

East Area Planning Sub Committee	10 th September 2009
West and City Centre Area Planning Sub Committee	17 th September 2009
Planning Committee	24 th 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 31st July 2009 and provides a summary of the salient points from appeals determined in the 3 month period. Going forward 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 quarterly 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 this 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 31st July 2009 at Annex A of the report is provided following requests from Members for a precis of the relevant points for future reference in considering applications. 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 31st 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 planing permission, against conditions of approval, enforcement notoces, 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 31st 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
% Allowed	21.21%	0%	45.45%	50%	33.33%	27.27%
Part Allowed	2	0	2	2	4	2
% Part Allowed	6.1%	0%	6.1%	33.33%	6.1%	18.18%
Dismissed	24	5	16	1	40	6
% Dismissed	72.27%	100%	48.48%	16.66%	60.61%	45.45%
Total Determined	33	5	33	6	66	11
Withdrawn	2	1	2	1	4	2

Analysis

- 5 The table shows that for the year up 31st July 2009, a total of 66 appeals relating to CYC decsions 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 discrepency 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 appraised 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

28th 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