

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No 7
22 OCTOBER 2013	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste - Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer:	Nick Harding (Group Manager, Development Management)	Tel. 454441
Reporting Officer:	Andrew Cundy (Area Manager, Development Management)	Tel. 453470

THREE MONTH APPEAL PERFORMANCE

RECOMMENDATIONS	
FROM : Head of Planning, Transport and Engineering Services	Deadline date : not applic
That 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 performance at appeals and identify if there are any lessons to be learnt in terms of appeal outcomes. This will help inform future decisions and potentially reduce costs.
- 1.2 This report is for the Committee to consider under its terms of reference, 2.5.1.4 'to receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers'.

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 The number of appeals lodged has increased this last three months from 3 to 8 compared to the previous three months. A total of 7 appeals have been determined which is 6 less than the previous three months.

	01/10/2012 – 31/12/2012	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013
Appeals Lodged	7	3	8	11
Method of Appeal				
a) Householder	1	0	2	5
b) Written Reps	6	2	5	5
c) Informal Hearing	0	1	1	1
d) Public Inquiry	0	0	0	0

	01/10/2012 – 31/12/2012	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013
Appeals Determined	7	13	7	5
Appeals Dismissed	4	9	4	3
Appeals Allowed	2	3	2	2
Split Decision	1	1	0	0
Appeals Withdrawn	0	0	1	0
Success Rate	57%	69%	67%	60%
Householder	4	1	0	2
Written Reps	2	10	5	3
Informal Hearing	1	2	1	0
Public Inquiry	0	0	1	0

3.2 In the last three months the Council's decision was upheld in 60% of the cases.

3.3 The table in Appendix 1 gives a summary of the appeal outcomes in the last 3 months with a commentary where there is scope for service improvement.

4. IMPLICATIONS

4.1 Legal Implications

The proposed changes have been prepared and will be consulted on in accordance with guidance issued by national government. There are no legal implications.

4.2 Financial Implications

This report itself does not have any financial implications. However, in the event that the Council or appellant has acted unreasonably in terms of the planning decision or appeal, an award of costs may be made against or in favour of the Council.

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
1	12/01726/FUL - 3 John Wesley Road, Werrington Peterborough - Installation of a temporary mobile home for occupation by managers of Peterborough Dairies	Committee (T)	Allowed	<p>The inspector considered that planning permission should be granted, in the interests of the economic growth of the dairy business.</p> <p>In more detail the inspector concluded that there is a justified need for the mobile home, and pursuant to paragraph 21 of the National Planning Policy Framework (NPPF) the proposal would facilitate flexible working. The Inspector added that the mobile home would be occupied by the appellant who owns the dairy and that this would enable him to manage it with his wife on a round the clock basis. The Inspector agreed that this would allow the appellant to invest further in his business.</p> <p>With regards to noise the inspector stated that the proposed mobile home would accommodate the owner of the dairy who would be wholly mindful of the nature of the environment within which he would be living.</p>	No
2	13/00240/HHFUL - 20 Grange Road, West Town Peterborough - Construction of two storey side and rear extensions and single storey rear extension	Delegated	Dismissed	<p>The inspector concluded that the development results in a significant overbearing effect that unacceptably compromises the outlook and living conditions of neighbouring occupants.</p>	No
3	13/00087/FUL - Land To The R/O Firwood, First Drift Wothorpe, Stamford - Erection of Detached House and replacement garage	Delegated	Dismissed	<p>The inspector concluded that the proposed development would be detrimental to the character of this part of Wothorpe and to that of the nearby open countryside. Specifically that the proposed development would be prominent when seen from the south west and that anyone walking along the footpath would be aware of its existence. The consequence being that the perception of a soft edge to this part of the village would be lost. The inspector agreed that by approving this application it would be difficult for the council to resist similar proposals and would thus progressively erode the village character and neighbouring countryside.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
4	13/00376/HHFUL - 86 Alexandra Road Peterborough - Demolition of existing garage and construction of two storey side and single storey rear extension - retrospective	Delegated	Allowed	The inspector concluded that that the development is appropriate to its context, achieving an acceptable standard of design, avoiding overdevelopment and any opportunity for crime and disorder through lack of natural surveillance.	No
5	12/01922/FUL - R And P Meats Ltd, 55 Cherry Orton Road, Orton Waterville Peterborough - Change of use of remaining part of residential garage to business use - Retrospective	Committee	Dismissed	The inspector concluded that the scale of the appellant's business, its location and the evidence from local residents satisfied him that even a small increase in activity was unacceptable. The inspector stated that he would need to be satisfied that the change of use does not have the potential to increase noise and other disturbance to residents or to further detract from the character of the conservation area. The appellants failed to convince the inspector that changes in legislation necessitated an increased storage area and that there would be the same amount of product and the same level of activity as before.	No