

**Planning Committee**

**12 July 2017**

**Area Planning Sub Committee**

**6 July 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 January and 31 March 2017, 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 propose to 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 will be based on the number of decisions 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 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 2016, Table 2 shows performance for the 12 months 1 April 2016 to 31 March 2017.

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

	<b>01/01/17 to 31/03/17 (Last Quarter)</b>	<b>01/01/16 to 31/03/16 (Corresponding Quarter)</b>
Allowed	3	0
Part Allowed	0	0
Dismissed	6	5
Total Decided	9	5
<b>% Allowed</b>	<b>33%</b>	<b>0%</b>
% Part Allowed	-	-

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

	<b>01/04/16 to 31/03/17 (Last 12 months)</b>	<b>01/04/15 to 31/03/16 (Corresponding 12 month period)</b>
Allowed	7	4
Part Allowed	3	0
Dismissed	32	29
Total Decided	42	33
<b>% Allowed</b>	<b>17%</b>	<b>12%</b>
% Part Allowed	7%	-

**Analysis**

4. Table 1 shows that between 1 January and 31 March 2017, a total of 9 appeals were determined by the Planning Inspectorate. Of those, 3 were allowed. None of these appeals related to “major” developments. By comparison, for the same period last year, out of 5 appeals 0 were allowed (0%), 0 were part allowed (0%). Using the assessment criteria set out in paragraph 2 above, 0.8% of the total decisions made in the quarter were overturned at appeal.
5. For the 12 months between 1 April 2016 and 31 March 2017, 17% of appeals decided were allowed, which is below the national percentage figure of 33% of appeals allowed, but slightly up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.4% 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 2017 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 three appeals were determined following a decision at sub-committee/committee.

**Table 3: Appeals Decided 01/01/2017 to 31/03/2017 following refusal by Sub-Committee/Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/018 92/FUL	4 Heathfield Road	Two storey, single storey and roof extensions	Approve	Allowed
16/009 52/FUL	Church Lane, Wheldrake	Siting of 4 seasonal tents	Refuse	Dismissed
16/012 51/FUL	Poppleton Garden Centre, Northfield Lane	Use of land as car wash including storage container and canopy	Refuse	Dismissed

7. The list of current appeals is attached at Annex B. There are 13 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
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 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**

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

**Author:**

Gareth Arnold  
Development Manager,  
Directorate of Economy  
and Place

**Chief Officer Responsible for the  
report:**

Mike Slater  
Assistant Director (Planning and Public  
Protection)

**Report  
Approved**



**Date** 27 June  
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 January and  
31 March 2017

Annex B – Outstanding Appeals at 27 June 2017