



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
PLANNING AND LICENSING COMMITTEE  
6 JUNE 2019**

**UPDATE ON APPEAL DECISIONS (OCTOBER 2018 - MARCH 2019)**

**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 2018 to March 2019.

**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 3 and 4 2018 / 19 are as follows:

<b>Application decision type</b>	<b>Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)</b>	<b>Dismissed by PINS (i.e. the Council was successful)</b>
1. Appeals against <b>Officer Delegated</b> decisions	9	17
2a. Appeals against <b>Central Area</b> Planning Committee decisions as per report recommendation	0	2

<b>Application decision type</b>	<b>Allowed by the Planning Inspectorate (PINS) (i.e. the applicant was successful)</b>	<b>Dismissed by PINS (i.e. the Council was successful)</b>
2b. Appeals against <b>Central Area</b> Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
3a. Appeals against <b>South Eastern Area</b> Planning Committee decisions as per report recommendation	0	1
3b. Appeals against <b>South Eastern Area</b> Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
4a. Appeals against <b>North Western Area</b> Planning Committee decisions as per report recommendation	3	1
4b. Appeals against <b>North Western Area</b> Planning Committee decisions where decision made contrary to the report recommendation i.e. member overturn	1	0
5. Appeals against <b>non-determination</b> i.e. where the Council did not make a decision within the statutory time period and the applicant exercised the right of appeal	0	0
6. Appeals against <b>Full Council</b> decisions as per report recommendation	0	0
7. Appeals against <b>Full Council</b> decisions where decision made contrary to the report recommendation i.e. member overturn	0	0
<b>Numbers Total</b>	13	21
<b>Decisions as a %</b>	38%	62%

### 3.4 Appeal by type of appeal

<b>1. Appeal type (Planning applications)</b>	
Fast Track appeals (including Householder appeals)	6
Written Representation	30
Hearing	2
Public Inquiry	1
<b>Total appeals</b>	39

<b>2. Appeal type (Appeals against Enforcement Notices)</b>	
Written Representation	8
Hearing	1
Public Inquiry	0
Appeals withdrawn/Turned Away	0
<b>Total enforcement appeals</b>	<b>9</b>

**3.5 Costs awarded against the Council in October 2018 to March 2019**

3.5.1 None.

**3.6 Costs awarded for the Council in October 2018 to March 2019**

3.6.1 None.

**3.7 Costs paid out by the Council in October 2018 to March 2019**

<b>Site address</b>	<b>Figure paid out</b>	<b>Delegated/Committee decision in accordance with recommendation/ Committee decision overturn recommendation</b>
Land South of Charwood, Stoney Hills	£9,309.26	Committee decision overturn
Land South of Charwood, Stoney Hills	Combined with above	Committee decision overturn

## **4. CONCLUSION**

4.1 The general performance at appeal was relatively consistent over the previous two years. However, over the last six months this has continued to grow and it is considered that the adoption of the Local Development Plan 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 the Council should remain in a strong position in the near future.

## **5. IMPACT ON STRATEGIC THEMES**

5.1 Having an effective and planning service contributes to the Strategic Themes of Place, Community and Prosperity.

## **6. IMPLICATIONS**

- (i) **Impact on Customers** – The Council's 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.
- (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 over the last few 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.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

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