

---

**Area Planning Sub Committee**

5 February 2015

**Planning Committee**

19 February 2015

**Appeals Performance and Decision Summaries**

**Summary**

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing 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, the Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 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, for the last quarter 1 October to 31 December 2014, and for the 12 months 1 January to 31 December 2014.

#### 4 Fig 1: CYC Planning Appeals Performance

	<b>01/10/14 to 31/12/14 (Last Quarter)</b>	<b>01/01/14 to 31/12/14 ( Last 12 months)</b>
Allowed	3	14
Part Allowed	0	2
Dismissed	7	23
Total Decided	10	39
<b>% Allowed</b>	<b>70%</b>	<b>36%</b>
% Part Allowed	0%	5%

#### Analysis

- 5 The table shows that between 1 October and 31 December 2014, a total of 10 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 7 were allowed. At 70% the rate of appeals allowed is above the national annual average of around 34% and higher than our previous quarter figure of 0%. By comparison, for the same period last year, 0 out of 7 appeals were allowed, 1 was part allowed. None of the appeals allowed between 1 October and 31 December 2014 related to “major” applications.
- 6 For the 12 months between 1 January and 31 December 2014, 36% of appeals decided were allowed, slightly higher than the national average, and higher than the previous corresponding 12 month period of 27%. None of the appeals allowed in the year 1 January and 31 December 2014 related to “major” applications.
- 7 The summaries of appeals determined between 1 October and 31 December 2014 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, no appeals related to applications refused by committee.
- 8 The list of current appeals is attached at Annex B. There are 16 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals). Also in the table is the Public Inquiry for the application for 102 houses at Land to the North of Brecks Lane, Strensall which has been called-in for determination by the Secretary of State. The inquiry was held in October/November 2014 and a decision is awaited.
- 9 The quarter performance at 70% allowed is higher than for recent quarters. Whilst the number of appeals allowed in the quarter is disappointing, it should be looked at in the context of the previous quarter where no appeals were allowed. The 12 month figure at 36%

allowed is slightly higher than the national average of 34% of appeals allowed.

- 10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the National Planning Policy Framework (NPPF) and Development Control Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
  - iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

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

### **Council Plan**

- 12 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

### **Implications**

- 13 Financial – There are no financial implications directly arising from the report.
- 14 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.
- 15 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

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

### **Recommendation**

- 18 That Members note the content of this report.

**Reason:** To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

### **Contact Details**

**Author:**

Gareth Arnold  
Development Manager,  
Directorate of City and  
Environmental Services

01904 551320

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning &  
Sustainability, Directorate of City and  
Environmental Services

**Report  
Approved**



**Date** 21 January  
2015

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

**Wards Affected:**

All

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

### **Annexes**

Annex A – Summaries of Appeals Determined between 1 October 2014 and 31 December 2014

Annex B – Outstanding Appeals at 21 January 2014

### **Abbreviations**

NPPF - National Planning Policy Framework  
CYC – City of York Council