

Knowledge and Professional Matters: Issue 01/2022

January 28, 2022

Knowledge & Professional Matters

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Previous issues of [Knowledge Matters](#) and [Knowledge & Professional Matters](#) can be viewed in the Inspector area of the Intranet

Professional Lead News

Welcome to your new and improved monthly newsletter, Knowledge & Professional Matters

Further to [\[redacted\] blog about the merger of Professional Leads News with Knowledge Matters](#), the Knowledge and Horizon Scanning Team have created a new, reformatted publication for 2022!

As planned, Knowledge Matters has merged with Professional Lead News, consolidating both products into one neat publication. Professional Lead News thus replaces our 'essential articles' section and will continue to bring you a monthly round-up of business-related matters across PINS relevant to Inspector work as well as events and policy developments within the different professions. We have amended the name slightly to 'Knowledge & Professional Matters' following your feedback to our blog, and to reflect the inclusivity of our publication and our aim to cover all areas of The Planning Inspectorate's work, and to provide a sense of continuity (our approach of renewal rather than reform). Importantly, to ensure compliance with regulatory accessibility standards we have switched from PDF to an HTML format, where the publication can be viewed as an email or on PINS Intranet. HTML is widely used and supported across different Browsers and should make navigating content within Knowledge & Professional Matters easier.

Last October, we invited staff to complete a survey about Knowledge Matters and following your responses, we have made a number of changes. Further details of the [survey feedback and our responses can be viewed at the bottom of this edition](#).

Key changes include;

- A new layout that follows our recently published brand guidelines with limited images / pictures (for accessibility purposes)
- Clear and concise articles written in plain English
- Broader content
- A new content pane containing links to the relevant sections as to avoid too much scrolling
- Re-structuring the order of contents with the most important articles towards the top
- Less content on updates that we have already communicated to you such as Local Plans, ITM Updates, PINS Notes, and Secretary of State decisions
- All links will now open in a new tab so that you won't lose sight of where you are in the publication

The purpose of Knowledge & Professional Matters is to provide a monthly summary of key publications, case law and articles of interest to Inspectors, APOs and other professional staff. As the subjects of our articles and the information we share regularly evolve, we cannot guarantee that the content in previous issues will remain extant. With this in mind, the relevant section in the ITM should always serve as the first point of reference. The Knowledge and Horizon Scanning Team are always available to answer any queries.

Finally our Team would like to thank [REDACTED] and [REDACTED] for their continued support and advice on accessibility and publishing standards, which has been invaluable in the process of reformatting Knowledge & Professional Matters.

Keeping up our Professional Standards – maintaining trust in a distrustful time

The [Professional Steering Group](#) (PSG) has done its annual review of professional standards expectations which includes a review of how we manage interests. We rechecked with the [Committee on Standards in Professional Life](#) annual review and also challenged ourselves about how we apply the [Nolan Principles](#) in what is an increasing contested external environment. Our conclusion is that the Inspectorate continues to enjoy a good public reputation for impartiality which stems directly from the daily behaviours of Inspectors and professional staff in their public interactions. It is also based on the way we take a cautious approach to the ‘impartial observer test’ through our operation of the Franks Principles of openness, impartiality, and fairness.

We rightly consider carefully how any interests might be perceived and operate with a good margin for error on the right side of those perceptions. The formal [Conflict of Interest](#) policy is provided on the gov.uk website and the Inspector Training Manual includes guidance on preclusions in the [Role of the Inspector](#) chapter from paragraph 39 onwards. Note also that all these considerations apply to case team, specialist and corporate staff where relevant.

Our Communications colleagues have also updated advice on [handling social media](#) given their prevalence in society and the excellent opportunities they provide for appropriate professional, customer and recruitment routes. However, it is always wise to operate with a good margin of caution. If you are not sure, then you should think before responding and ask – usually your line manager – if it needs discussion and escalations can continue to be raised with Operational and Professional Leads as needed.

[Changes to allocations procedures](#) have been the subject of much discussion. It is essential that this is all updated and thanks to the ISS Chart Retirement Project Team for taking on this much delayed work and moving it forward despite all the complexities. It has always been the case that the ultimate responsibility for considerations of interests and action on any potential perceived conflicts lies with the Inspector (and other relevant staff for themselves). [But it does mean that as we have to navigate some short-term work arounds](#) there will need to be that extra caution of a sense check at each stage. We can do this to assist the ISS Chart Retirement Project Team as they implement the new scheduling solutions and thank you for continuing to keep up our professional standards as we navigate through the next few months.

