

---

<b>East Area Planning Sub Committee</b>	10 <sup>th</sup> September 2009
<b>West and City Centre Area Planning Sub Committee</b>	17 <sup>th</sup> September 2009
<b>Planning Committee</b>	24 <sup>th</sup> September 2009

## **Appeals Performance**

### **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 12-month and 3 month periods to 31<sup>st</sup> July 2009 and provides a summary of the salient points from appeals determined in the 3 month period. It is intended that a quarterly report will be presented to regularly update Members on appeals determined in the previous 3 month period.

### **Background**

- 2 Appeals statistics are collated by the Planning Inspectorate on a quartley basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a Best Value Performance Indicator, it has been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. To date, there has been no abatement of the Council's level of HPDG as a result of appeals performance, as performance has been close to the national average for a number of years.
- 3 Members will be aware that appeal decisions are currently circulated directly to Members when received. However the decisions are not accompanied by an analysis of appeal performance or a case summary. The summaries of appeals determined in the last 3 months to 31<sup>st</sup> July 2009 at Annex A of the report is provided following requests from Members for a precis of the revelant points for future reference in considering applcations. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) is included with each summary.

- 4 As this is first appeals performance report , it contains statistics on appeals decided in the 12 months to 31<sup>st</sup> July, as well as the 3 month period as below. 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, lawful development certificates. The intention is to present updates on appeal performance with summaries on a quarterly basis.

**Fig 1 : Appeals Decided by the Planning Inspectorate For 12 and 3 months to 31<sup>st</sup> July 2009**

	East Area		West Area		Combined	
	12 mths	3 mths	12 mths	3 mths	12 mths	3 mths
Allowed	7	0	15	3	22	3
<b>% Allowed</b>	<b>21.21%</b>	<b>0%</b>	<b>45.45%</b>	<b>50%</b>	<b>33.33%</b>	<b>27.27%</b>
Part Allowed	2	0	2	2	4	2
<b>% Part Allowed</b>	<b>6.1%</b>	<b>0%</b>	<b>6.1%</b>	<b>33.33%</b>	<b>6.1%</b>	<b>18.18%</b>
Dismissed	24	5	16	1	40	6
<b>% Dismissed</b>	<b>72.27%</b>	<b>100%</b>	<b>48.48%</b>	<b>16.66%</b>	<b>60.61%</b>	<b>45.45%</b>
<b>Total Determined</b>	<b>33</b>	<b>5</b>	<b>33</b>	<b>6</b>	<b>66</b>	<b>11</b>
Withdrawn	2	1	2	1	4	2

## Analysis

- 5 The table shows that for the year up 31<sup>st</sup> July 2009, a total of 66 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 33.33% were allowed and 6.1% part-allowed (e.g in the case of an Advertisement Consent application for a shop, an Inspector may approve a fascia sign but not a hanging sign). This rate of appeals allowed is about the current national average. However for the last 3 months of the period, the proportion allowed was 27.27%, which is a notable improvement.
- 6 Whilst the number of appeals is very similar for the two teams, there is a discrepancy between the number of appeals allowed in each area. The figures were to some extent affected by the upholding of a contentious triple appeal in the West area at Stud Farm in Middlethorpe during this period.

## Consultation

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

## **Options**

- 8 This is the first information report on appeals, and so whilst in future there will be no specific options provided, views are sought here as to the content, frequency and format of future reports as follows: -

Option A - Receive quarterly reports with the annex of case summaries as presented (recommended).

Option B - Receive reports in an amended format, as may be resolved by Members, with different performance information and/or frequency e.g. 6 monthly.

Option C - Do not receive future appeals performance reports.

## **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 agree to Option A, to approve the format, content and frequency of this update report.

Reason: So that Members can continue to be apprised of appeal decisions within the CYC area and be informed of the planning issues surrounding each case for future reference in determining planning applications.

## Contact Details

**Author:**

Jonathan Carr,  
Head of Development Control  
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**

28<sup>th</sup> August 2009

**Specialist Implications Officer(s)** None.

**Wards Affected:**

**All**

For further information please contact the author of the report

Background Papers: None

Annexes: Annex A – Appeal cases Summaries