

Area Planning Sub Committee

6 December 2018

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 July and 30 September 2018, 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 total number of decisions made by the LPA 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 July to 30 September 2018 and the corresponding quarter for 2017, Table 2 shows performance for the 12 months 1 October 2017 to 30 September 2018 and the corresponding period 2016/17.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/07/18 to 30/09/18(Last Quarter)	01/07/17 to 30/09/17 (Corresponding Quarter)
Allowed	6	2
Part Allowed	0	0
Dismissed	12	9
Total Decided	18	11
% Allowed	33%	18%
% Part Allowed	-	

Table 2: CYC Planning Appeals 12 month Performance

	01/10/17 to 30/09/18 (Last 12 months)	01/10/16 to 30/09/17 (Corresponding 12 month period)
Allowed	27	9
Part Allowed	0	3
Dismissed	47	31
Total Decided	64	43
% Allowed	27%	21%
% Part Allowed	-	7%

Analysis

- 5 Table 1 shows that between 1 July and 30 September 2018, a total of 18 appeals were determined by the Planning Inspectorate. Of those, 6 were allowed (33%). There were 3 appeals relating to “major” developments during this reporting period. By comparison, for the same period 2017, out of 11 appeals 2 were allowed (18%). Using the assessment criteria set out in paragraph 2 above, 1.45% of the total decisions made in the quarter were overturned at appeal.
- 6 For the 12 months between 1 October 2017 and 30 September 2018, 27% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, but marginally up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 1.6% of the total decisions made in the 12 month period were overturned at appeal.
- 8 The summaries of appeals determined between 1 July and 30 September 2018 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 to refuse permission made by the sub-

committee/committee. The British Sugar appeal was an appeal over the non-determination of the application within the statutory time period.

Table 3: Appeals Decided 01/07/2018 to 30/09/2018 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02285/ FULM	10 Gt North Way Nether Poppleton	Car showroom and workshop	Approve	Dismiss
18/00336/ FUL	115 Fulford Road	1 no. dwelling	Approve	Allowed
15/00524/ OUTM	British Sugar Plantation Drive	Up to 1100 dwellings	Non- determin ation	Allowed
17/00476/ FULM	Carlton Tavern 140 Acomb Road	3 storey care home	Approve	Dismissed

- 9 The list of current appeals is attached at Annex B. There are 21 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 10 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

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

Council Plan

- 12 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

- 13 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

- 18 That Members note the content of this report.

Reason

- 19 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 28.11.2018

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 July and
30 September 2018**

Annex B – Outstanding Appeals at 28 November 2018