

Area Planning Sub Committee

20 March 2019

Planning Committee

18 April 2019

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 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 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 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 applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against the 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 October to 31 December 2018 and the corresponding quarter for 2017, Table 2 shows performance for the 12 months 1 January 2018 to 31 December 2018 and the corresponding period 2017.

Table 1: CYC Planning Appeals Last Quarter Performance

| | 01/10/18 to 31/12/18(Last Quarter) | 01/10/17 to 31/12/17 (Corresponding Quarter) |
|------------------|---|---|
| Allowed | 1 | 4 |
| Part Allowed | 0 | 0 |
| Dismissed | 13 | 6 |
| Total Decided | 14 | 10 |
| % Allowed | 7% | 40% |
| % Part Allowed | - | |

Table 2: CYC Planning Appeals 12 month Performance

| | 01/01/18 to 31/12/18 (Last 12 months) | 01/01/17 to 31/12/17 (Corresponding 12 month period) |
|------------------|--|---|
| Allowed | 14 | 12 |
| Part Allowed | 0 | 1 |
| Dismissed | 54 | 27 |
| Total Decided | 68 | 40 |
| % Allowed | 21% | 30% |
| % Part Allowed | - | 2.5% |

Analysis

- 5 Table 1 shows that between 1 October and 31 December 2018, a total of 14 appeals were determined by the Planning Inspectorate. Of those, 1 was allowed (7%). There were no appeals relating to “major” developments during this reporting period. By comparison, for the same period 2017, out of 10 appeals 4 were allowed (40%). Using the assessment criteria set out in paragraph 2 above, 0.24% of the total decisions made in the quarter were overturned at appeal.
- 6 For the 12 months between 1 January 2018 and 31 December 2018, 21% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, and below the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.84% of the total decisions made in the 12 month period were overturned at appeal.
- 8 The summaries of appeals determined between 1 October and 31 December 2018 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 to refuse permission made by the sub-committee/committee.

Table 3: Appeals Decided 01/10/2018 to 31/12/2018 following Refusal by Committee / Sub-Committee

| Ref No | Site | Proposal | Officer Recom. | Appeal Outcome |
|------------------|---|--|----------------|----------------|
| 17/02263/ FUL | Beechwood Grange Caravan Club Site, Malton road | 26 new caravan pitches and new access road | Refuse | Dismiss |

- 9 The list of current appeals is attached at Annex B. There are 17 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals).
- 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 the NPPF and Draft 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.
 - iii) Scrutiny is 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 05.03.2019

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 2018

Annex B – Outstanding Appeals at 11 March 2019