

**Planning Committee**

**17 November 2016**

**Area Planning Sub Committee**

**1 December 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 July and 30 September 2016, 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 tables 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. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 July to 30 September 2016, Table 2 shows performance for the last 12 months 1 October 2015 to 30 September 2016.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/07/16 to 30/09/16 (Last Quarter)</b>	<b>01/07/15 to 30/09/15 (Corresponding Quarter)</b>
Allowed	3	3
Part Allowed	1	-
Dismissed	9	8
Total Decided	13	11
<b>% Allowed</b>	<b>23%</b>	<b>27%</b>
% Part Allowed	8%	-

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/10/15 to 30/09/16 (Last 12 months)</b>	<b>01/10/14 to 30/09/15 (Corresponding 12 month period)</b>
Allowed	4	14
Part Allowed	1	2
Dismissed	30	28
Total Decided	35	44
<b>% Allowed</b>	<b>11%</b>	<b>32%</b>
% Part Allowed	3%	5%

**Analysis**

- 4 Table 1 shows that between 1 July and 30 September 2016, a total of 13 appeals relating to CYC decisions were determined by the Planning Inspectorate. Of those, 3 were allowed and 1 part allowed. At 23% 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 11 appeals 3 were allowed (27%), 0 were part allowed (0%). One of the appeals allowed between 1 July and 30 September 2016 related to a “major” application (Groves Chapel) however this appeal was made against the imposition of a condition of planning permission rather than a refusal of planning permission.
- 5 For the 12 months between 1 October 2015 and 30 September 2016, 11% of appeals decided were allowed, again well below the national average, and below the previous corresponding 12 month period of 32% allowed.
- 6 The summaries of appeals determined between 1 July and 30 September 2016 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 a decision at sub-committee. This appeal was

against the decision of the sub-committee to impose a condition restricting the permitted hours of deliveries to the proposed convenience store. The appeal was allowed with the Inspector granting a new planning permission with a condition imposing longer hours than those originally imposed by the sub-committee.

**Table 3: Appeals Decided 01/07/2016 to 30/09/2016 following Decision by Sub-Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
15/02833/FULM	Groves Chapel, Union Terrace	Change of use and extensions to form convenience store and 16 flats	Allowed	Approve

- 7 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 8 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**

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

## Council Plan

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

## Implications

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

## Risk Management

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

## Recommendation

- 16 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

### 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 7 November  
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 July and 30 September 2016

Annex B – Outstanding Appeals at 7 November 2016