

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 6</b>
<b>22 March 2022</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Cereste - 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 JANUARY TO MARCH 2022**

<b>RECOMMENDATIONS</b>	
<b>FROM :</b> Executive Director: Place and Economy	<b>Deadline date:</b> June 2022
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 January 2022 to 31 March 2022, 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?	<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 In the period of 1 January to 31 March 2022, a total of 8 appeal decisions were issued. This number is similar to the corresponding periods in 2020 and 2021, whereby 6 and 8 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, 4 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government and 2 cases were issued with a split decision (allowing some development and refusing others). Of those split decisions, the matters to which the LPAs refusal related were all dismissed. Therefore, the percentage of appeal dismissals stood at (75%). 2 appeals were allowed (25%). 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 better, level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table. However it is akin to the overall average during that period, thereby identifying a relatively consistent quality of decision-making.

	<b>Appeals decided</b>	<b>Appeals Allowed</b>	<b>% Allowed</b>
<b>Apr - Jun 2020</b>	3	1	33 %
<b>Jul - Sep 2020</b>	7	1	14 %
<b>Oct - Dec 2020</b>	6	2	33 %
<b>Jan - Mar 2021</b>	8	1	13 %
<b>Apr - Jun 2021</b>	3	1	33 %
<b>Jul - Sep 2021</b>	3	1	33 %
<b>Oct - Dec 2021</b>	8	3	37.5 %
<b>Jan - Mar 2022</b>	8	2	25 %
<b>TOTAL</b>	<b>46</b>	<b>12</b>	<b>26 %</b>

- 3.5 With regards to the measure against with 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 2020 and March 2022 (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 20/01070/FUL at 35 Westgate. This was refused by Members, contrary to Officer recommendation, on the grounds that the proposed taxi call office would bring additional people into the area of Westgate late at night, and would result in the potential for crime and anti-social behaviour.

- 3.8 The appointed Inspector disagreed with this position, and their detailed reasoning is set out in 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. In rejecting an appeal for costs made by the Appellant, the Inspector concluded that the Committee is not bound to follow the advice of its officers nor those of specialist consultees provided there are substantive grounds for its case. In this instance, the Inspector was satisfied that the reason for refusal was not unreasonable as the future level of anti-social behaviour in the area was unknown and its acceptability a subjective matter. The fact that a temporary permission was granted to enable a review at the end of a two-year period, and that the appellant accepted this condition, illustrates the validity of the concern.

#### 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 January to March 2022 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued April 2020 – March 2022 (inclusive)
3. Appeal decision pursuant to 20/01070/FUL

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