

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 6
22 MARCH 2022	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer:	Mrs Louise Simmonds (Development Management Team Manager)	Tel: 07920 160664 (Mon-Thu)

PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE JULY TO SEPTEMBER 2021

RECOMMENDATIONS	
FROM : Executive Director: Place and Economy	Deadline date: March 2021
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 October 2021 to 31 December 2021, 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 1 October to 31 December 2021, a total of 8 appeal decisions were issued. This number is similar to the corresponding periods in 2018, 2019 and 2020, whereby 10, 6 and 6 appeal decisions were received respectively.
- 3.2 Of the planning application decisions appealed during this quarter, all related to the refusal of planning permission and 7 resulted from Officer delegated decisions with 1 resulting from a decision of this Committee. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the 8 appeal decisions issued, 5 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government (62.5%) and 3 were allowed (37.5%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a similar, albeit slightly lower, level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table, thereby identifying a relatively consistent quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
Jan - Mar 2020	6	3	33 %
Apr - Jun 2020	3	1	33 %
Jul - Sep 2020	7	1	14 %
Oct - Dec 2020	6	2	33 %
Jan - Mar 2021	8	1	13 %
Apr - Jun 2021	3	1	33 %
Jul - Sep 2021	3	1	33 %
Oct - Dec 2021	8	3	37.5 %
TOTAL	39	12	31 %

- 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 2021 (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 lesson-learning from specific appeal decisions, only one appeal related to a refusal issued by Members of the Planning and Environmental Protection Committee – application reference 20/00846/HHFUL. This was refused by Members, contrary to Officer recommendation, on the grounds that the proposed air conditioning units and their associated housing, would be visually unacceptable owing to their bulky, unattractive and alien appearance in relation to the host dwelling.
- 3.8 The appointed Inspector disagreed with this position, and their detailed reasoning is set out in paragraphs 6 and 7 of the decision notice attached to this report at Appendix 3.

3.9 It is considered that there are limited lessons that can be learnt from this appeal decision. The reason for refusal was based upon a more subjective policy criteria (design) and Members were justified in their concerns regarding the air condition units. Whilst the Inspector disagreed with Members view, it was not concluded that the Committee had issued an unsubstantiated refusal or acted in an unreasonable manner.

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 2021 (inclusive)

2. Percentage of appeals allowed compared to total decisions issued October 2019 – December 2021 (inclusive)

3. Appeal decision pursuant to 20/00846/HHFUL

This page is intentionally left blank