

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 1st July to 30th September 2013, 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, 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. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. 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 70% 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 i.e. 1st July to 30th September 2013, and for the full year to 30th September.

Fig 1: CYC Planning Appeals Performance

	1/7/13 to 30/9/13 (Last Quarter)	1/10/12 to 30/9/13 (Last 12 months)
Allowed	3	15
Part Allowed	1	2
Dismissed	3	26
Total Decided	7	44
% Allowed	42.86	34.09
% Part Allowed	0	4.54
Withdrawn	0	1

Analysis

- 4 The table shows that between 1st July and 30th September 2013, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 3 were allowed. At 42.86%, the rate of appeals allowed is higher than the national annual average of around 33%. By comparison, for the same period last year, 9 out of 20 appeals were allowed, i.e. 45%,
- 5 For the full year between 1st October 2012 and 30th September 2013, 34.09% of appeals decided were allowed, lower than the previously reported 12 month period of 36.84%.
- 6 The summaries of appeals determined since 1st July to 30th September 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, 3 appeals determined related to applications refused by Committee.
- 7 **Fig 2: Appeals Decided 1st July - 30th September 2013 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
12/03436/FUL	Manor Farm Intake Lane, Acaster Malbis	Agricultural buildings to Office uses	Part allowed	Approve
12/01911/OUT	Land at Westview Close	8 Dwellings	Allowed	Refuse
12/03022/FUL	Lucia Bar & Grill Swinegate Ct East	Ext. Of Opening hrs	Allowed	Approve

- 8 The list of current appeals is attached at Annex B. There are 18 planning appeals (i.e. excluding tree preservation order appeals) lodged with the Planning Inspectorate. 14 are proposed to be dealt with by the Written Representation process (W), 2 by the householder procedure (H), and 2 by Public Inquiry (P).
- 9 The quarter performance at 42.86% allowed reflects the relatively small number of cases decided, with 3 appeals allowed. The current 12 month performance at 34.09% allowed is however is an improvement on the previously reported 12 month figure, and continues the trend back towards the national 'benchmark' figure of 33% allowed. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) is receding, with CYC performance has continued to improve as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent.
- 10 Inspectors have continued to highlight the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. This was demonstrated in the last quarter by the allowing with costs of the application to extend the opening hours at Lucia bar and Grill. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal.
- 11 The main measures successfully employed to regain the previous performance levels have been as follows:-
 - 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 NPPF Draft 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 has improved customer satisfaction and speeded up the development process overall, 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

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 19 That Members note the content of this report.

Reason

- 20 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

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**Report
Approved**



Date

1st October
2013

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 1st July
and 30th September 2013**

Annex B – Outstanding Appeals at 1st October 2013