Pauleen Lane – Professional Lead for Infrastructure and Chair of PSG

Permitted Development Rights in relation to Homes in Multiple Occupation (HMOs)

The professional leads recently received [Legal advice upon two matters relating to permitted development rights and how they affect HMOs](#);

The legal advice was sought following a challenge against an enforcement decision. The advice examined whether Class C4 HMOs benefit from permitted development rights in respect of dwellinghouses; and whether or not large *sui generis* HMOs benefit from permitted development rights granted in respect of 'dwellinghouses' with respect to Part 1, Class A of Schedule 2 of the GPDO.

It was concluded that although the matters haven't been examined by the Courts, small (Class C4) HMOs have the benefit of permitted development rights under Part 1 of Schedule 2 of the GPDO, so long as they meet the Gravesham Test (i.e. whether the unit of residential accommodation provides the facilities needed for day to day private domestic existence as outlined in [Gravesham Borough Council v SSE \[1984\] 47 P. & C.R. 142](#)), and as long as the building does not contain any flats and the HMO is not contained within any flats.

Furthermore, although not every argument in favour of the extension of Part 1 permitted development rights to small HMOs applies to their application to large HMOs, it is considered that large HMOs are also likely to be considered dwellinghouses for the purposes of Part 1 of the GPDO, again so long as they meet the test in Gravesham and the building does not contain any flats and the HMO is not contained within a flat.

These findings might have implication for appeals in terms of fall-back and enforcement appeals where, in a legal ground of appeal, the argument seeks to show express planning permission is not required for extensions and alterations to a small or large HMO. These matters are also addressed in the following ITM chapters;

- [The GPDO and Prior Approval Appeals](#) at paragraphs 102 – 103 on page 16 under the section '*Interpretation of a dwellinghouse*'
- [Enforcement](#) at paragraphs 400 – 406 on page 134 under the section '*C1, C2 and C4, HMOs and Temporary Sleeping Accommodation*'

S73 appeals where the removal / variation of a condition would result in conflict with the description of the development

The Knowledge and Horizon Scanning Team recently received some useful legal advice about whether an appeal should be dismissed or treated as invalid when the removal or variation of a condition would result in conflict with the description of the development.

In [Finney v Welsh Ministers & others \[2019\] EWCA Civ 1868](#) the Court of Appeal held that an application under s73 may **not** be used to obtain a permission that would require a variation to the terms of the “operative” part of the planning permission. The following principles apply;

- The description of development in an existing planning permission cannot be amended at all. Only the conditions can be varied;
- The description of development specified in the decision is that taken from the original planning permission and not from the subsequent application to vary any of the conditions;
- If amending a condition would result in a conflict between it and the description of development (there is no distinction between use and built development), then that particular amendment is beyond the powers under s73 and cannot be made (a fresh planning application would be required);
- In any event, any amendment can only be made provided the new condition does not fundamentally alter the original planning proposal for which permission had been granted.

Under such circumstances, if the appeal was turned away by an Inspector as being 'invalid', it would normally mean that there has been some procedural defect. Instead – assuming there are no validity issues – the appeal should be dismissed on this preliminary point. As such, if dismissing it on this ground,

there is no need to consider any wider issues. This is because the condition requested would create a conflict with the description of the development and so cannot be granted, and there is no need to go any further.

Further details of the Finney Judgment can be found in [the appeals against conditions ITM chapter](#).

Guide to Inquiry Evidence

In 2010, an article by Craig Howell-Williams QC and Richard Honey QC entitled “[Expert Evidence and how to be a good Witness](#)” featured in issue 10 of the Journal of Planning Law (JPL).

The first part of this article comprehensively addresses the role of the expert witness and the second part deals with what should and shouldn't be done in examination in chief, cross examination and re-examination. Whilst the first part is perhaps overdetailed, there are two parts that summarise the role of the expert; the first being the quotation from the Ikarian Reefer at the bottom of page 1202 and the second, the reference to the role of the expert in planning cases on page 1204.

The article is still deemed to be relevant, and may be useful to Inspectors in training or who are looking to be trained in holding Inquiries. We will also be looking to publish our own updated and inclusive version in due course.

