

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No 6
12 DECEMBER 2023	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Housing, Growth, Regeneration	
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PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE July - September 2023

RECOMMENDATIONS	
FROM: Executive Director: Place and Economy	Deadline date: December 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 regards 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 April 2023 to 30 June 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
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3. MAIN BODY OF REPORT

- 3.1 In the period of 1 July 2023 to 30 September 2023, a total of 6 appeal decisions were issued. This number is similar to the corresponding periods in 2021 and 2022.
- 3.2 Of the planning application decisions appealed during this quarter, all related to the refusal of planning permission, 5 resulted from Officer delegated decisions and 1 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 6 appeal decisions issued, 5 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government and 1 case was allowed. Therefore, the percentage of appeal dismissals stood at (83.4%). 1 appeal was allowed (16.6%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a better, level of performance when compared to previous quarters during the preceding 2 year period (with the exception of Apr-Jun 2022), as shown in the following table. It is also well below the overall average during that period, and the trend has been a consistent improvement since Oct – Dec 2022 thereby identifying an improvement in the quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
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%
Apr - June 2023	8	2	20%
July – Sept 2023	6	1	16%
Total	60	18	30%

- 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 2023 and March 2023 (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.
- 3.7 Turning to any lessons learnt from the appeal decisions, overall, the Planning Inspectorate has generally agreed with the Council's judgement on issues of principle of development, parking, character and appearance and residential amenity.
- 3.8 However in 1 case (Appendix 3), determined by Committee - the change of use to garden land at Thornhaugh, whilst the inspector agreed with the Council on the amenity issue and dismissed the appeal, they took a different view on the other reasons for refusal i.e. they did not consider the proposal was unacceptable in terms of visual and heritage impacts. Neither

did they agree that it was in conflict with the local plan by virtue of being beyond the village envelope. The lesson being here that village envelopes are mainly intended to restrict built development and that changes of use to gardens (whilst technically classed as development) are not necessarily unacceptable under this policy or bound to be detrimental to heritage assets or character of the area – such impacts can potentially be controlled by conditions.

- 3.9 In the case of the appeal for 4 flats at Church Street that was allowed, the inspector felt the highway and amenity impacts were acceptable. This was partly down to amended plans submitted by the appellant and partly down to a trend for inspectors to place less weight on residential amenities than they perhaps did in the past.

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 July – Sept 2023 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued July 2023 – Oct 2023 (inclusive)
3. Appeal Decision 22/00506/FUL
4. Appeal Decision 22/01536/FUL

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