

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 7
27 June 2023	PUBLIC REPORT

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 JANUARY TO MARCH 2023

RECOMMENDATIONS	
FROM: Executive Director: Place and Economy	Deadline date: June 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 January to March 2023, 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?	NO	If Yes, date for relevant Cabinet Meeting	N/A
---	-----------	---	------------

3. MAIN BODY OF REPORT

- 3.1 In the period of January to March 2023, a total of 12 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. There were 10 decisions that resulted from Officer delegated decisions with 2 decisions that arose from a Committee decision. 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, 8 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 66%. There were 4 appeals allowed (33%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a similar level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table.

	Appeals decided	Appeals Allowed	% Allowed
Apr - Jun 2021	3	1	33 %
Jul - Sep 2021	3	1	33 %
Oct - Dec 2021	8	3	37.5 %
Jan - Mar 2022	8	2	25 %
Apr – Jun 2022	8	1	13%
Jul – Sept 2022	9	3	33%
Oct – Dec 2022	9	5	55%
Jan – Mar 2023	12	4	33%
TOTAL	53	13	33 %

- 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 April 2021 and March 2023 (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, overall, the Planning Inspectorate has been supportive of appeals which it has been clearly demonstrated that there would be harm to the character and appearance of the surrounding area or there is a clear lack of sufficient car parking space.
- 3.8 The Inspector agreed with the Planning Committee's decision to refuse very large extensions proposed at 1 Thorpe Avenue (Appendix 3). In doing so, the Inspector concluded that it would have an adverse effect on the character and appearance of the surrounding area, including the Special Character Area and it would not add to local distinctiveness. There would be a loss of privacy to the neighbouring property from the first-floor balcony despite the existence of a hedge. The need for 'high end housing' is not sufficient to justify the identified harm.

3.9 The Inspector, however, did not agree with the Committee's decision to refuse an outbuilding at 322 Oundle Road (Appendix 4). The Inspector gave significant weight to the previous planning permission for a similar outbuilding and to the existence of several other nearby outbuildings, some of which were larger than the appeal proposal.

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 April 2021 to March 2023 (inclusive)
3. Appeal decision pursuant to 1 Thorpe Avenue (22/00212/HHFUL)
4. Appeal decision pursuant to 322 Oundle Road (22/01007/HHFUL)

This page is intentionally left blank