

---

<b>East Area Planning Sub Committee</b>	12 <sup>th</sup> April 2012
<b>West and City Centre Area Planning Sub Committee</b>	19 <sup>th</sup> April 2012
<b>Planning Committee</b>	26 <sup>th</sup> April 2012

## **Appeals Performance and Decision Summaries**

### **Summary**

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> January to 28<sup>th</sup> March 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to that date is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, from periods from 1st April 2011 and 1<sup>st</sup> January 2012, to 28<sup>th</sup> March 2012.

**Fig 1: Appeals Decided by the Planning Inspectorate  
To 28<sup>th</sup> March 2012**

	1/1/12 to 28/3/12			1/4/11 to 28/3/12		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	2	2	4	6	7	13
Part Allowed	0	0	0	0	0	0
Dismissed	6	6	12	17	18	35
Total Decided	8	8	16	23	25	48
<b>% Allowed</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>26.09</b>	<b>28.00</b>	<b>27.08</b>
% Part Allowed	0	0	0	0	0	0
Withdrawn	0	0	0	3	2	5

## Analysis

- 4 The table shows that between 1<sup>st</sup> January and 28<sup>th</sup> March, a total of 16 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 4 were allowed. At 25.0%, this rate of appeals allowed is significantly lower than the 33% national average.
- 5 Between 1<sup>st</sup> April 2011 and 28<sup>th</sup> March 2012, CYC performance was 27.08% allowed, slightly higher than the previously reported 12 month period of 26.67% but still below the national average.
- 6 The summaries of appeals determined since 1<sup>st</sup> January are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 4 of the appeals determined related to applications refused by Committee.

**Figure 2: Appeals Decided against Refusals by Committee 1<sup>st</sup>  
January to 28<sup>th</sup> March 2012**

Reference	Site	Proposal	Outcome	Officer Rec.
<b>11/00860/OUTM</b>	Grain Stores Clifton	Mixed Use Development	Dismissed	Refuse
<b>11/01831/OUTM</b>	Bonneycroft Strensall	Residential Development	Dismissed	Approve
<b>11/01937/FUL</b>	111 Newland Park Drive	Extensions	Dismissed	Approve
<b>11/02745/FUL</b>	111 Newland Park Drive	Extensions	Allowed	Approve

- 7 The list of current appeals is attached at Annex B. There are 20 appeals lodged with the Planning Inspectorate, 8 in the West and City Centre Sub Committee area and 12 in the East Sub Committee area. 11 are proposed to be dealt with by the Written Representation process (W), 2 by Informal Hearing (I), 5 by the Householder procedure (H) and 2 by Public Inquiry (P).

### **Consultation**

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

### **Corporate Objectives**

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

### **Implications**

- 10 Financial – There are no financial implications directly arising from the report.
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.

- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

- 14 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

### **Recommendation**

- 15 That Members note the content of this report.

Reason: So that Members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference when determining planning applications.

### **Contact Details**

**Author:**

Jonathan Carr,  
Head of Development  
Management,  
Directorate of City Strategy

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning &  
Sustainable Development, Directorate of  
City Strategy

01904 551303

**Report  
Approved**



**Date** 28<sup>th</sup> March  
2012

**Specialist Implications Officer(s)** None.

**Wards Affected:**

**All** ☐ Y

**For further information please contact the author of the report**

### **Annexes**

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> January  
and 28<sup>th</sup> March 2012**

**Annex B – Outstanding Appeals to 28th March 2012**