

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 7
20 DECEMBER 2016	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer:	Nick Harding - Head of Planning	Tel. 454441
Reporting Officer:	Louise Lovegrove - Senior Development Management Officer	Tel. 454439

**PLANNING APPEALS QUARTERLY REPORT ON APPEALS PERFORMANCE
SEPTEMBER TO NOVEMBER 2016**

RECOMMENDATIONS	
FROM: Corporate Director of Growth and Regeneration	Deadline date: December 2016
It is recommended that the Planning and Environmental Protection Committee notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 It is useful for Committee to look at the Planning Service’s appeals performance and identify if there are any lessons to be learnt from the decisions made. This will help inform future decisions and potentially reduce costs. This report is presented under the terms of the Council’s constitution Part 3, delegations section 2 para 2.6.1.4.
- 1.2 This report covers the period from 1 September 2016 to 30 November 2016 and a list of all appeal decisions received can be found at **Appendix A**.
- 1.3 For the purposes of ‘lesson learning’, these update reports will normally cover a selected number of cases in detail whereby the Local Planning Authority (LPA) has lost its case. Attention will be paid to the difference in assessment of the selected schemes between the LPA and Planning Inspector. In this instance, owing to the limited number of appeal decisions which overturn the Local Planning Authority’s decision, no case study is included.

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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3. APPEAL PERFORMANCE

- 3.1 In the period of 1 September to 30 November 2016, a total of 5 appeal decisions have been received. This number is broadly similar to the corresponding periods in 2015 and 2014, whereby 4 and 7 appeal decisions were received respectively. All of the appeals related to the refusal of planning permission.
- 3.2 Of the 5 decisions received, 4 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government (80%) and 1 was allowed (20%). None of the decisions were subject to an award of costs either for, or against, the Council. This represents a similar level of performance when compared to the previous quarter of 2016, whereby 6 were dismissed (86%) and 1 allowed (14%). This performance represents an improvement from the same quarter of 2015, whereby 2 were dismissed

(50%) and 2 allowed (50%), but is broadly similar to the same quarter of 2014, whereby 5 were dismissed (71%) and 2 allowed (29%).

- 3.3 The similarity in data, excluding 2015, suggests that the quality of decision-making has remained consistent over the past 2 years.
- 3.4 Of the planning application decisions appealed during this quarter, all resulted from Officer delegated decisions. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.5 The Government has just announced that it will be looking at the quality of Local Authority decision making for major applications and non-major applications. As such, as of April 2018, the Council will be monitored on all appeals performance. The measure to be applied relates to the percentage of appeals lost (allowed against the Authority's decision) as a percentage of the total number of decisions made and the Government has set the target at no more than 10%.
- 3.6 To provide Members with an indication as to how we are performing currently, the table at **Appendix B** sets out the performance between October 2015 and October 2016 (inclusive). As can be seen, the Council is performing far below the threshold set by Government and as such, this does not pose any concerns in terms of the quality of planning decisions being issued.

4. IMPLICATIONS

- 4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the planning/appeal processes themselves must have due regard to legal considerations and requirements.
- 4.2 **Financial Implications** – This report itself does not have any financial implications.
- 4.3 **Human Rights Act** – This report itself has no human rights implications but the planning/appeals processes have due regard to human rights issues.
- 4.4 **Human Resources** – This report itself has no human resources implications.
- 4.5 **ICT** – This report itself has no ICT implications.
- 4.6 **Property** – This report itself has no Property implications.
- 4.7 **Contract Services** – This report itself has no Contract Services implications.
- 4.8 **Equality and Diversity** – This report itself has no Equality and Diversity Implications, although the planning/appeals processes have due regard to such considerations.

5. BACKGROUND DOCUMENTS

- 5.1 None.

6. APPENDICES

- 6.1 Appendix A – Appeal Performance 1 September 2016 to 30 November 2016.
- 6.2 Appendix B – Appeals Quality Monitoring from October 2015 and October 2016 (inclusive).