

PLANNING COMMITTEE – 15 JULY 2021

PLANNING APPEALS 2020/21 AND FIRST QUARTER 2021/22

1. There were 21 planning appeals determined during 2020/21 and 12 in Q1 of 2021/22; 33 in total. Members have been issued with the full decisions.

2. A breakdown is at section 3 below.

Of the 33 planning appeal applications, 2 were decided by Planning Committee, 2 related to appeals against non-determination with the remaining 29 determined under delegated powers.

Our results for 2020/21 show that of those applications that did go the Inspectorate, 29% 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. With no appeals on major applications during 2020/21 (or 2021/22 Q1), our performance on appeals for Major applications is within target. That said, given the low number of Major applications generally, it will not take too many allowed appeals to risk reaching the designation threshold.

3. Appeal Data

3.1

Appeal data for all decisions

Year to date	All appeals	Appeals Dismissed	Appeals Upheld	% Upheld
Q1 (20/21)	4	3	1	19%
Q2 (20/21)	2	1	1	50%
Q3 (20/21)	9	6	3	33%
Q4 (20/21)	6	5	1	17%
Total	21	15	6	29%
Q1 (21/22)	12	8	4	33%

3.2 Appeal data for Government P.I

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

2020/21	Major Applications Decided	Appeals Upheld		% Upheld
Q1&2	23	0		0%
Q3&4	18	0		0%
Total	41	0		0%
	Non-Major Apps Decided			
Q1&2	341	2		<1%
Q3&4	434	4		<1%
Total	775	6		<1%

4. More Detailed Points

Of the 33 cases appealed, 12 related to new residential development, with 8 being for householder development:

- Of the 12 residential schemes, only 1 was allowed on appeal/upheld.
- 7 of these 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 etc. were the main considerations. The 1 allowed appeal was for a site within the urban area where no harm was identified by the Inspector. The remaining 5 dismissed appeals were for development outside existing urban areas/settlements, where the harm associated with the impact on the countryside, lack of alternative travel to the car (e.g. a lack of a regular bus service) and an absence of facilities to meet day-to-day needs were judged to outweigh any scheme benefits.
- Of the 10 allowed appeals, these related to a mix of scenarios, although it's noteworthy that 3 were against conditions imposed on householder planning permissions. While aimed at safeguarding the amenity of neighbours etc, by restricting the right of an applicant to do works (e.g. under permitted development), these were viewed by the relevant Inspectors as unnecessary.

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