Legal Updates

Citation: [Malcolm Payne v SSHCLG and Maldon District Council](#)

Reference: [2021] EWHC 3334 (Admin)

Judgment Date: 25 November 2021

Decision: Appeal Dismissed

Background	Against one of three enforcement notices (Notice C). The notice alleges that the Site has been used for an
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	unauthorised mix of uses and unauthorised operational development has been carried out.
Grounds of Challenge	The correct interpretation of the effect of the PEO and whether the 'apparent breach' could be extended to cover all alleged breaches on any subsequent EN and; what the correct planning unit was in relation to establishing immunity and arriving at an irrational finding as to the date the material CoU occurred.
Judgment	The case reinforces what the statute says under 172(1)(b) TCPA 1990, that if a local authority is relying on a PEO, then it can only enforce against the "apparent breach" set out in the PEO. Where the PEO specified the apparent breach of planning control as residential use, and a subsequent enforcement order set out the material breach of planning control as the unauthorised material change of use to mixed use, the Inspector was wrong to conclude that the PEO covered the use enforced against. However, the Inspector had been entitled to find that the change of use of the land had taken place in 2011 and so the enforcement notice had been lawfully issued within 10 years of the breach. The Judge found that, as the Inspector was correct to find that enforcement could have occurred within a 10 year period, Ground 1 was entirely academic. As the Appellant had to succeed on both grounds in order for the appeal to be successful, the case was dismissed.

Citation: [Manchester City Council v SSHCLG](#)

Reference: [2021] EWCA Civ 1920

Judgment Date: 16 December 2021

Decision: Appeal Dismissed

Background	The LPA issued an enforcement notice alleging breach of planning control by change of use of the premises to commercial units consisting of a travel agent (Class A1), two couriers' offices (Class B1) and a therapy room (Class D1). The recipients of the enforcement notice appealed under the Town and Country Planning Act 1990 s.174, claiming that planning permission ought to be granted.
Grounds of Challenge	Following a successful challenge to the High Court, the CoA challenge again centred on, whether a planning inspector was wrong to refuse to impose conditions on the grant of planning permission on the ground that they were unnecessary
Judgment	It was held that "the only rational conclusion" was that there were four planning units. and that the inspector had made an error in deciding that because the description of what was permitted was expressed in limited terms, there was no need for any conditions precluding further changes of use.

Citation: [Millwood Designer Homes Ltd v SSCHLG & Reigate and Banstead Council](#)

Reference: [2021] EWHC 3464 (Admin)

Judgment Date: 17 December 2021

Decision: Claim allowed

<p>Background</p>	<p>An Inspector dismissed a s78 appeal for the demolition of a school comprising stables, office, tack room, hay barn and indoor arena, and the erection of four new dwellings.</p> <p>The main issue identified by the Inspector was justifiable loss of a recreational facility. The claimant had undertaken a marketing exercise offering the school for sale, to establish demand, where it was found that the lack of surrounding land being sold with the site resulted in a lack of interest in the property. The Inspector felt that not including the adjoining land in the sale related to the owners wishing to retain their views and land for their own horses, and therefore the site had not been adequately marketed.</p>
<p>Grounds of Challenge</p>	<p>There were two grounds of challenge:</p> <ol style="list-style-type: none"> 1. That the Inspector misinterpreted policy in relation to the retention of recreational facilities; 2. The Inspector failed to have regard to a material consideration, namely that there was a likelihood of the school re-opening upon refusal of the claimant's application.

<p>Judgment</p>	<p>Paragraph 99 of the Framework provides that open space, recreational buildings and land should not be built upon unless it is shown to be surplus to requirements. Given the school has been operated by using land to the east as grazing land, the question as to whether the school was surplus to requirements was considered. The judge found that the Inspector applied the relevant policies with good sense and realism and was entitled to approach the question of conflict with policy in the way they did. The Inspector was also entitled to conclude as they did regarding the marketing requirements set out in the development plan. Ground 1 therefore failed.</p> <p>With regards to ground 2, Judge Jarman found that the issue of resumption was obviously raised in written representations, however the Inspector failed to grapple with it and instead focussed on the marketing exercise. The likelihood of resumption of use was “obviously a material consideration to the balancing exercise”. Therefore, this ground was made out and the appeal remitted for reconsideration.</p> <p><u>Note</u> – The weight to be given to likelihood of use being continued/resumed in the balance is a matter for the decision maker, and this could be a factor to consider when other protected recreational uses are at risk of loss due to fragmentation. However, the weight to be given to any evidence provided as to the feasibility of resuming the use is for the Inspector to determine on a case-by-case basis.</p>
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Citation: [Wiltshire Council v SSHCLG & Greystoke Land Ltd \(IP\)](#)

Reference: [2022] EWHC 36 (Admin)

