

Area Planning Sub Committee

6 June 2019

Planning Committee

13 June 2019

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 January and 31 March 2019, 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. The Government use the quarterly 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 applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against the 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 January to 31 March 2019 and the corresponding quarter for 2018, Table 2 shows performance for the 12 months 1 April 2018 to 31 March 2019 and the corresponding period 2017/2018.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/01/19 to 31/03/19(Last Quarter)	01/01/18 to 31/03/18 (Corresponding Quarter)
Allowed	7*	3
Part Allowed	0	0
Dismissed	14	18
Total Decided	21	21
% Allowed	33%	14%
% Part Allowed	-	

Table 2: CYC Planning Appeals 12 month Performance

	01/04/18 to 31/03/19 (Last 12 months)	01/04/17 to 31/03/18 (Corresponding 12 month period)
Allowed	18*	12
Part Allowed	0	1
Dismissed	50	39
Total Decided	68	52
% Allowed	26%	17%
% Part Allowed	-	7%

Analysis

- 4 Table 1 shows that between 1 January and 31 March 2019, a total of 21 appeals were determined by the Planning Inspectorate. Of those, 7 were allowed (33%). *Members will note that 2 appeals relating to no.7 Peckitt Street and 6 and 7 Tower Street were allowed by the Inspector issuing a split decision to exclude the rear extension (which the LPA had objected to). There was one appeal relating to the refusal of a “major” development during this reporting period – Proposed self-storage facility, Water Lane, York; this appeal was allowed. By comparison, for the same period 2018, out of 21 appeals 3 were allowed (14%). Using the assessment criteria set out in paragraph 2 above, 1.3% of the total decisions made in the quarter 1 January – 31 March 2019 were overturned at appeal (split decisions are not counted against the authority for the assessment criteria).
- 5 For the 12 months between 1 April 2018 and 31 March 2019, 26% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, but above the corresponding 2017/2018 12 month figure. Using the assessment criteria set out in

paragraph 2 above, 1% of the total decisions made in the 12 month period were overturned at appeal.

- 6 The summaries of appeals determined between 1 January and 31 March 2019 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following a decision to refuse permission made by the sub-committee/committee.

Table 3: Appeals Decided 01/01/2019 to 31/03/2019 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
17/03004 /FULM	Water Lane, York	Proposed Self Storage Facility	Approve	Allowed
17/00342 /FUL	Whinney Hills, Appleton Road	Siting of 2 static caravans	Refuse	Dismissed
18/00051 /FUL & 18/00052 /LBC	Fishergate School, Fishergate	Two storey extension to outbuilding	Refuse	Dismissed

- 7 The list of current appeals is attached at Annex B. There are 29 planning appeals lodged with the Planning Inspectorate.
- 8 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 the NPPF and 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.
 - iii) Scrutiny is afforded to appeal evidence to ensure arguments are well documented, researched and argued.
 - iv) Appeal decisions are reviewed and discussed within the team and with senior officers.

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 most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

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

Risk Management

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

Recommendation

- 16 That Members note the content of this report.

Reason

- 17 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 28.05.2019

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 January
and 31 March 2019**

Annex B – Outstanding Appeals at 28 May 2019