

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No 6</b>
<b>10 December 2024</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Thulbourn - Cabinet Member for Regeneration	
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**PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE April - September 2024**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Executive Director: Place and Economy	<b>Deadline date:</b> December 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 April 2024 to 30 September 2024, 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 April 2024 to 30 September 2024, a total of 19 appeal decisions were issued. This number is similar to the corresponding periods in 2022 and 2023.
- 3.2 Of the planning application decisions appealed during this quarter, 18 related to the refusal of planning permission from Officer delegated decisions. This is not unusual given the relatively low number of applications which are referred for determination by Members. One related to an appeal against non-determination – in this case the appeal was made after the statutory deadline date but before the Council was able to determine the application.
- 3.3 Of the 19 appeal decisions issued, 15 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government and 4 cases were allowed. Therefore, the percentage of appeals dismissed stood at 70% whilst appeals allowed at 30.5%. None of the decisions were subject to an award of costs against the Council.
- 3.4 This represents a slight improvement in the level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table. However this is in the context of the overall average during that period, where a relatively consistent quality of decision-making can be seen (with the exception of Jan – March 24).

	<b>Appeals decided</b>	<b>Appeals Allowed</b>	<b>% Allowed</b>
<b>Oct – Dec 2022</b>	9	5	56%
<b>Jan - Mar 2023</b>	12	4	33%
<b>Apr - Jun 2023</b>	11	2	18%
<b>Jul - Sep 2023</b>	6	1	17%
<b>Oct - Dec 2023</b>	8	2	25%
<b>Jan - Mar 2024</b>	5	3	60%
<b>Apr - Jun 2024</b>	12	4	33%
<b>Jul - Sep 2024</b>	7	0	0%
<b>TOTAL</b>	<b>70</b>	<b>21</b>	<b>30%</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 Oct 20224 and Sept 2024 (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.
- 3.8 Most of the appeals turned on design and neighbour amenity issues including overlooking and noise impact. The appeals that were dismissed were not finely balanced but the 5 that were allowed were somewhat more finely balanced. The lesson to be learned is the general trend of inspectors (and therefore the government) in taking a more permissive approach to neighbour amenity than perhaps was the case several years ago.
- 3.9 2 of the decisions – 17/00550/OUT (Appendix 3) and 23/01476/OUT are of interest in that the issue of the need (or otherwise) for self build was discussed in detail. The general

conclusion being that the reference in Policy LP9 to proposals which include self and custom build being more favourably considered, does not mean that the spatial policies in LP2 are automatically overridden.

- 3.10 17/00550/OUT also established that the Council cannot demonstrate a 5 year land supply, which is a material consideration in the planning balance.

#### **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 to Sept 2024 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued April – Sept 2024
3. Appeal decision pursuant to 17/00550/OUT

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