Judgment Date: 14 January 2022

Decision: Claim dismissed

Background	<p>The decision by the Inspector granted permission on appeal for up to 10 entry-level affordable dwellings with associated access road, car parking and a publicly accessible village green on a pastoral field in a small village.</p>
Grounds of Challenge	<p>(1) The Inspector misinterpreted national policy which supports entry-level affordable housing, and in particular paragraph 71 of the NPPF.</p> <p>(2) The Inspector misinterpreted local policy, and in particular Core Policy (CP) 58 of the Wiltshire Core Strategy (WCS), which seeks to ensure conservation of the landscape.</p> <p>(3) The Inspector erred in his assessment of the harm that the development would have on the setting of a Grade II listed church to the east of the site.</p>
Judgment	<p>On ground (1), it was a matter of planning judgment for the Inspector to decide what weight to attach to the conflict with policies requiring development to protect, conserve and where possible, enhance the landscape character.</p> <p>On a reading of NPPF 71, the Judge found that it sets out that: local planning authorities should support the development of sites for first time buyers or tenants; such sites were exceptional and should be adjacent to (so not in) existing settlements; and on land not already allocated for housing. NPPF 71 “clearly envisages that by supporting entry-level exception sites, harm to the landscape would be likely [...]”, though sites should not be permitted in National Parks, AONB or Green Belt and it did not mean that landscape harm should not be weighed in the balance. The Inspector had carried out that exercise and had not</p>

	<p>regarded compliance with NPPF 71 as trumping such consideration (paras 26; 36-37).</p> <p>On ground (2), it was clear from paragraph 89 of the judgment in <i>Bramshill</i> that the inspector was entitled to acknowledge the lack of harm when considering what weight to give to policy conflict and had given considerable weight to the statutory duty to preserve the church (para 46).</p> <p>On ground (3), even if there is uncertainty about the delivery of the car park and village green, the Inspector was entitled to take into account that the proposal does not involve built form on the site of the proposed village green, which would remain open land over which the outward views from the grounds of the church</p> <p>directly westward would remain as at present (para 50).</p> <p>Details of this Judgment were published to the intranet as a Knowledge update on 17 January 2022</p>
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<p>Citation: Heronslea (Bushey 4) Ltd v SSHCLG</p> <p>Reference: [2022] EWHC 96 (Admin)</p> <p>Judgment Date: 20 January 2022</p> <p>Decision: Claim Dismissed</p>	
	<p>Details of this Judgment have already been published on the intranet as a Knowledge update on 25 January 2022</p>

Topic Area Updates

Climate Change

UK's third Climate Change Risk Assessment published

The government has undertaken its [third assessment of the risks of climate change on the UK \(CCRA3\)](#), as required by the Climate Change Act 2008. The report fulfils the requirement for the government to lay before Parliament a five-yearly assessment of the risks of current and predicted impacts of climate change. The technical report for CCRA3 identifies 61 UK-wide climate risks and opportunities, which cut across multiple sectors of the economy. Each risk has been ranked and assigned an urgency score. The advice report summarises the conclusions of the technical report and highlights 8 priority risk groups where additional action is recommended in the next two years.

Environment

OEP publishes its draft strategy and enforcement policy

With the Office for Environmental Protection's (OEP) functions coming into effect from 24th January 2022, the organisation has published its draft strategy, alongside its draft enforcement policy. [Consultation](#) on the two documents will run until 22 March 2022, with the intention to publish the final strategy and enforcement policy in Spring 2022.

Natural Environment

Consultation on Biodiversity Net Gain

Defra has launched a [consultation on Biodiversity Net Gain Regulations and Implementation \(PDF\)](#), which runs until 5th April 2022. The consultation paper sets out proposals and seeks views on the application of Biodiversity Net Gain (BNG) to Town and Country Planning Act (TCPA) development and Nationally Significant Infrastructure Projects (NSIP). The paper considers:

- the scope of the BNG requirement for TCPA development;
- application of the biodiversity gain objective to different types of development (phased development and development subject to subsequent applications; small sites; and NSIPs);
- how the mandatory BNG requirement will work for TCPA development.

The consultation aims to test proposals to ensure that the final legislation is robust, and provides clarity to transition to a biodiversity net positive planning

system.

Landscape

Consultation on Government response to the Landscapes Review

A [consultation on the Government response to the Landscapes Review](#) has been launched by Defra. The final report of the landscapes review (also known as the Glover report), into whether the protections for National Parks and AONBs are still fit for purpose, was published in September 2019 and it set out 27 proposals. This consultation responds to the review and seeks views on proposed legislative changes to the way protected landscapes are managed and governed, plus proposals to strengthen the ability of AONB teams to engage in the planning system.

Prior Approval and Permitted Development

Review of part 16 prior approval appeal decisions

The [ITM chapter on mobile telecommunications](#), was updated on 16 of December 2021, following a review of 20 decisions that were issued in August last year to investigate how Inspectors were dealing with this type of casework. [This guidance note](#), prepared by David Smith, will be useful for Inspectors conducting Part 16 casework as it contains information that is additional to that found in the ITM.

GPDO

[SI 2021/1464: Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 3\) Order 2021](#) came into force on the 11 January 2022.

