

**Planning Committee A**

**2 March 2023**

**Planning Committee B**

**8 February 2023**

**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 2022. 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 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 1 April to 30 June 2022 for all types of planning appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 29% of appeals determined in England.

**Table 1: CYC Planning Appeals Last Quarter Performance**

|                  | <b>01/04/22 to 30/06/22</b> |
|------------------|-----------------------------|
| Allowed          | 4                           |
| Split decision   | 0                           |
| Dismissed        | 3                           |
| Total Decided    | 7                           |
| <b>% Allowed</b> | <b>57%</b>                  |

- 4 There were no appeal decisions received during the quarter relating to the refusal of an application for a “major” development.

**Table 2: CYC Planning Appeals 12 month Performance**

|                  | <b>01/07/21 to 30/06/22</b> | <b>01/07/2020 to 30/06/21</b> |
|------------------|-----------------------------|-------------------------------|
| Allowed          | 10                          | 9                             |
| Split decision   | 1                           | 2                             |
| Dismissed        | 26                          | 39                            |
| Total Decided    | 37                          | 50                            |
| <b>% Allowed</b> | <b>27%</b>                  | <b>18%</b>                    |

- 5 For the 12 months period 1 July 2022 to 30 June 2022, 27% of CYC appeals decided were allowed. In England 29% of appeals were allowed over the same period.
- 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 that 0.5% 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 1% and 0.9% 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 2022 are included in Appendix A. Summaries of the decisions are included in Appendix B. One appeal was determined following a decision to refuse permission made by the sub-committee/committee.

**Table 3: Appeals Decided 01/04/2022 to 30/06/2022 following Refusal by Committee / Sub-Committee**

| Appn Ref No      | Site                            | Proposal   | Appeal Outcome |
|------------------|---------------------------------|--|----------------|
| 21/00116/<br>FUL | Frederick House<br>Fulford Road | Variation of condition 2 of permitted application 19/00603/FULM seeking amendments to external appearance, landscaping, internal arrangements, substation, refuse and cycle stores | Allowed        |

- 8 The list of current appeals is attached at Appendix C. There are 19 appeals of all types awaiting determination.

### **Consultation**

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

### **Council Plan**

- 10 The report is relevant to the “Well-paid jobs and an inclusive economy,” “Creating homes and World-class Infrastructure,” “A Greener and cleaner city,” “Getting around sustainably” and “Good Health and Wellbeing” city outcomes of the Council Plan.

### **Implications**

- 11 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**

- 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**

**Author:** **Chief Officer Responsible for the report:**

Gareth Arnold  
Development Manager,  
Development Management

Becky Eades  
Head of Planning and Development  
Services

**Report  
Approved**



**Date** 31.01.2023

**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 2022**

**Appendix B - Summaries of Planning Appeals decided between 1 April and 30 June 2022**

**Appendix C - Outstanding Planning Appeals at 31 January 2023**