

## **Strategic Planning Board**

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**Date of Meeting:** 18 December 2019

**Report Title:** Planning Appeals Report

**Portfolio Holder:** Councillor Toni Fox, Portfolio Holder for Planning

**Senior Officer:** David Malcolm, Acting Head of Planning

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### **1. Report Summary**

- 1.1. A statistical overview of the outcome of Planning Appeals that have been decided between 1st January 2019 and 30th September 2019. The report provides information that should help monitor the Council's quality of decision making in respect of planning applications.

### **2. Recommendations**

- 2.1. That the Report be noted.

### **3. Reasons for Recommendations**

- 3.1. To acknowledge the appeal outcomes from the Council's decision making on planning applications.

### **4. Other Options Considered**

- 4.1. The report is for information only and no other options are applicable

### **5. Background**

- 5.1. All of the Council's decisions made on planning applications are subject to the right of appeal under section 78 of the Town and Country Planning Act 1990. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State also has the power to make the decision on an appeal rather than it being made by a Planning Inspector - this is referred to as a 'recovered appeal'.

- 5.2. Appeals can be dealt with through several different procedures: written representations; informal hearing; or public inquiry. There is also a fast-track procedure for householder and small scale commercial developments.
- 5.3. All of the Appeal Decisions referred to in this report can be viewed in full online on the planning application file using the relevant planning reference number.
- 5.4. This report relates to planning appeals and does not include appeals against Enforcement Notices or Listed Building Notices.

## **6. Commentary on appeal statistics**

- 6.1. The statistics on planning appeals for the full year of 2018/19 are set out in Appendix 1 and 2. The statistics on planning appeals for the year to date of 2019/20 are set out in Appendix 3 and 4.
- 6.2. The statistics are set into different components to enable key trends to be identified:
  - Overall performance;
  - Outcomes by type of appeal procedure;
  - Outcomes of delegated decisions;
  - Outcomes of committee decisions;
  - Overall numbers of appeals lodged;
  - Benchmarking nationally.
- 6.3. The overall number of appeals lodged has remained consistent and averages out at approximately 120 planning appeals annually. At present, approximately 30% of decisions to refuse planning permission will result in a planning appeal.
- 6.4. In terms of the outcomes of the appeals decided, the performance is very close to the national average; 36% of appeals were allowed in the full year for 2018/19. For the first two quarters of this financial year 25% of appeals have been allowed. Across the whole reporting period 32% of appeals have been allowed. The national average for the same period is 30%.
- 6.5. It should be noted that, due to the timescales of the appeals process, these figures will generally reflect planning application decisions made by the Council prior to 1st April 2019.

## **7. Implications of the Recommendations**

### **7.1. Legal Implications**

7.1.1. As no decision is required there are no legal implications.

### **7.2. Finance Implications**

7.2.1. There are no financial implications.

### **7.3. Policy Implications**

7.3.1. There are no policy implications.

### **7.4. Equality Implications**

7.4.1. There are no Equality implications

### **7.5. Human Resources Implications**

7.5.1. There are no HR implications

### **7.6. Risk Management Implications**

7.6.1. There are no risk management implications

### **7.7. Rural Communities Implications**

7.7.1. There are no direct implications for rural communities.

### **7.8. Implications for Children & Young People/Cared for Children**

7.8.1. There are no direct implications for children and young people.

### **7.9. Public Health Implications**

7.9.1. There are no direct implications for public health.

### **7.10. Climate Change Implications**

7.10.1. There are no climate change implications

## **8. Ward Members Affected**

8.1. The Report relates to all Wards. The report is for noting only.

## **9. Consultation & Engagement**

9.1. Not applicable.

## **10. Access to Information**

- 10.1. Planning Appeal statistics for 2018/19 (Appendix 1 and 2)
- 10.2. Planning Appeal statistics for 01-Apr-2019 to 30-Sept-2019 (Appendix 2 and 3)

## **11. Contact Information**

- 11.1. Any questions relating to this report should be directed to the following officer:

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