The amendments are summarised below:

- Article 4 inserts new Class G (moveable structures for pubs, restaurants, etc) into Part 2 of Schedule 2
- Article 5 removes the restriction that a moveable structure may only be provided in the curtilage of a historic visitor attraction or of a listed building used for the purposes of a pub or restaurant etc until 1st January 2022 and introduces new conditions and limitations on development under Class BB

- Article 6 amends Part 12 Class BA, to allow the use of land for the purposes of “holding a market” by, or on behalf of, a local authority
- Article 7 amends Class A (emergency development by a local authority or health service body) of Part 12A of Schedule 2, to extend the current right until 31st December 2022.
- Article 8 inserts new Class TA (development by the Crown on a closed defence site) into Part 19 of Schedule 2,

The [GPDO](#) held within the Knowledge Library has been updated to reflect these changes.

Upward Extensions

[Rights: Community: Action v SSHCLG](#)

The appellant campaign organisation appealed against the Divisional Court’s refusal to quash three statutory instruments made by the defendant secretary of state on July 2020:

- Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 (“ S.I. 2020/755 “)
- Town and Country Planning (General Permitted Development) (England) (Amendment) (No.3) Order 2020 (“ S.I. 2020/756 “)
- Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“ S.I. 2020/757 “)

The appellant maintained that the statutory instruments should have been the subject of an environmental assessment or screened for such an assessment under Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment and the Environmental Assessment of Plans and Programmes Regulations 2004.

In dismissing the appeal, it was held that the Divisional Court’s interpretation of the Regulations and SEA Directive had been “faithful to the words in the legislation and consistent with the case law”. None of the three SIs was a plan or programme under the SEA Directive, and that the secretary of state did not err in law in making them without undertaking an environmental assessment or carrying out a screening procedure.

Mistaken PD Approval

A judicial review by Formby Parish Council into a decision issued by Sefton Council, into the proposed COU from retail to two self-contained flats involving alterations to the elevations, was dismissed by the High Court

The single ground of challenge, was an alleged error of law in relation to the fallback position, leading to the taking into account of immaterial considerations.

The judge said that, “whilst more could have been said, and whilst greater clarity could undoubtedly have been achieved in the key section of the Planning Officer’s report, nonetheless, applying the relevant legal principles, what was said was sufficient in my judgment.”

Formby Parish Council v Sefton Council

Waste

Plan to tackle Waste Crime unveiled by Defra

New plans to tackle waste crime were [announced on 21 January 2022](#) by Environment Minister Jo Churchill. The reform of the waste industry is intended to crack down on the rise in waste crime (illegal dumping, illegal export and illegal fly-tipping of waste) and will involve support for people and businesses to manage waste appropriately. The proposals involve two consultations:

1. [Waste carrier, broker and dealer reform](#) – to change from the current registration scheme under the Control of Pollution (amendment) Act 1989 to a permit-based system under the Environmental Permitting regime to ensure only appropriate person are in control of waste through setting the right requirements and standards, ensuring competency and providing greater enforcement options. PINS currently handles appeals under section 4 of the 1989 Act and will continue to handle these cases when they are transferred over to the Environmental Permitting Regulations.
2. [Mandatory digital waste tracking](#) – proposed that controlled waste (hazardous, non-hazardous, commercial and industrial waste) and extractive waste (from mines and quarries) are covered by new waste tracking requirements; to harmonise recording requirements with those of hazardous waste to enable an understanding of the fate of waste. The new requirements will be designed to ensure waste is handled and dealt with legally and enforced where required. Waste information will be

collected consistently and centrally, rather than the current fragmented process.

Latest Adopted Plans, SPDs & CIL Charging Schedules

Adopted Plans	Supplementary Planning Documents	CIL Charging Schedules
Tendring District Council adopted Section 2 of their Local Plan 2013 – 2033 and beyond on 25 January 2022	South Cambridgeshire District Council adopted their Little Shelford Village Design Guide Supplementary Planning Document on 1 January 2022	

Please see the [Latest Adopted Plans page](#) for more information.

Inspector Training Manual Updates & PINS Notes

[Inspector Training Manual updates](#) & [PINS Notes](#) can be found in the Inspector Area of the Intranet

Inspector Training Manual Updates	PINS Notes
Conditions 19 January 2022	PINS Note 01/2022r1 – 2021 Housing Delivery Test Results 17 January 2022
Local Plans Examinations SA/HRA/CC/Air Quality/Flood Risk 21 January 2021	PINS Note 17/2021r1 – Environment Act 2021 21 January 2021

Air Quality 21 January 2021	PINS Note 02/2022 – Updates to Natural England and Forestry Commission Standing Advice – 26 January 2022
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Secretary of State Decisions

Since the last edition of Knowledge Matters the following have been issued:

