

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 1 October to 31 December 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. This is now in place for Planning Authorities where more than 70% of appeals against refusal of permission for major applications are allowed.
- 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 1 October to 31 December 2013, and for the full year to 31 December.

Fig 1: CYC Planning Appeals Performance

	01/10/13 to 31/12/13 (Last Quarter)	01/01/13 to 31/12/13 (Last 12 months)
Allowed	2	12
Part Allowed	1	2
Dismissed	8	27
Total Decided	11	41
% Allowed	18%	29%
% Part Allowed	9%	5%
Withdrawn	0	2

Analysis

- 4 The table shows that between 1 October and 31 December 2013, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, only 2 were allowed, at 18%, the rate of appeals allowed is significantly lower than the national annual average of around 33%. By comparison, for the same period last year, 4 out of 13 appeals were allowed, i.e.30.7%.
- 5 For the full year between 1 January and 31 December 2013, 29% of appeals decided were allowed, lower than the previously reported 12 month period of 38.5%.
- 6 The summaries of appeals determined between 1 October and 31 December 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, none of the appeals determined related to applications refused by Committee.
- 7 The list of current appeals is attached at Annex B. There are 13 planning appeals (i.e. excluding tree preservation order appeals) lodged with the Planning Inspectorate, 12 are proposed to be dealt with by the Written Representation process (W), 0 by the householder procedure (H), and 1 by Public Inquiry (P).
- 8 The quarter performance at 18% allowed reflects the relatively small number of cases decided, with 3 appeals allowed. The current 12 month performance at 29% allowed is a significant improvement on the previously reported 12 month figure, and is a continuation of the trend back towards the national 'benchmark' figure of 33% allowed. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) appears to have receded, with CYC performance continuing 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.

9 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) 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. This approach has improved customer satisfaction and speeded up the development process overall, and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.

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

Consultation

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

Council Plan

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

Implications

14 Financial – There are no financial implications directly arising from the report.

15 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.

16 Legal – There are no known legal implications associated with this report or the recommendations within it.

17 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 19 That Members note the content of this report.

Reason

- 20 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**



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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 October 2013 and 31 December 2013

Annex B – Outstanding Appeals at 29 January 2014