers and the public.

I am sorry to read of your concerns regarding these appeals and understand your disappointment with the outcomes. However, as the decisions are legal documents, it is not possible, in effect, for us to reopen matters which the Inspector was appointed to determine. Such disagreements go beyond the remit of our complaints procedures.

The Inspector was appointed by the Secretary of State to act as an independent adjudicator. He had a statutory duty to consider the appeals afresh, strictly in accordance with planning law and the basis of all the evidence before him at the time

of the appeals. The Inspector was entitled to reach his decision and supporting conclusions using his professional planning judgement having considered carefully all the evidence submitted and having viewed the site and its surroundings to place this evidence into a visual context. I would assure you that the views of local residents are an important factor which the Inspector took into account and weighed in the balance.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (The Framework) is such a material consideration to which the Inspector had to have regard. The Inspector sets out the policy context at paragraphs 11-16 of each decision.

From my reading of the appeal decisions, it is clear that the Inspector was fully aware of the findings of the Inspector for the Core Strategy. This is discussed at paragraphs 36-39 of the decisions. At paragraph 37, the Inspector states that 'it is necessary to have regard to current circumstances'. The Inspector goes on to explain that the Core Strategy Inspector's comments "were made on the basis that the scale of the development he envisaged outside the EWC (east-west core) would be sufficient to ensure that an adequate HLS (housing land supply) would be maintained in the borough as a whole. That has not turned out to be the case". His findings, in this regard, were solely for the Inspector and are not something on which I can comment further. I would add further that, in his concluding paragraphs 71-75 of appeal decision 3001130 and 76-80 of appeal decision 3003142, the Inspector explains that his 'overall assessment is that the appeal scheme is in accordance with the development plan as a whole'.

I am sorry to read that you consider that the outcome of the two appeals has resulted in negative implications for local involvement in the preparation of the neighbourhood plan. It is also evident that the Inspector was fully aware that a neighbourhood plan is to be prepared for Standish. However, the Inspector can only consider the evidence before him at the time of the appeal. Whilst I understand that you may disagree, the Inspector was entitled to conclude that 'the neighbourhood planning process is therefore at too early a stage to be a material factor in this appeal'.

I would mention that it is a basic principle of the planning system that each case must be treated on its own individual merits and they are rarely, if ever, identical. Circumstances will vary and the balance of the argument will differ. A previous appeal decision is a material consideration that can be taken into account in the consideration of any future application or appeal. That said, a previous decision is not a directive. It is a decision on an individual appeal. In making a planning application or appeal, it will be for the developer, in each case, to demonstrate to the satisfaction of the decision maker that a proposed development is acceptable in planning terms.

The decisions are legal documents that may only be reconsidered following a successful challenge in the High Court during the period specified in planning law. The Courts will only consider allowing such a challenge if the Inspector has made an error on a point of law, or has reached a judgement based on reasoning that, in the opinion of the Judge, no reasonable person could have reached. As the period allowed in law for such a challenge has expired, the decision is now final.

I realise that you will remain unhappy with the outcome of these appeals. However, I hope this reply is helpful and has provided some clarification.

Yours sincerely

*Janet Foster*

Customer Quality