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**Area Planning Sub Committee**

**3 October 2019**

**Planning Committee**

**17 October 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 April and 30 June 2019, 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 major, non-major and "county-matter" (generally minerals and waste proposals) 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 April to 30 June 2019 and the corresponding quarter for 2018, Table 2 shows performance for the 12 months 1 July 2018 to 30 June 2019 and the corresponding period 2017/2018.

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

	<b>01/04/19 to 30/06/19 (Last Quarter)</b>	<b>01/04/18 to 30/06/18 (Corresponding Quarter)</b>
Allowed	5	4
Part Allowed	0	0
Dismissed	11	11
Total Decided	16	15
<b>% Allowed</b>	<b>31%</b>	<b>27%</b>
% Part Allowed	-	

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

	<b>01/07/18 to 30/06/19 (Last 12 months)</b>	<b>01/07/17 to 30/06/18 (Corresponding 12 month period)</b>
Allowed	19	13
Part Allowed	0	0
Dismissed	50	44
Total Decided	69	57
<b>% Allowed</b>	<b>28%</b>	<b>23%</b>
% Part Allowed	-	

## Analysis

- 5 Table 1 shows that between 1 April and 30 June 2019, a total of 16 planning appeals were determined by the Planning Inspectorate. Of those, 5 were allowed (31%). There were no appeals relating to the refusal of a “major” development during this reporting. For the corresponding period 2018, out of 15 appeals 4 were allowed (27%). Using the assessment criteria set out in paragraph 2 above, 1.3% of the total decisions made in respect of non-major applications in the quarter 1 April – 30 June 2019 were overturned at appeal. There were no appeals in respect of major applications or county-matter applications during the quarter. Split decisions are not counted against the authority for the assessment criteria.
- 6 For the 12 months between 1 July 2018 and 30 June 2019, 28% of appeals decided were allowed, which is slightly below the national figure for 2018/19 of 30% of appeals allowed, but above the corresponding 2017/2018 12 month figure. Using the assessment criteria set out in paragraph 2 above, 1.2% of the total decisions made in respect of non-

major applications and 1.8% of total decisions made in respect of major applications in the period 1 July 2018 – 30 June 2019 were overturned at appeal. There were no appeals in respect of county-matter applications during the period.

- 8 The summaries of appeals determined between 1 April and 30 June 2019 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 two appeals were determined following a decision to refuse permission made by the sub-committee/committee.

**Table 3: Appeals Decided 01/04/2019 to 30/06/2019 following Refusal by Committee / Sub-Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
18/01102/FUL	Spark: York, Piccadilly	Omit previously approved timber cladding	Approve	Dismissed
18/00264/FUL	64 Newland Park Drive	Use as a 7 bed HMO	Approve	Dismissed

- 9 The list of current appeals is attached at Annex B. There are 21 planning appeals lodged with the Planning Inspectorate awaiting determination.
- 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 where possible to enable recommendations 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.
  - iv) Appeal decisions are reviewed and discussed within the team and with senior officers.

## **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**

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#### **Chief Officer Responsible for the report:**

Mike Slater  
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**Report  
Approved**



**Date** 18.09.2019

**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 April and  
30 June 2019**

**Annex B – Outstanding Appeals at 18 September 2019**