Recovered appeal decisions – 0

Called in planning applications – 3

[Recovered Appeals and Called-in Applications](#) can be viewed on the gov.uk page in the Inspector area of the Intranet

Decision	Decision Date
Town and Country Planning Act 1990 – Section 77 A. Hill view Caravan park, Skegness Road, Hogsthorpe, Skegness PE24 5NR ('Meadowbank') b. Willow Tree Farm, Brickyard Lane, Sutton on Sea LN12 2RN & C. Skegness Water Leisure Park, Wall's Lane, Ingoldmells, Skegness PE25 1JF ('South Fields') APP/D2510/V/20/3262525, APP/D2510/V/20/3262551 & APP/D2510/V/20/3262549 (PDF)	17 January 2022

Summary of your feedback on Knowledge Matters

In October 2021, we conducted a short survey for readers to express their views about our monthly newsletter, Knowledge Matters. Below is a sample of the feedback from the 24 responses to that survey, along with our analysis from the Knowledge & Horizon Scanning Team. Thank you to all who took the time to answer our questions. Your feedback has been most helpful.

Sample of Answers

Question	Sample of Feedback	Knowledge & Horizon Scanning Team's response
<p>How useful do you find the 'essential' articles?</p>	<p>"Inspectors need to be alerted and up to date as possible with information that could affect appeal decisions."</p> <p>"If they are considered 'essential' then clearly somebody thinks they are important. However, it is hard to keep up with Knowledge Matters and PINS Notes (for example, even if you remember something was raised, finding the reference can be hard). It is therefore critical that anything truly essential is included in a ITM update as soon as possible. There can be a lag, which is not helpful."</p> <p>"Articles are always easy to read, succinct and tells you in nutshell what you need to know or where to find out more."</p>	<p>As a monthly periodical, our publication is only intended to be a brief round-up of key events that month deemed to have relevance to the broad spectrum of PINS work. Our readership covers all 300+ Inspectors employed by PINS in many different professional areas but is also used by Support Staff. Consequently, the articles in the 'essential' section might appear to be general and not necessarily targeted to a specific audience.</p> <p>What is included as 'essential' is informed by our own review and horizon-scanning of events in the press or in other forums, our meetings with the Professional Leads, any implications from case law or new policy, and any</p>

	<p>"Need to check what is 'essential'".</p> <p>"As a new inspector I find it important to keep abreast of what's new in planning."</p> <p>"The essential articles are usually important planning policy / legislative items that are 'need to know' for my work."</p> <p>"Frequently I have become aware of the information in the articles from other sources, eg Knowledge Centre email alerts, prior to Knowledge Matters has been published."</p> <p>"They aren't always essential to me – and why they are deemed to be essential isn't always explained. There is no index or easy way to search KM."</p> <p>"It's essential to be kept up to date with developments and this assists with that."</p>	<p>casework queries from Inspectors which we've answered that might have wider relevance or interest.</p> <p>In the new Knowledge & Professional Matters, the Professional Leads News will replace the 'essential' section, and in so doing will help refine, select and promote the most important news for Inspectors. The inclusion of content will be directed by the Professional Leads themselves and their overview and knowledge of key developments in planning more widely, any training and development initiatives being taken within PINS and casework issues arising within their specialist areas.</p> <p>We also understand the importance of updating the ITM as quickly as possible, as the primary source of guidance for Inspectors. We have recruited new Knowledge Officers to help undertake this work and will continue to work closely with the Professional Leads to improve ways to deliver updates at pace and utilise Inspector Adviser time to incorporate specialist knowledge and experience.</p>
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		<p>We are also contributing to the Knowledge Innovation Project and will support any new initiatives developed by the Project Team to better manage and update the ITM.</p> <p>In the future, we will also be looking at ways of 'tagging' articles and other content by 'topic', to help readers navigate to content relevant to their specialist areas.</p>
How useful do you find the ITM updates / PINS Note section?	<p>"Because updated ITM sections and new/updated PINS notes are already sent out, I am aware of the updates anyway."</p> <p>"We get emailed about those and there's usually a blog post. The updates are therefore often out of date."</p> <p>"Not always easy to keep on top of the updates when first issued."</p> <p>"It's helpful to have a round-up of recent updates, to ensure that I haven't missed any."</p> <p>"They are directly relevant to work. They explain what is important, why and what the implications are. You do not need to read the updates if the ITM chapter or PINS Note title</p>	<p>We have closely reviewed the different feedback on this issue and have decided to include the ITM / PINS Notes updates at the end of Knowledge & Professional Matters, and in a table format. We will only now list the name of the ITM chapter or PINS Note updated or issued that month, just as a reminder for Inspectors who might have been on leave or otherwise missed our original email notifications.</p>

