

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM NO. 6</b>
<b>13 December 2022</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Cereste - Cabinet Member for Climate Change, Planning, Housing and Transport	
Contact Officer:	Sylvia Bland (Acting Head of Development Management)	Tel: 07920 160772

**PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE JULY TO SEPTEMBER 2022**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Executive Director: Place and Economy	<b>Deadline date:</b> December 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 regard 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 July 2022 to 30 September 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 July to 30 September 2022, a total of 9 appeal decisions were issued. This number is similar to the corresponding periods in 2020 and 2021.
- 3.2 Of the planning application decisions appealed during this quarter, 6 resulted from Officer delegated decisions with 3 resulting from a decision of this Committee. Of the latter, one decision was in accordance with officer recommendation while two were Member overturns of the officer recommendation. Of these, the Inspector agreed with Committee on one appeal and not on the other. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the 9 appeal decisions issued:
- 1 appeal was withdrawn as the Inspector found no legal basis for the appeal
  - 3 Committee decisions resulted in the Inspector agreeing with the Committee decision on two appeals.
  - 5 Delegated decisions resulted in the Inspector agreeing with the Officer decision on four appeals.
  - In total, 3 appeals were allowed.

Therefore, the percentage of appeal dismissals for this quarter stood at (66%) with allowed (33%). None of the decisions were subject to an award of costs either for, or against, the Council.

- 3.4 This represents a similar 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>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>Apr – Jun 2022</b>	8	1	13%
<b>Jul – Sept 2022</b>	9	3	33%
<b>TOTAL</b>	<b>53</b>	<b>13</b>	<b>23 %</b>

- 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 October 2020 and September 2022 (inclusive). As can be seen, the Council is performing far below the threshold set by Government for both major (0%) and non-major (0.77%) applications 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, the appeal at Loves Lane, Sutton for a footpath/cycle was allowed by the Inspector contrary to the Committee decision (Appendix 3). The Inspector placed weight on the safeguarding of the route in the Local Plan and found that the proposals would not affect the character or appearance of the area or cause significant issues of visitors, vehicles or parking the village. He noted that it is not unusual for a village to have a layout with tight bends. The behaviour and speed of cyclists were not thought to cause an impact on the amenity of local residents. The Inspector attached several conditions to control and minimise the effects of the proposals eg surfacing details of the path, signage to warn of horses ahead, cycle parking and wildlife site compensation amongst other conditions.
- 3.8 The Inspector refused an appeal for 2 holiday lets at Black House Farm which supported the highway authority's objection to the proposals (Appendix 4). In refusing the application, the Committee were also concerned about potential highway safety impacts arising from increased vehicle movements from the proposal. The Inspector agreed that the narrow width of the access road and limited visibility onto Crowland Road would lead to an unacceptable intensification of the access which would be unsafe.

#### **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 to September 2022 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued October 2020 – September 2022 (inclusive)
3. Appeal decision pursuant to 20/01026/FUL.
4. Appeal decision pursuant to 20/01678/FUL.

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