

## **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 4-month period up to 31<sup>st</sup> March 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31<sup>st</sup> March 2010 is also included.

### **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 4 months and also the combined area (CYC )12 month performance.

**Fig 1 : Appeals Decided by the Planning Inspectorate  
For 4 months to 31<sup>st</sup> March 2010**

	East 4 months	West & CC 4 months	CYC 4 months	CYC 12 months
Allowed	2	3	5	11
Part Allowed	0	1	1	4
Dismissed	4	5	9	30
Total Decided	6	9	15	45
<b>% Allowed</b>	<b>33.33%</b>	<b>33.33%</b>	<b>33.33%</b>	<b>24.44%</b>
% Part Allowed	0%	11.11%	6.67%	8.89%
Withdrawn	0	2	2	5

## Analysis

- 4 The table shows that for the 4 months to 31<sup>st</sup> March 2010, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 5 were allowed. At 33.33%, the rate of appeals allowed is the national average but significantly higher than the 9% reported as allowed in the preceding 3-month period.
- 5 However for the 12 months up to 31<sup>st</sup> March 2010, CYC performance was 24.44% allowed, a slightly lower rate than the previously reported 12 month period of 26.32%.
- 6 The summaries of appeals determined in the last 4 months to 31<sup>st</sup> March 2010 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, 4 of the appeals determined related to applications refused by Committee:-
  - 09/00622/FUL: 68 Clarence Street - allowed. Officer rec. approve
  - 09/00646/FUL:18 Brentwood Crescent - dismissed . Officer rec. approve
  - 09/01271/FUL:York Caravan Park, Stockton Lane - allowed. Officer rec. refuse
  - 09/01125/FUL: The Homestead, Murton – allowed. Officer rec. approve
- 7 One site at 11 Farmlands Road accounted for 3 appeals (dealt with under delegated authority); one against refusal of planning permission for retention of a 1.8m fence and two against enforcement notices served on each of the owners of the property, requiring lowering of the fence. All of the appeals were dismissed.
- 8 The list of current appeals is attached at Annex B. There are 17 appeals lodged with the Planning Inspectorate, 9 in the East Sub Committee area and 8 in West and City Centre Sub Committee area.

## **Consultation**

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

## **Corporate Objectives**

- 10 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**

- 11 Financial – There are no financial implications directly arising from the report
- 12 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
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

## **Risk Management**

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

## **Recommendation**

- 16 That Members note the content of this report.

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

## Contact Details

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Report Approved  Date 1<sup>st</sup> April 2010

**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<sup>st</sup> December 2009 to 31<sup>st</sup> March 2010**

**Annex B – Outstanding Appeals to 31<sup>st</sup> March 2010**