

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM
<b>14 March 2017</b>	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
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**PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE DECEMBER 2016 TO FEBRUARY 2017**

<b>RECOMMENDATIONS</b>	
<b>FROM</b> : Director of Growth and Regeneration	<b>Deadline date</b> : March 2017
That Committee notes past performance and outcomes.	

**1. PURPOSE AND REASON FOR REPORT**

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.

This report covers the period from 1 December 2016 to 28 February 2017 and a list of all appeal decisions received can be found at Appendix 1.

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, no case study is included as the LPA has won all appeal decisions.

**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 Appeal Performance

In the period of 1 December 2016 to 28 February 2017, a total of 11 appeal decisions have been received. This number is broadly similar to the corresponding periods in 2015/16 and 2014/15, whereby 7 and 15 appeal decisions were received respectively. All of the appeals related to the refusal of planning permission.

Of the 11 decisions received, all cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government (100%). None of the decisions were subject to an award of costs either for, or against, the Council. This represents an improvement of performance when compared to the previous quarter of 2016, whereby 86% were dismissed and 14% allowed. This performance represents an improvement from the same quarter of 2015/16, whereby 3 were dismissed (43%) and 4

allowed (57%), and the same quarter of 2014, whereby 9 were dismissed (60%) and 6 allowed (40%).

The improvement in appeals performance in comparison to previous years suggests that the quality of decision-making has improved over the past 2 years.

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.

The Government has recently 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%.

An annual statement detailing the performance against this target will be provided each year. This will be presented for 2016/17 in the next Committee Report.

#### **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.

**Financial Implications** – This report itself does not have any financial implications

**Human Rights Act** – This report itself has no human rights implications but the planning/appeals processes have due regard to human rights issues.

**Human Resources** – This report itself has no human resources implications.

**ICT** – This report itself has no ICT implications.

**Property** – This report itself has no Property implications.

**Contract Services** – This report itself has no Contract Services implications.

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