

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 5</b>
<b>21 March 2023</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Cereste - Cabinet Member for Climate Change, Planning, Housing and Transport	
Contact Officer:	Sylvia Bland (Head of Planning)	Tel: 07920 160772

**PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE OCTOBER TO DECEMBER 2022**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Executive Director: Place and Economy	<b>Deadline date:</b> March 2023
It is recommended that the Committee: 1. Notes past performance and outcomes.	

**1. PURPOSE AND REASON FOR REPORT**

- 1.1 The Government monitors the performance of local planning authorities in deciding applications for planning permission. This is based on their performance in respect of the speed and quality of their decisions on applications for major and non-major development.
- 1.2 Where an authority is designated as underperforming, the Town and Country Planning Act 1990 (as amended) affords applicants the option of submitting their planning applications (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 1.3 This report focuses on just the performance of Peterborough City Council in regard to the quality of its decisions on planning applications. 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.
- 1.4 This report is presented under the terms of the Council's constitution Part 3 Section 2 – Regulatory Committee Functions, paragraph 2.6.2.6.
- 1.5 This report covers the period from 1 October to 31 December 2022, and a list of all appeal decisions received can be found at Appendix 1.
- 1.6 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.

**2. TIMESCALE.**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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### 3. MAIN BODY OF REPORT

- 3.1 In the period of 1 October to 31 December 2022, a total of 9 appeal decisions were issued. This number is similar to the corresponding periods in 2020 and 2021 when 6 and 8 appeal decisions were issued respectively.
- 3.2 The planning application decisions appealed during this quarter related to the refusal of a mix of planning permissions, advertisement consents and a prior approval for a telecoms mast. All the decisions resulted from Officer delegated decisions. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the appeal decisions issued, 4 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government. Therefore, the percentage of appeals dismissed is 45%. There were 5 appeals allowed (55%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a lower level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table. Performance is discussed further in paragraph 3.7 of the report.

	<b>Appeals decided</b>	<b>Appeals Allowed</b>	<b>% Allowed</b>
<b>Jan - Mar 2021</b>	8	1	13 %
<b>Apr - Jun 2021</b>	3	1	33 %
<b>Jul - Sep 2021</b>	3	1	33 %
<b>Oct - Dec 2021</b>	8	3	37.5 %
<b>Jan - Mar 2022</b>	8	2	25 %
<b>Apr – Jun 2022</b>	8	1	13%
<b>Jul – Sept 2022</b>	9	3	33%
<b>Oct – Dec 2022</b>	9	5	55%
<b>TOTAL</b>	<b>53</b>	<b>13</b>	<b>30 %</b>

- 3.5 With regards to the measure against which the Government assesses appeal performance, this is calculated based upon the number of appeals lost (allowed against the Authority's decision) as a percentage of the total number of decisions made by the authority. The Government has set the target at no more than 10% across a rolling 2-year period.
- 3.6 The table provided at Appendix 2 sets out the performance of the Council against the Government target between January 2020 and December 2022 (inclusive). As can be seen, the Council is performing well within the threshold set by Government and as such, this does not pose any concerns in terms of the quality of planning decisions being issued.
- 3.7 Turning to any lessons learnt from the appeal decisions, there were four appeals relating to the installation of LCD advertisement display screens within telecoms hubs in the city centre at Midgate and Hereward Cross. These formed part of a larger number of advertisement applications which were mainly approved by the Council. In three of the appeal cases, officers considered that the advertisements were detrimental to the nearby Conservation Areas, however, these were allowed due to the modern surroundings of the location. One appeal, at Laxton Square, however, was dismissed by the Inspector because of the harmful impact the modern design of the installation would have on the setting of nearby Listed Buildings.

- 3.8 In the telecoms Prior Approval appeal, this was allowed because the Inspector considered that the relatively minor impact on trees within a shelterbelt was outweighed by the benefits of improving telecommunications coverage.
- 3.9 The dismissal of the appeal at Helpston is useful in that it supports the Council's policy LP4 which requires an applicant to demonstrate that existing employment land is no longer required before it may be considered for an alternative use.
- 3.10 Finally, the appeal that was dismissed at 17 Crowland Road is of note to Committee as the original permission was granted by Committee for a car tinting business and storage within a predominantly residential area in Eye. The appeal was to remove a condition that restricted the use of the building to window tinting purposes. The Inspector found that while this specific use may be compatible with surrounding residential properties, other commercial uses that could be carried out under Class E may potentially be detrimental to residential amenity (appeal decision attached).

#### **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 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the planning/appeals processes have due regard to such considerations.

#### **5. APPENDICES**

1. Table of appeal decisions made October to December 2022 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued October to December 2022 (inclusive)
3. Appeal decision pursuant to 21/00477/FUL - 17 Crowland Road, Eye.

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