

The Planning Inspectorate

PINS NOTE 985

To: All Inspectors

Date of Issue: February 2006

Currency: until further notice

CONSISTENT DECISION MAKING

Background

1. Consistent decision making is vital to the integrity of the appeals system. It is usually easy to distinguish appeal decisions that are alleged to be inconsistent but recently we have had several examples where this has been difficult. For instance, we have just dealt with a complaint about two appeals for hot food takeaways in the same small parade of shops where one appeal was dismissed and the other allowed within a few weeks of each other. Similarly, an Inspector dealing with a section 78 appeal dismissed an application for the retention of a domestic garage but a few months later the same garage was granted permission following an enforcement appeal.
2. It should not be inferred that any of the Inspectors in the above cases were necessarily at fault. The very nature of the decision making process means that subjective judgements have to be made and hence there will always be some scope for disagreement, even when the facts of the cases are identical - like cases should be decided alike but only in so far as individual circumstances and personal judgements allow. Nevertheless, a previous appeal decision that cannot be readily distinguished from an extant appeal is capable of being an important material consideration and each Inspector is personally responsible for ensuring that the scope for inconsistency is minimised, as far as possible.

Action

3. We are taking action to try to ensure that Inspectors' attention is drawn to any case that may be related to the one currently before them. Every Inspector, however, should ensure that where information is available about related cases any potential differences of view are very carefully considered. As a result, if apparently similar cases come to your attention, you should familiarise yourself with the reasons for those decisions, even if this means having to seek further information from either PINS or the parties. If necessary you should contact your line manager. Similarly, if you become aware of other appeal decisions that indicate that there may be a consistency problem you should again raise the matter with your manager.
4. In any case where you are minded to come to a contrary decision to that of a predecessor Inspector, you will need to make sure that your reasoning is especially clear and cogent if the two cases are not manifestly different.

5. Please contact XXXX, if you have any queries on this Note.

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Director of Policy