

REPORT TO PLANNING COMMITTEE

PLANNING APPEALS 2019-20 (QUARTERS 1 AND 2)

1. There were 36 planning appeals and 5 enforcement Appeals determined between April and September 2019. Members have been issued with the full decisions.

2. A breakdown is at section 3 below.

Of the 36 planning appeals, 13 were considered by Planning Committee with the remaining 23 being delegated decisions.

Our results for the year so far show that of those applications that do go the Inspectorate, 19% were lost. The average loss rate nationally is about 30%.

The National Performance Indicator which assesses the 'quality of decisions' measures the percentage of local authority decisions that are then subsequently overturned at appeal. The Government advise that the threshold for designating an authority as 'underperforming' includes if 10% of decisions are overturned at Appeal. This is assessed over a retrospective 2 year period and applies the threshold separately to decisions on Major and Non-Major applications. Our performance on appeals for Major applications (at 8%) in the current period is 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.

3. Appeal Data.

3.1 Appeal data for decisions made by Planning Committee

Quarter	Committee Appeals	Appeal Dismissed	Appeal Upheld	% Upheld
1&2	13	9	4	31%

3.2 Appeal data for delegated decisions

Quarter	Delegated Appeals	Appeal Dismissed	Appeal Upheld	% Upheld
1&2	23	20	3	13%

3.3 Appeal data for all decisions

Year to date	All appeals	Appeals Dismissed	Appeals Upheld	% Upheld
Q1&2	36	29	7	19%
Q3&4				
Total	36	29	7	19%

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&2	25	2		8%
Q3&4				
Total	25	2		8%
	Non-Major Apps Decided			
Q1&2	419	5		1%
Q3&4				
Total	419	5		1%

4. More Detailed Points

Of the 36 cases appealed, the majority (24) related to new residential development:

- Of the 24 residential schemes, 6 (25%) were allowed on appeal/upheld.
- 4 of the allowed schemes were for small-medium scale residential development within existing settlements/built-up areas where site specific issues such as design, impact on neighbours/living conditions, loss of open space etc. were at issue. The other 2 upheld appeals were for development outside but adjoining existing urban areas/settlements where the harm associated with the impact on the countryside and travel by car were judged more marginal and outweighed by the scheme benefits. This included the Churchfield Farm, Sholden development for 48 units and a 64 bedroom care home (DOV/17/01345).
- Of the 18 dismissed residential appeals, 11 were for schemes within existing settlements and 7 for development beyond built-up areas where concerns relating to countryside harm and/or travel impacts (by car) were considered more critical.

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