

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No 6
19 March 2024	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Housing, Growth, Regeneration	
Contact Officer:	Lee Walsh (Development Management Team Lead)	Tel: 07825867209

PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE October - December 2023

RECOMMENDATIONS	
FROM: Executive Director: Place and Economy	Deadline date: march 2024
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 2023 to 31 December 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 October 2023 to 31 December 2023, a total of 8 appeal decisions were issued. This number is similar to the corresponding periods in 2021 and 2022.
- 3.2 Of the planning application decisions appealed during this quarter, all related to the refusal of planning permission, all 6 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 8 appeal decisions issued, 7 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government and 1 case was a split decision (partially allowed). Therefore, the percentage of appeal dismissals stood at (87.5%). 1 appeal was allowed (12.5%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a better, level of performance when compared to previous quarters during the preceding 2 year period (with the exception of Oct - Dec 2022), as shown in the following table. It is also well below the overall average during that period, and the trend has been a consistent improvement since Oct – Dec 2022 thereby identifying an improvement in the quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
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%
July – Sept 2023	6	1	16%
Oct – Dec 2023	8	1	12.5%
Total	60	17	8%

- 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 Jan 2023 and December 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 principle of development, parking, character and appearance and residential amenity. The Council's spatial strategy as set out in the Local Plan was firmly upheld.
- 3.8 However in 1 case (Appendix 3), the inspector issued a split decision, agreeing with the Council's reason for refusal relating to the gazebo being out of keeping, but allowing another element of the proposal – rendering of wall. However it should be noted that whilst inspectors

have the power to issue split decisions, local planning authorities do not, so this should not be seen as an overturn of the Council's decision.

- 3.9 In respect of the appeal that was allowed (Appendix 4), the key lesson here is that highway safety implications of a telecoms mast were given far less weight by the inspector and it was not deemed to block visibility.

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 Oct - Dec 2023 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued Oct - Dec 2023 (inclusive)
3. Appeal Decision 23/01145/HHFUL
4. Appeal Decision 23/01114/PRIOR

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