

Planning Committee B

17 January 2024

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 April and 30 June 2023. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate (PINs) on a quarterly and annual basis. The Government use the statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter for all types of planning appeals such as those against the refusal of planning permission, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 29% of appeals determined in England. Appeals against conditions of approval do not form part of the PINs statistics but are referred to in tables 1 and 2 for information.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/04/23 to 30/06/23
Allowed	8*
Split decision	0
Dismissed	10
Total Decided	18
% Allowed	44%*

*includes 2 appeal decisions relating to a condition of approval. The percentage allowed figure is 37.5% if these decisions are removed.

- 4 There were no appeal decisions received during the quarter relating to an application for a “major” development.
- 5 For the 12 months period 1 July 2022 to 30 June 2023, 36% of CYC appeals decided were allowed. In England 29% of appeals were allowed over the same period. The CYC figure includes appeal decisions that would not be used in Planning Inspectorate returns.

Table 2: CYC Planning Appeals 12-month Performance

	01/07/22 to 30/06/23	01/07/21 to 30/06/22
Allowed	21*	10
Split decision	0	1
Dismissed	37	26
Total Decided	58*	37
% Allowed	36%*	27%

*includes appeal decisions relating to a condition of approval. These appeals are not used by PINs when collating their statistics.

- 6 The latest available figures from the Department of Levelling Up Housing and Communities (the assessment criteria set out in paragraph 2 above) show that, over the 2-year rolling assessment period, 0.7% of the total CYC decisions made in respect of non-major applications and 0% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 0.9% and 2.2% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 7 A list of the planning appeals determined between 1 April and 30 June 2023 are included in Appendix A. Summaries of the decisions are included in Appendix B.
- 8 One of the appeals determined followed a decision to refuse permission made by the Planning Committees.

Appn No	Address	Officer Rec	Comm Dec	Appeal decision
21/00304/FUL	The Magnet 57 Osbalwick Lane	Approve	Refused	Allowed

- 9 The list of outstanding appeals is attached at Appendix C. There are 13 appeals of all types awaiting determination. There are two decisions pending relating to a Major development.

Consultation

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

Council Plan

- 11 The report is relevant to the “A health generating city, for children and adults,” “A fair, thriving, green economy for all,” Sustainable accessible transport for all,” “Increasing the supply of affordable good quality housing” and “Cutting carbon, enhancing the environment” city priorities of the Council Plan 2023-2027.

Implications

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

Risk Management

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

Recommendation

- 17 That Members note the content of this report.

Reason

- 18 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,
Development Management

Chief Officer Responsible for the report:

Becky Eades
Head of Planning and Development
Services

**Report
Approved**



Date 18.12.2023

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Appendices

- | | |
|------------|------------------------------------------------------------------------|
| Appendix A | Planning Appeals decided between 1 April and 30 June 2023 |
| Appendix B | Summaries of Planning Appeals decided between 1 April and 30 June 2023 |
| Appendix C | Planning Appeals Outstanding at 28 December 2023 |