

<b>East Area Planning Sub Committee</b>	21 <sup>st</sup> April 2011
<b>West and City Centre Area Planning Sub Committee</b>	27 <sup>th</sup> April 2011
<b>Planning Committee</b>	28 <sup>th</sup> April 2011

## **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> March 2011, 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 2011 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 performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 31<sup>st</sup> March.

**Fig 1 : Appeals Decided by the Planning Inspectorate  
For 3 months and Year to 31<sup>st</sup> March 2011**

	3 Months			12 Months		
	East	West/Centre	Total	East	West/Centre	Total
Allowed	3	1	4	8	6	14
Part Allowed	1	0	1	1	3	4
Dismissed	6	8	14	23	19	42
Total Decided	10	9	19	32	28	60
<b>% Allowed</b>	<b>30.00</b>	<b>11.11</b>	<b>21.05</b>	<b>25.00</b>	<b>21.43</b>	<b>23.33</b>
% Part Allowed	10	22.22	5.45	3.12	10.71	6.67
Withdrawn	0	0	0	1	0	1

## Analysis

- 4 The table shows that for the 3 months to 31<sup>st</sup> March 2011, a total of 19 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 4 were allowed. At 21.05%, the rate of appeals allowed is still well below the national average of around 33%, and lower than the 23.53% for the previously reported period.
- 5 For the 12 months up to 31<sup>st</sup> March 2011, CYC performance was 23.33% allowed, again lower than the previously reported 12 month period of 25.92% , and still below national average.
- 6 The summaries of appeals determined in the 3 months to 31<sup>st</sup> March 2011 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, 2 of the appeals determined related to applications refused by Committee:-
  - 10/00258/FUL 34 Eastward Avenue. Extension and front wall. Appeal Allowed. Officer Recommendation: Approve
  - 10/01305/FUL Old Moor Lane/Tadcaster Rd. Single storey dwelling Appeal Allowed. Officer Recommendation: Refuse
- 7 The list of current appeals is attached at Annex B. There are 15 appeals lodged with the Planning Inspectorate, 8 in the East Sub Committee area and 7 in West and City Centre Sub Committee area. 10 are proposed to be dealt with by written representation process (W), 2 by Informal Hearing (I) and 2 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.

## Contact Details

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Report Approved  Date 8<sup>th</sup> April 2011

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> January and 31<sup>st</sup> March 2011**

**Annex B – Outstanding Appeals to 8<sup>th</sup> April 2011**