

Planning Sub Committee

6 November 2014

Planning Committee

20 November 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 July to 30 September 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, 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 60% 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 1 July to 30 September 2014, and for the 12 months 1 October 2013 to 30 September 2014.

Fig 1: CYC Planning Appeals Performance

	01/07/14 to 30/09/14 (Last Quarter)	01/10/13 to 30/09/14 (Last 12 months)
Allowed	0	7
Part Allowed	0	3
Dismissed	6	26
Total Decided	6	36
% Allowed	0%	19%
% Part Allowed	0%	8%

Analysis

- 5 The table shows that between 1 July and 30 September 2014, a total of 6 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 0 were allowed. At 0% the rate of appeals allowed is below the national annual average of around 34% and lower than our previous quarter figure of 18%. By comparison, for the same period last year, 3 out of 7 appeals were allowed. None of the appeals allowed between 1 October 2013 and 30 September 2014 related to “major” applications.
- 6 For the 12 months between 1 October 2013 and 30 September 2014, 19% of appeals decided were allowed, lower than the previous corresponding 12 month period of 33%.
- 7 The summaries of appeals determined between 1 July and 30 September 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, no appeals related to applications refused by committee.
- 8 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals) and we have received the decision for the appeal against the refusal of permission at Laura Ashley 11 Little Stonegate (Allowed). 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 was heard for 4 days from 14 October 2014 and has been adjourned until 6 November.
- 9 The quarter performance at 0% allowed is lower than for recent quarters. The current 12 month performance at 19% allowed is a significant improvement on the figure for October 2012 – September 2013 (33%), and is better than the National average of 34% of appeals 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 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 24 October
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 July 2014
and 30 September 2014**

Annex B – Outstanding Appeals at 24 October 2014