	shows there is no relevance to your work."	
How useful do you find the SoS / Called in applications section?	<p>"Be nicer if we knew who the Inspector was, and perhaps once challenge period had passed some insight from them?"</p> <p>"Of some passing interest in general, but I've not necessarily always got time to read this section and can't justify finding the time to do so unless I know there's something in there that is especially pertinent to my casework."</p> <p>"These are usually publicised quite well externally so I've often heard about the result well before KM is published."</p> <p>"I wouldn't otherwise know about them and it's useful to have a briefing about cases that are often high profile/controversial."</p> <p>"Can provide an early indication of how SoS would like new national policy/guidance to be interpreted, albeit that may not be consistent with the published wording of the policy/guidance."</p>	<p>Acting on this feedback, we have decided to move this content to the end of Knowledge Matters, again in a table format, and only include a link to the decision letter.</p>

	<p>"Long summarises and quite case specific so not always of wider relevance."</p>	
<p>How useful do you find the legal updates?</p>	<p>"Extremely interesting and often important (but also need to be reflected in ITM without delay if have any bearing on casework)."</p> <p>"It is good to know the result of court cases and the learning points to take from them. The summaries are very good and give links to where to read more detail if I want to."</p> <p>"It's important to be aware of legal changes, but they don't always affect my area of work."</p> <p>"All very, very useful!"</p> <p>"Depending on when judgements are handed down relative to the publication of Knowledge Matters, can provide early notice of how the Courts are interpreting procedural or case specific issues."</p> <p>"This is the most useful section to me, but the urgency of legal updates is blunted by reporting in KM. And again, the lack of index/ability to search. Should Inspectors even refer to</p>	<p>We know how vital case law is to decision-making and thus we will continue to liaise with the Professional Leads and report judgments that have wider significance on casework. Senior managers in the Knowledge & Horizon Scanning Team already attend regular meetings with the Professional Leads to review all High Court outcomes and any actions to take, as part of corporate learning.</p> <p>In the new Knowledge & Professional Matters, the Legal Updates will directly follow the Professional Lead News in the order of contents. Our summaries of legal judgments will be presented within a table, setting out the background, grounds of challenge, key aspects of the judgment and any implications more clearly. We will be setting ourselves a 300 word limit, to help keep our summaries succinct. A link to a longer summary will be stored on PINS Intranet, if this is needed.</p>

	<p>summaries in KM, what is their status compared to the ITM?"</p>	<p>Judgments and any accompanying Westlaw summaries are already catalogued in the Library by the Knowledge & Horizon Scanning Team in a timely manner. Any judgments that have particular wider effect on the interpretation of policy or legislation are posted on PINS Intranet or notified in a PINS Note.</p> <p>The ITM remains the primary source of guidance for Inspectors. Key judgments and any implications to casework will continue to be added to the ITM as soon as practicable. Inspectors should therefore refer to the ITM for any information related to case law and their implications. Judgments are also disseminated via the Enforcement Bulletin and Enforcement Case Law chapter of the ITM, for enforcement casework.</p> <p>However, there are no plans currently to reintroduce PINS Blue Notes for case law.</p>
How useful do you find	<p>"Interesting but not always relevant to my work."</p>	<p>We will continue to provide topic-based updates but will set ourselves some editorial guidance around relevancy,</p>

the topic area updates?	<p>"Less important in day-to-day role."</p> <p>"Usually there are topic area updates that are relevant to my area of work."</p> <p>"Very useful has often can have a bearing on live casework."</p> <p>"Of variable relevance and quality."</p>	<p>length, and depth of coverage. We will also continue to discuss what is best to include with the Professional Leads. We will endeavour to provide a broad range of topics in the future, to ensure that Knowledge & Professional Matters is relevant and inclusive to different specialist areas.</p> <p>We will also explore whether a 'tagging' system could help Inspectors navigate to relevant articles / content (i.e. to help them decide quickly, what to read and what to leave).</p>
Other feedback	<p>"It would be very useful if in each issue a hyperlink could be provided to the latest issue of the Journal of Planning and Environment Law – it provides very detailed reviews and legal opinions. I appreciate a hyperlink is provided on the Intranet but I think it is often missed by some Inspectors. Including the link in KM would consolidate available resources into a single publication."</p>	<p>Issues of JP&EL are published in the Library and notified via 'Knowledge Updates' on PINS Intranet. However, we are looking to see how we might better utilise the 'Inspector' page on PINS Intranet to help Inspectors navigate to documents more easily, as well as how we might consolidate and index resources in the future under the Knowledge Innovation Project.</p>

