

---

<b>East Area Planning Sub Committee</b>	5 <sup>th</sup> January 2012
<b>West and City Centre Area Planning Sub Committee</b>	12 <sup>th</sup> January 2012
<b>Planning Committee</b>	19 <sup>th</sup> January 2012

## **Appeals Performance and Decision Summaries**

### **Summary**

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30<sup>th</sup> September 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 22<sup>nd</sup> December 2011 is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 30<sup>th</sup> September 2011.

**Fig 1: Appeals Decided by the Planning Inspectorate  
For 3 months and Year to 30<sup>th</sup> September 2011**

	3 Months			12 Months		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	0	1	1	8	6	14
Part Allowed	0	0	0	1	3	4
Dismissed	4	3	7	19	19	38
Total Decided	4	4	8	28	28	56
<b>% Allowed</b>	<b>0</b>	<b>25.0</b>	<b>12.5</b>	<b>28.57</b>	<b>21.43</b>	<b>25.0</b>
% Part Allowed	0	0	0	3.57	10.71	7.14
Withdrawn	1	0	1	3	0	3

### Analysis

- 4 The table shows that for the 3 months to 30<sup>th</sup> September 2011, a total of 8 appeals relating to CYC decisions were determined by the Inspectorate. Of those, only one was allowed. At 12.5%, this rate of appeals allowed is much lower than the 33% national average, which was also percentage allowed in the previously reported 3 month period.
- 5 For the 12 months up to 30<sup>th</sup> June 2011, CYC performance was 25% allowed, lower than the previously reported 12 month period of 26.67% and still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30<sup>th</sup> September 2011 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 2 of the appeals determined related to applications refused by Committee:-

**Figure 2: Appeals against Refusal by Committee 1<sup>ST</sup> July to 30<sup>th</sup> September 2011**

Reference	Site	Proposal	Outcome	Officer Rec.
10/01359/FULM	32 Lawrence Street	6 Blocks of Student Accommodation	Dismissed	Approve
10/01870/ADV	Somerfield Haxby	New Signage	Dismissed	Refuse

- 7 The list of current appeals is attached at Annex B. There are 22 appeals lodged with the Planning Inspectorate, 13 in the West and City Centre Sub Committee area and 9 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 3 by Informal Hearing (H) and 3 by Public Inquiry (P).

### **Consultation**

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

### **Corporate Objectives**

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

### **Implications**

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

## Risk Management

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

## Recommendation

- 15 That Members note the content of this report.

## Contact Details

### Author:

Jonathan Carr,  
Head of Development  
Management,  
Directorate of City Strategy

### Chief Officer Responsible for the report:

Mike Slater  
Assistant Director Planning &  
Sustainable Development, Directorate of  
City Strategy

01904 551303

Report  
Approved



Date

22<sup>nd</sup>  
December  
2011

Specialist Implications Officer(s) None.

Wards Affected:

|

Y

For further information please contact the author of the report

## Annexes

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> July and 30<sup>th</sup> September 2011**

**Annex B – Outstanding Appeals to 22<sup>nd</sup> December 2011**