

Area Planning Sub Committee

4 February 2016

Planning Committee

18 February 2016

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 2015, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing 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, the Government will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 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 Planning Inspectorate, for the last quarter 1 October to 31 December 2015, and for the 12 months 1 January to 31 December 2015.

Fig 1: CYC Planning Appeals Performance

	01/10/15 to 31/12/15 (Last Quarter)	01/01/15 to 31/12/15 (Last 12 months)
Allowed	1	9
Part Allowed	-	2
Dismissed	8	32
Total Decided	9	43
% Allowed	11%	21%
% Part Allowed	-	5%

Analysis

- 5 The table shows that between 1 October and 31 December 2015, a total of 9 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 1 was allowed. At 11% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 10 appeals 3 were allowed (70%), 0 were part allowed (0%). One of the appeals allowed between 1 October and 3 December 2015 related to a “major” application which is the case of Naburn Lock Caravan Park.
- 6 For the 12 months between 1 January and 31 December 2015, 21% of appeals decided were allowed, again below the national average, and below the previous corresponding 12 month period of 36% allowed.
- 7 The summaries of appeals determined between 1 October and 31 December 2015 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following refusal at sub-committee.

Fig 2: Appeals Decided 01/10/2015 to 31/12/2015 following Refusal by Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
14/02806/FULM	Naburn Lock Caravan Park Naburn Lock Track Naburn York	Change of use of land for touring caravans with associated amenity building, gas compound and bin store	Dismissed	Refuse

- 8 The list of current appeals is attached at Annex B. There are 7 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 9 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

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

Council Plan

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

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: 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

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**Report
Approved**



Date 25 January
2016

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 2015

Annex B – Outstanding Appeals at 25 January 2016