

Planning Committee

23 March 2017

Area Planning Sub Committee

2 March 2017

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at 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 will use appeal 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 tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 October to 31 December 2016, Table 2 shows performance for the 12 months 1 January 2016 to 31 December 2016.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/10/16 to 31/12/16 (Last Quarter)	01/10/15 to 31/12/15 (Corresponding Quarter)
Allowed	1	1
Part Allowed	2	0
Dismissed	10	8
Total Decided	13	9
% Allowed	8%	11%
% Part Allowed	15%	-

Table 2: CYC Planning Appeals 12 month Performance

	01/01/16 to 31/12/16 (Last 12 months)	01/01/15 to 31/12/15 (Corresponding 12 month period)
Allowed	4	9
Part Allowed	3	2
Dismissed	32	32
Total Decided	39	43
% Allowed	10%	21%
% Part Allowed	8%	5%

Analysis

- 4 Table 1 shows that between 1 October and 31 December 2016, a total of 13 appeals relating to CYC decisions were determined by the Planning Inspectorate. Of those, 1 was allowed and 2 part allowed. At 8% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 9 appeals 1 was allowed (11%), 0 were part allowed (0%).
- 5 Two of the appeals allowed between 1 October and 31 December 2016 related to “major” applications; an application for 11 dwellings to the rear of 92-100 The Village Strensall and an application for 6 holiday lodges with associated change of use of land at Crockey Hill Farm Wheldrake Lane. Both were dismissed on grounds of inappropriate development in the Green Belt.
- 6 For the 12 months between 1 January 2016 and 31 December 2016, 10% of appeals decided were allowed, again well below the national average, and below the previous corresponding 12 month period of 21% allowed.

- 7 The summaries of appeals determined between 1 October 2016 and 31 December 2016 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered three appeals were determined following a decision at sub-committee/committee.

Table 3: Appeals Decided 01/10/2016 to 31/10/2016 following Refusal by Sub-Committee/Committee

Ref No	Site	Proposal	Officer Recommendation.	Appeal Outcome
15/02353/OUTM	Site between 92-100 The Village Strensall	Erection of 11 houses	Refuse	Dismissed
15/02343/FULM	Crockey Hill Farm Wheldrake Lane	Siting of 6 holiday lodges car park and wildlife pond and change of use from agricultural land	Refuse	Dismissed
16/00396/FUL	2 Hambleton Avenue	Two storey side and single storey rear extension	Approve	Dismissed

- 8 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 9 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 NPPF and draft 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

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

Council Plan

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

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: 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 13 February
2017

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 October and 31 December 2016

Annex B – Outstanding Appeals at 16 February 2017