

Planning Committee B

20 May 2024

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2024. 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 (PINs) 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 for all types of planning appeals such as those against the refusal of planning permission, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 28% of appeals determined in England. Appeals against conditions of approval do not form part of the PINs statistics but are used in tables 1 and 2 for information.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/04/23 to 30/06/23
Allowed	3
Split decision	0
Dismissed	8
Total Decided	11
% Allowed	27%

- 4 There were two appeal decisions received during the quarter relating to applications for “major” development.

Appn No.	Site	Proposal	Appeal Decision
23/00608/FULM	Chocolate Works Residents Parking Bishopthorpe Road	Erection of extra care accommodation including no.72 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations	Allowed
23/00091/FULM	Erection of 2no. blocks comprising 10no. apartments, associated parking and ancillary buildings for refuse and cycle storage after demolition of buildings (amended plans received).	The Wilberforce Trust Wilberforce House 49 North Moor Road Huntington York YO32 9QN	Appeal Dismissed

- 5 For the 12 months period 1 April 2023 to 31 March 2024, 34% of CYC appeals decided were allowed. In England 29% of appeals were allowed over the same period. The CYC figure includes appeal decisions that would not be used in Planning Inspectorate returns.

Table 2: CYC Planning Appeals 12-month Performance

	01/04/23 to 31/03/24	01/04/22 to 31/03/23
Allowed	21*	17
Dismissed	40*	29
Total Decided	61*	46
% Allowed	34%*	37%

*includes appeal decisions relating to a condition of approval. These appeals are not used by PINs when collating their statistics.

- 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, 0.7% 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 0.9% and 2.2% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 7 A list of the planning appeals determined between 1 January and 31 March 2024 are included in Appendix A. Summaries of the decisions are included in Appendix B.
- 8 None of the appeals determined followed a decision to refuse permission made by the Planning Committees.
- 9 The list of outstanding appeals is attached at Appendix C. There are 11 appeals of all types awaiting determination. None of the appeal decisions pending relate to a Major development or a committee decision.

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 relevant to the “A health generating city, for children and adults,” “A fair, thriving, green economy for all,” Sustainable accessible transport for all,” “Increasing the supply of affordable good quality housing” and “Cutting carbon, enhancing the environment” city priorities of the Council Plan 2023-2027.

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

- 18 To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

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**Report
Approved**



Date 09.05.2024

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 January and 31 March 2024

Appendix B - Summaries of Planning Appeals decided between 1 January and 31 March 2024

Appendix C - Planning Appeals Outstanding at 9 May 2024