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<b>East Area Planning Sub Committee</b>	10 <sup>th</sup> December 2009
<b>West and City Centre Area Planning Sub Committee</b>	14 <sup>th</sup> December 2009
<b>Planning Committee</b>	17 <sup>th</sup> December 2009

## **Appeals Performance and Decision Summaries**

### **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 3 month period up to 31st October 2009, and provides a summary of the salient points from appeals determined in that period.

### **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 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 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 and lawful development certificates. Figure 1 gives a breakdown of appeals decided by the Inspectorate, both by CYC area and decision type for the 3 months and also the combined area (CYC )12 month performance.

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

	East 3 months	West & CC 3 months	CYC 3 months	CYC 12 months
Allowed	1	0	1	15
<b>% Allowed</b>	<b>12.5%</b>	<b>0%</b>	<b>9.09%</b>	<b>26.32%</b>
Part Allowed	1	0	1	4
% Part Allowed	12.5%	0%	9.09%	7.02%
Dismissed	6	3	6	38
% Dismissed	75%	100%	81.81%	66.67%
<b>Total Determined</b>	<b>8</b>	<b>3</b>	<b>11</b>	<b>57</b>
Withdrawn	0	0	0	4

## Analysis

- 4 The table shows that for the 3 months to 31<sup>st</sup> October 2009, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, one was allowed and one part-allowed. At just over 9%, the rate of appeals allowed is well below the national average of around 33% and a significant improvement over performance in the preceding 3 month period (27.27% allowed).
- 5 For the 12 months up to 31<sup>st</sup> October 2009, CYC performance was 26.32% allowed, an improvement over the previously reported 12 month period of 33.33%.
- 6 The summaries of appeals determined in the last 3 months to 31<sup>st</sup> October 2009 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. In the period covered only two of the appeals determined related to applications considered by Committee, namely 08/02441/TCNOT - telecoms mast Oak Tree Lane Haxby, and 08/00525/OUTM – Laverack Joinery, Birch Park.

## Consultation

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

## Corporate Objectives

- 8 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

- 9 Financial – There are no financial implications directly arising from the report

- 10 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
- 11 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 12 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

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

### **Recommendation**

- 14 That Members note the content of this report.

### **Contact Details**

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**Report Approved**  **Date** 25<sup>th</sup> November  
2009

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

**Wards Affected:**

All  Y

**For further information please contact the author of the report**

Background Papers: None

Annexes: Annex A – Appeal Case Summaries