
East Area Planning Sub Committee	5 th January 2012
West and City Centre Area Planning Sub Committee	12 th January 2012
Planning Committee	19 th January 2012

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 30th September 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 22nd December 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 in York 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 30th September 2011.

**Fig 1: Appeals Decided by the Planning Inspectorate
For 3 months and Year to 30th September 2011**

	3 Months			12 Months		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	0	1	1	8	6	14
Part Allowed	0	0	0	1	3	4
Dismissed	4	3	7	19	19	38
Total Decided	4	4	8	28	28	56
% Allowed	0	25.0	12.5	28.57	21.43	25.0
% Part Allowed	0	0	0	3.57	10.71	7.14
Withdrawn	1	0	1	3	0	3

Analysis

- 4 The table shows that for the 3 months to 30th September 2011, a total of 8 appeals relating to CYC decisions were determined by the Inspectorate. Of those, only one was allowed. At 12.5%, this rate of appeals allowed is much lower than the 33% national average, which was also the percentage allowed in the previously reported 3 month period.
- 5 For the 12 months up to 30th June 2011, CYC performance was 25% allowed, lower than the previously reported 12 month period of 26.67% and still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30th September 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. Figure 2 below shows that in the period covered, 2 of the appeals determined related to applications refused by Committee:-

Figure 2: Appeals against Refusal by Committee 1ST July to 30th September 2011

Reference	Site	Proposal	Outcome	Officer Rec.
10/01359/FULM	32 Lawrence Street	6 Blocks of Student Accommodation	Dismissed	Approve
10/01870/ADV	Somerfield Haxby	New Signage	Dismissed	Refuse

- 7 The list of current appeals is attached at Annex B. There are 22 appeals lodged with the Planning Inspectorate, 13 in the West and City Centre Sub Committee area and 9 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 3 by Informal Hearing (H) and 3 by Public Inquiry (P).

Consultation

- 8 This is essentially an information report for Members and therefore consultation has taken place regarding its content.

Council Plan

- 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 when determining planning applications.

Contact Details

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**Report
Approved**



Date 22/12/11

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 1st July and
30th September 2011**

Annex B – Outstanding Appeals to 22nd December 2011