



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018

UPDATE ON APPEAL DECISIONS (OCTOBER 2017 – MARCH 2018)

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform the Committee of planning appeal performance on appeal decisions from October 2017 to March 2018.

2. RECOMMENDATION

Members are asked to note the content of the report and provide comment on the performance of the Local Planning Authority at appeal.

3. SUMMARY OF KEY ISSUES

- 3.1 This report is for Members' information only but particular attention is drawn to the Council's current performance of all appeals.
- 3.2 This report provides information by the relevant committee or officer delegated decision, overall performance and performance measured against the Department of Communities and Local Government (DCLG) performance figure for major application appeals.
- 3.3 Appeal results by application decision type: Quarter 1 and 2 2017/18 are as follows:

Application decision type	Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)	Dismissed by PINS (i.e. the Council was successful)
1. Appeals against Officer Delegated decisions	6	16
2a. Appeals against Central Area Planning Committee decisions as per report recommendation	0	0

Application decision type	Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)	Dismissed by PINS (i.e. the Council was successful)
2b. Appeals against Central Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
3a. Appeals against South Eastern Area Planning Committee decisions as per report recommendation	0	1
3b. Appeals against South Eastern Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
4a. Appeals against North Western Area Planning Committee decisions as per report recommendation	0	1
4b. Appeals against North Western Area Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
5. Appeals against non-determination i.e. where the Council did not make a decision within the statutory time period and the applicant exercised the right of appeal	0	1
6. Appeals against Full Council decisions as per report recommendation	0	0
7. Appeals against Full Council decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
Numbers Total	6	19
Decisions as a %	24%	76%

3.4 Appeal by type of appeal

1. Appeal type (Planning applications)	
Fast Track appeals (including Householder appeals)	10 (7)
Written Representation	14
Hearing	1
Public Inquiry	0
Total appeals	25

2. Appeal type (Appeals against Enforcement Notices)	
Written Representation	0
Hearing	0
Public Inquiry	0
Appeals withdrawn/Turned Away	1
Total enforcement appeals	1

3.5 **Costs awarded against the Council in October 2017 to March 2018**

None.

3.6 **Costs awarded for the Council in October 2017 to March 2018**

Site address	Partial or full award allowed of costs	Delegated/Committee decision in accordance with recommendation/Committee decision overturn
Land at Poultry Sheds, Moors Farm	Partial Award	Delegated

3.7 **Costs paid out by the Council in October 2017 to March 2018**

Site address	Date of award of cost	Figure paid out	Delegated/Committee decision in accordance with recommendation/Committee decision overturn recommendation
Tolleshunt Wood Within Chantry Wood	23/11/2016	£500	Enforcement Appeal

3.8 Members will also be aware that since 2012 Councils that do not reach specific performance targets on major applications and major appeals may be considered as a 'designated authority' by the Secretary of State. In terms of major planning appeals this is measured over a two year period and the target threshold is currently 10%.

3.9 The Council's performance against the government target is 6.15%. There are still a number of appeals awaiting determination by the Secretary of State. If the Council was unable to successfully defend any of these appeals the Council performance would be around 9.2%.

4. CONCLUSION

4.1 The general performance at appeal was relatively consistent over the previous 18 months. However, over the last six months this has continued to grow and it is considered that the adoption of the LDP put the Council in a stronger position when defending appeals.

- 4.2 It is considered necessary to continue to monitor the Council's performance at appeal in relation to major appeals. However, it is envisaged that by the Council should remain in a strong position in the near future.

5. IMPACT ON CORPORATE GOALS

- 5.1 Having an effective and planning service contributes to two Corporate Goals i.e. 'Protecting and shaping the district' and, 'Delivering good quality, cost effective and valued services'.

6. IMPLICATIONS

- (i) **Impacts on Customers** – The Councils' resources are being used effectively within the democratic process.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – In the context of the increasing tendency to challenge Council decisions, it is necessary to maintain flexibility in how the authority responds to planning appeals. The Council is committed to embedding sound operational, financial and legislative internal controls and to ensuring that good corporate governance arrangements are in place to assist the Council with meeting its aims and objectives. In the light of the change in government's threshold on performance for major planning appeals from 20% allowed to 10% this presents an increased risk to the Council and will be reflected as part corporate risk management particularly as the likelihood of exceeding the 10% is high.
- (iv) **Impact on Resources (financial)** – Decisions with regard to potential awards of costs can incur the Council in extra expenditure and need to be considered carefully. This has been covered in previous reports to Members. The resourcing levels required to manage appeals requires further review.
- (v) **Impact on Resources (human)** – The number of appeals has grown in the past three years and the resourcing appeals puts additional strain on the existing resources. Public Inquiries also require the assistance of barristers which add to the cost of defending appeals. This matter will need monitoring and reviewing.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Matt Leigh, Group Manager - Planning Services, (Tel: 01621 875870).