

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2013, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing 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. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. The Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities.
- 3 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, for the last quarter i.e. 1st April to 30th June 2013, and for the full year to 30th June.

Fig 1: CYC Planning Appeals Performance

	1/4/13 to 30/6/13 (Last Quarter)	1/7/12 to 30/6/13 (Last 12 months)
Allowed	1	21
Part Allowed	0	1
Dismissed	6	34
Total Decided	7	57
% Allowed	14.29	36.84
% Part Allowed	0	1.75
Withdrawn	0	1

Analysis

- 4 The table shows that between 1st April and 30th June 2013, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 1 was allowed. At 14.29%, the rate of appeals allowed is much lower than the national annual average of around 33%. By comparison, for the same period last year, 7 out of 13 appeals were allowed, i.e. 53.85%,
- 5 For the full year between 1st July 2012 and 31st June 2013, 36.84% of appeals decided were allowed, lower than the previously reported 12 month period of 43.55%.
- 6 The summaries of appeals determined since 1st April to 30th June 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 appeals determined related to applications refused by Committee. The first was an appeal against non determination of the application after it had been deferred from a Committee, and the other had been recommended for approval.
- 7 **Fig 2: Appeals Decided 1st April - 30th June 2013 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
12/02930/FUL	Market Garden Eastfield Lane, Dunnington	Agricultural building	Dismissed	(Appeal against non determination)
12/03390/FUL	36 The Manor Beeches, Dunnington	Granny Annex and extensions	Dismissed	Approve

- 8 The list of current appeals is attached at Annex B. There are 21 appeals lodged with the Planning Inspectorate. 17 are proposed to be dealt with by the Written Representation process (W), 1 by the householder procedure (H), 1 via an Informal Hearing and 2 by Public Inquiry (P).
- 9 The much higher percentage of appeals allowed soon after April 2012 had raised certain issues:-
- 10 As has previously been previously reported, the Council decided a proportion of the related applications prior to the publication of the National Planning Policy Framework. The presumption in favour of sustainable development in the NPPF development (and the interpretation of sustainable development) appears to have been a significant factor in consideration of appeals. However since the initial impact of the NPPF on appeal outcomes, CYC performance has continued to improve as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent. The current 12 month performance at 36.84% is moving back towards the previous national benchmark figure of 33% allowed. Furthermore in the 6 months to 30th June, only 7 out of 24 appeals were allowed i.e. 29.17%.
- 11 Inspectors have continued to highlight the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal.
- 12 The main measures successfully employed to regain the previous performance levels have been as follows:-
 - i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF Draft Local Plan Policy.
 - ii) Officers are ensuring that where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. From the applicants' perspective, an approval after 9 or 10 weeks following amendments is preferable to a refusal before 8 weeks and then a resubmission or appeal process. This approach has improved customer satisfaction and speeded up the development process overall, but has affected the Council's performance against the national application targets. Nevertheless, CYC planning application performance currently

remains above the national performance indicators for Major, Minor and Other application categories.

ii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

- 14 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

- 15 Financial – There are no financial implications directly arising from the report.
- 16 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.
- 17 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 18 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 20 That Members note the content of this report.

Reason

- 21 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

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**Report
Approved**



Date

16th July
2013

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 1st April
and 30th June 2013**

Annex B – Outstanding Appeals at 15th July 2013