	<p>"It doesn't need to be full of images. The text well laid out will do."</p>	<p>Noted. Our new, image-free html Knowledge & Professional Matters should provide an accessible, clear format for our readers.</p>
	<p>"Could you include a section on questions that have been raised by Inspectors during the previous month and the answers that have been provided – might save several Inspectors asking the same questions and would help with distribution of consistent advice."</p>	<p>We do keep a log of queries from Inspectors and our answers. Any novel issues / solutions are then included as updates to the ITM. Unfortunately, adding this log to KM would extend each edition considerably. However, we will explore if there are other ways to share this information (in anonymised form).</p>
	<p>"Currently, the content in Knowledge Matters is good. However, in my humble opinion, there are 2 main issues with Knowledge Matters in knowledge management terms:</p> <p>1) It is unclear whether material in previous issues is still extant / applicable;</p> <p>2) It is hard to find specific items from previous issues, including useful quality-assurance (complaints)-type information.</p> <p>Regarding 1), there is a risk that Inspectors might rely on</p>	<p>All these points have been noted.</p> <p>The principle of Knowledge & Professional Matters is to provide a helpful round-up of news and case law that occur at the time of publication, but it is not intended to replace the ITM as the primary source of guidance. Relevant developments, issues or judgments are regularly included in the ITM as updates, as the document is consistently being revised to incorporate the latest</p>

	<p>out-of-date information in previous issues of Knowledge Matters, when making decisions.</p> <p>Regarding 2, as an example – a quality-assurance type item on ‘Retention of vegetation’ is given in Knowledge Matters No 73 (at page 3). However, without a Consolidated Version of the publication, it is not easy to find that item, if it is needed in the future, as one has to open up a large number of previous issues to search for it. Even with a Consolidated Version, a keyword search would have to be undertaken, when the user might not know / remember the correct keyword. Inspectors also don’t know if the information has already been incorporated into a Training Manual chapter, possibly in a slightly different form.</p> <p>Therefore, I suggest that:</p> <p>Rather than publishing the Planning Update in a newsletter-style (each month), instead have one intranet page which is constantly in use, with drop-down headings for each topic area (e.g. Green Belts, Enforcement, etc.). All the information would be presented in one place, on one</p>	<p>knowledge relevant to decision-making and should remain the key resource for Inspectors (as opposed to researching previous editions of Knowledge Matters, which can become out-of-date).</p> <p>The PDF version of the newsletter has made searching for past articles almost impossible. Our move to html, with future editions housed on PINS Intranet, should help with searching for content.</p> <p>At a later stage, we are looking at whether developing a ‘tagging’ system could help Inspectors navigate to relevant content based on a topic or category legend. We are likely to need to liaise with the Knowledge Innovation Project for any digital solutions for indexing content and will forward this feedback to the Project Team for their consideration.</p>
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	<p>webpage, but triaged by topic area.</p> <p>So if an Inspector wants to know the latest information or refresh their memory on Green Belts, then they click the Green Belts drop-down box, and all the information appears. You could keep the same format of Essential, SofS Decisions, Legal Updates, etc. This would have the advantage that you could keep displaying information that will help Inspectors avoid complaints and High Court challenges, without that information being 'hidden' in previous issues of Knowledge Matters, as is currently the case.</p> <p>New items could be added on a rolling basis (under each drop-down heading), as-and-when they arise. Out-of-date items could be periodically removed (in the same way that PINS Notes are removed / updated when needed).</p> <p>It would need to be publicised appropriately, to ensure that Inspectors check the page. This could be done at the end of each month, via e-mail and intranet-alerts (including on the Inspector area), highlighting the main changes to the webpage.</p>	<p>We have included articles on research papers, seminars, and academic works in the past. We will, however, endeavour to include more articles more regularly on the latest research from organisations such as RIBA, to bring Inspectors the latest concepts, assessments, and data from external organisations.</p>
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	<p>On another point, I think it could be useful to include items in the Planning Update from the RTPI and RIBA, especially recent research / practice papers. This is because sometimes these research papers contain the latest thinking on 'what works' in planning, thereby potentially helping Inspectors to make better assessments of the proposal before them in an appeal."</p>	
	<p>"Having information presented like this is invaluable in keeping up with constant changes – it's done very professionally and its readable. Please keep up the good work."</p>	<p>Thank you!</p>
	<p>"It would be useful if the document was shorter and written in bullet points. It could summarise the key points and then sign post us to more detail."</p>	<p>There has been some debate amongst team members about the length of the newsletter, with our editors Jon Hawkins and Kate Hole consistently telling team members to curtail the length of their articles! We are developing our own editorial guide to help ensure that future articles are succinct and relevant, with signposting to more in-depth coverage elsewhere if needed.</p>