

Planning Sub Committee

7 August 2014

Planning Committee

28 August 2014

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 April to 30 June 2014, 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. 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 For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeal performance in York was close to (and usually better than) the national average. Following the publication of the NPPF our appeal performance declined.
- 4 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 1 April to 30 June 2014, and for the 12 months 1 July 2013 to 30 June 2014.

Fig 1: CYC Planning Appeals Performance

	01/04/14 to 30/06/14 (Last Quarter)	01/07/13 to 30/06/14 (Last 12 months)
Allowed	2	10
Part Allowed	2	4
Dismissed	7	23
Total Decided	11	37
% Allowed	18%	27%
% Part Allowed	18%	11%

Analysis

- 5 The table shows that between 1 April and 30 June 2014, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 2 were allowed. At 18% the rate of appeals allowed is below the national annual average of around 33% and lower than our previous quarter figure of 42%. By comparison, for the same period last year, 1 out of 7 appeals were allowed.
- 6 For the 12 months between 1 July 2013 and 30 June 2014, 27% of appeals decided were allowed, lower than the previous corresponding 12 month period of 36%.
- 7 The summaries of appeals determined between 1 April and 30 June 2014 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, two appeals related to applications refused by committee.

Fig 2: Appeals Decided 1 April to 30 July 2014 following Refusal by Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
13/00760/FUL	Country Park, Pottery Lane, Strensall	Winter storage of up to 30 touring caravans	Dismissed	Refuse
13/03642/FUL	34 Eastward Avenue	Porch to front with Juliette balcony screen above	Dismissed	Approve

- 8 The list of current appeals is attached at Annex B. There are 13 planning appeals lodged with the Planning Inspectorate. Also in the table is the Public Inquiry for the application for 102 houses at Land to the North of Brecks Lane, Strensall which has been called-in for determination by the Secretary of State. The Public Inquiry is due to start on 14 October 2014.
- 9 The quarter performance at 18% allowed is lower than for recent quarters. The current 12 month performance at 27% allowed is a significant improvement on the figure for July 2012 – June 2013 (36%), and is a continuation of the trend back towards the national ‘benchmark’ figure of 33% allowed and is better than the National average. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) appears to have receded, with the trend in 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.
- 10 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 and Development Control 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 is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process, 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

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

Council Plan

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

Implications

- 13 Financial – There are no financial implications directly arising from the report.
- 14 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.
- 15 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

- 19 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 25 July 2014

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 April 2014
and 30 June 2014**

Annex B – Outstanding Appeals at 27 July 2014