

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No 7
17 October 2023	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste - Councillor Cereste - Cabinet Member for Growth and Regeneration	
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PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE APRIL - JUNE 2023

RECOMMENDATIONS	
FROM: Executive Director: Place and Economy	Deadline date: October 2023
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 April 2023 to 30 June 2023, 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
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3. MAIN BODY OF REPORT

- 3.1 In the period of 1 April 2023 to 30 June 2023, a total of 10 appeal decisions were issued. This number is similar to the corresponding periods in 2021 and 2022 whereby 13 and 9 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 all 10 resulted from Officer delegated decisions. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the 10 appeal decisions issued, 8 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government and 2 cases were allowed. Therefore, the percentage of appeal dismissals stood at (80%). 2 appeals were allowed (20%). 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.

	Appeals decided	Appeals Allowed	% Allowed
Oct - Dec 2021	8	3	37.5 %
Jan - Mar 2022	8	2	25 %
Apr – Jun 2022	8	1	13%
Jul – Sept 2022	9	3	33%
Oct – Dec 2022	9	5	55%
Jan – Mar 2023	12	4	33%
Apr - June 2023	8	2	20%
TOTAL	46	12	26 %

- 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 April 2023 and March 2023 (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 lessons learnt from the appeal decisions, overall, the Planning Inspectorate has generally agreed with the Council's judgement on issues of parking, character and appearance and residential amenity. However in two cases dismissed on design grounds, the inspector disagreed with the Council's other reasons for refusal. In the case of a proposal for an apart-hotel in Millfield (appendix 3), the inspector took a more relaxed view on parking and amenity, given the inner city location. Likewise in the case of a bungalow at Eye (appendix 4) the highway impact was found to be acceptable. The lesson here is that occasionally finely balanced issues can go either way.

- 3.9 In the case of a proposed retention of an unauthorised kennels business and temporary dwelling at Glinton (appendix 4), which was allowed, the inspector was supportive of the Council's position to some extent but took the view that the business now on the site was 'materially' a new enterprise established in 2020, which had the potential to be profitable enough to sustain a fulltime worker. The Inspector therefore decided to granted planning permission for the business for a further three years so that it could demonstrate that it could fulfil the requirements of the policy. However an the inspector upheld an enforcement notice requiring the land to be vacated at the end of this period should further not come forward to demonstrate the viability of the business. Again this was fairly finely balanced and could have gone either way.

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 April 0 June 2023 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued April 2023 – June 2023 (inclusive)

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