

<b>East Area Planning Sub Committee</b>	2 <sup>nd</sup> December 2010
<b>West and City Centre Area Planning Sub Committee</b>	15 <sup>th</sup> December 2010
<b>Planning Committee</b>	16 <sup>th</sup> December 2010

## 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 31<sup>st</sup> October 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> October 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 National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals 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 shows appeals decided by the Inspectorate, both by CYC Committee 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 2010**

	East 3 months	West & CC 3 months	CYC 3 months	CYC 12 months
Allowed	2	2	4	14
Part Allowed	0	2	2	3
Dismissed	6	5	11	34
Total Decided	8	9	17	55
<b>% Allowed</b>	<b>25.00%</b>	<b>22.22%</b>	<b>23.53%</b>	<b>25.45 %</b>
% Part Allowed	0%	22.22%	11.76%	5.45%
Withdrawn	0	0	0	4

## Analysis

- 4 The table shows that for the 3 months to 31<sup>st</sup> October 2010, a total of 17 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 4 were allowed. At 23.53%, the rate of appeals allowed is well below the national average of around 33%, but higher than the 20% reported as allowed in the preceding 3 month period.
- 5 For the 12 months up to 30<sup>th</sup> June 2010, CYC performance was 25.92% allowed, a slightly higher percentage than the previously reported 12 month period of 26.32%, but still below national average.
- 6 The summaries of appeals determined in the 3 months to 31<sup>st</sup> October 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:-
  - 10/00020/FUL: 43 West Thorpe – Part Allowed. Officer rec. approve
  - 10/00495/FUL: Derwent Barn, Langwith Stray – Dismissed. Officer rec. refuse
  - 10/00087/FUL: 5 Northfields, Strensall - Dismissed. Officer rec. approve
  - 09/01324/FUL: 52 School Lane, Fulford – Dismissed. Officer rec. refuse
- 7 The list of current appeals is attached at Annex B. There are 14 appeals lodged with the Planning Inspectorate, 8 in the East Sub Committee area and 6 in West and City Centre Sub Committee area. 9 are proposed to be dealt with by the written representation process (W), 2 by Public Inquiry (P), 2 by Informal Hearing (I) and one by the Householder procedure (H).

## Consultation

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

## 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 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 22<sup>nd</sup> November  
2010

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

**Wards Affected:**

All

For further information please contact the author of the report

### **Annexes**

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> August 2010 and 31<sup>st</sup> October 2010**

**Annex B – Outstanding Appeals to 22<sup>nd</sup> November 2010**