

PLANNING APPEALS 2018-19 (Q4)

1. There were 10 planning appeals and 2 enforcement Appeals determined between late December 2018 and March 2019. All of the appeals relate to delegated decisions.

A breakdown is at section 3 below.

2. Members have been issued with the full decisions. The table at **Appendix A** details those that were dismissed or upheld and identifying the main issues that the Inspectorate considered. This is to identify whether there are any patterns in the Inspectorate's decision making and to further inform our own approach. For information this also includes the Case Officer and Planning Inspector.

The national PI is that less than 10% of all decisions made are overturned at Appeal. This is assessed over a retrospective 2 year period. Our performance on appeals for Major applications remains within target, but given the low number of Major applications generally, it will not take too many allowed appeals to risk reaching the designation threshold. The enforcement appeals are excluded from these statistics.

Of those applications that do go the Inspectorate, on average about 33% are lost. Our results for the year so far are sitting at 22%.

3.1 Appeal data for decisions made by Planning Committee

Quarter	Committee Appeals	Appeal Dismissed	Appeal Upheld	% Upheld
1	1	1	0	0
2	8	7	1	14
3	3	3	0	0
4	0	0	0	0

3.2 Appeal data for delegated decisions

Quarter	Delegated Appeals	Appeal Dismissed	Appeal Upheld	% Upheld
1	12	8	4	25
2	11	10	1	10
3	6	3	3	50
4	10	8	2	20

3.3 Appeal data for all decisions

Year to date	All appeals	Appeals Dismissed	Appeals Upheld	% Upheld
Q1	13	9	4	23
Q2	19	17	2	11
Q3	9	6	3	33
Q4	10	8	2	20
Total	51	40	11	22

3.4 Appeal data for Government P.I

This table looks at the percentage appeals allowed as a % of all applications decided.

	Major Applications Decided	Appeals Upheld		% Upheld
Q1	6	1		16
Q2	20	1		5
Q3	13	0		0
Q4	13	1		7.6
Total	52	3		5.7
	Non-Major Apps Decided			
Q1	201	2		2.68
Q2	225	1		0.40
Q3	203	3		1.47
Q4	162	1		0.67
Total	791	7		0.88

4. Learning Points

The appeal for Sandwich Leisure Park related to the imposition of a planning condition that aimed to secure access to an adjoining development. There are established tests for planning conditions and the Inspector concluded that not all of these were met. The Inspector stated that “To the extent that the condition seeks in effect to grant new permanent public or private access rights over private land, that would be unreasonable” The condition is “not precise, enforceable, necessary or reasonable...”

As a result of the Council imposing this condition a costs award granted.

The learning point is that Officers should always be mindful of the tests when imposing a condition.

Dave Robinson

April 2019

Attachments

Appendix A Breakdown of all appeal cases Q4

Appendix A

Quarter 4

2018

Case	Major Y/N) or other	Address	Dele/Com	Allowed /Dismissed	Against officer Rec?	Case Officer	Inspector	Issues
17/01 081	N	Sandwich Leisure Park	Dele	Allowed with Costs	N/A	VH	Mellor	Planning condition re access road
18/00 324	N	Temple Way	Dele	Allowed	N/A	KEV		Character and Appearance of area
18/00 467	N	Sandwich Rd – Ash	Dele	Dismissed	N/A	VH	Lock	Character and appearance of area
18/00 377	N	Station Road St Margarets	Dele	Dismissed	N/A	ELM	Miles	Impact on neighbours/character and appearance of area
17/00 280	Y	Kumor Nursery	Dele	Dismissed	N/A	LB	Parker	Acceptable mix of housing
17/01 333	N	Balmoral Road	Dele	Dismissed	N/A	VH	Lock	Planning condition
16/00 626	Y	Alpine Nursey	Dele	Dismissed	N/A	CH	Wood	Impact on neighbours and character and appearance of area
18/00 200	N	Strand Street	Dele	Dismissed	N/A	AW	Holdsworth	Character and appearance of area
17/00 950	N	New Dover Road	Dele	Dismissed	N/A	DB	Holdsworth	Location of residential dwelling
17/00 821	N	Beacon Lane	Dele	Dismissed	N/A	DB	Parsons	Planning Policy
ENF/16/002 81	N/A	High Street	Dele	Enforcement notice varied	N/A	ENF	Williams	Impact on listed building
ENF/16/001 02	N/A	Singledge Lane	Dele	Enforcement notice is varied	N/A	ENF	Williams	Character and appearance of the area