

Area Planning Sub Committee

5 March 2020

Planning Committee

12 March 2020

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 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 major, non-major and "county-matter" (generally minerals and waste proposals) 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 October to 31 December 2019 and the corresponding quarter for 2018, Table 2 shows performance for the 12 months 1 January 2019 to 31 December 2019 and the corresponding period 2018.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/10/19 to 31/12/19 (Last Quarter)	01/10/18 to 31/09/18 (Corresponding Quarter)
Allowed	2	1
Split decision	0	0
Dismissed	18	13
Total Decided	20	14
% Allowed	10%	7%
% Split decision	-	-

Table 2: CYC Planning Appeals 12 month Performance

	01/01/19 to 31/12/19 (Last 12 months)	01/01/18 to 31/12/18 (Corresponding 12 month period)
Allowed	13	14
Split decision	3	0
Dismissed	62	54
Total Decided	78	68
% Allowed	17%	21%
% Split decision	4%	-

Analysis

- 5 Table 1 shows that between 1 October and 31 December 2019, a total of 20 planning appeals were determined by the Planning Inspectorate. Of those, 2 were allowed (10%). There was one appeal relating to the refusal of a “major” development (dismissed) and one appeal relating to the non-determination of a “major” development (allowed) during this reporting period. For the corresponding period 2018, out of 14 appeals 1 was allowed (7%).
- 6 Using the assessment criteria set out in paragraph 2 above, 0.25% of the total decisions made in respect of non-major applications in the quarter 1 October – 31 December 2019 were overturned at appeal. Using the assessment criteria set out in paragraph 2 above, 7.7% of the total decisions made in respect of major applications in the quarter 1 October – 31 December 2019 were overturned at appeal. There were no appeals in respect county-matter applications during the quarter. Where a split

decision is issued on an appeal (ie part of the appeal is dismissed and part allowed) the appeal is treated as if the local planning authority's decision has not been overturned for the purposes of the assessment criteria. These figures are provided for illustrative purposes, the DCLG collate figures over a rolling two year period.

- 7 For the 12 months between 1 January and 31 December 2019, 17% of appeals decided were allowed, which is below the national figure for 2018/19 of 30% of appeals allowed, and below the corresponding 2017/2018 12 month figure.
- 8 Using the assessment criteria set out in paragraph 2 above, 0.64% of the total decisions made in respect of non-major applications and 4.25% of total decisions made in respect of major applications in the period 1 January 2019 – 31 December 2019 were overturned at appeal. There were no appeals in respect of county-matter applications during the period. These figures are provided for illustrative purposes, the DCLG collate figures over a rolling two year period.
- 9 The summaries of appeals determined between 1 October and 31 December 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 1 appeal was determined following a decision to refuse permission made by the sub-committee/committee. The allowed appeal referred to in paragraph 5 above was for the non-determination within the statutory time period of the application for 266 houses at the former Civil Service Club at Boroughbridge Road. The Planning Committee resolved not to contest the appeal.

Table 3: Appeals Decided 01/10/2019 to 31/12/2019 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/01813/ FULM	Bradley Lane, Rufforth	Poultry Farm	Refuse	Dismissed

- 10 The list of current appeals is attached at Annex B. There are 31 planning appeals (excl. tree works) lodged with the Planning Inspectorate awaiting determination.
- 11 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 where possible to enable recommendations 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

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

Council Plan

- 13 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

- 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

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 26.02.2020

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 2019**

Annex B – Outstanding Appeals at 26 February 2020