

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 10 April 2014**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **PLANNING APPEALS MONITORING REPORT (APRIL 2013 TO MARCH 2014)**

Contact Officer: Catharine Leadbeater, Planner
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Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

The report provides an update on planning appeals received and decided for the year 2013/2014.

2. **RECOMMENDATION(S)**

Members note the report

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The attached table (**Appendix 1**) provides a summary of appeals activity in the period 1 April 2013 to 31 March 2014. 248 new appeals were lodged, compared with 309 in 2012/13. Over the same period 278 appeal decisions were received of which 154 were dismissed and 114 allowed, with 10 being part allowed part dismissed.
- 3.2 With regard to the appeal procedure, the written representation method has remained the most popular method accounting for 48% of all appeals received. The number of fast track appeals are gradually increasing each year from approximately 35% in 2010/11 to 46% in 2013/14.
- 3.3 The breakdown by appeal procedure for 2013/2014 compared with 2012/2013 is summarised below:

Procedure	2012 – 2013	2013 - 2014
'Fast track'	135 (43.7%)	113 (45.6%)
Written Representations	144 (46.6%)	118 (47.6%)
Informal Hearing	19 (6.1%)	12 (4.8%)
Local Inquiry	11 (3.6%)	5 (2%)
Total	309 (100%)	248 (100%)

- 3.4 Since 6 April 2009 the Secretary of State has had the power to determine by which procedure an appeal will be heard (ie by written representations, informal hearing or by local inquiry).
- Section 196 of the Planning Act 2008 inserted section 319A of the Town and Country Planning Act 1990 to enable this function. Although the Council may request a certain procedure in all cases the method is determined by the Planning Inspectorate.
- 3.5 The new appeal procedural guidance of 6 March 2014 restates this prerogative and also states that this power has been commenced in relation to planning, advertisement and enforcement appeals. The power to determine the appeal procedure does not yet apply to listed building and conservation area consent appeals.
- 3.6 The Procedure Rules and Planning Inspectorate targets were changed to enable faster decision- making in October 2013. The expedited written representations procedure currently used for householder appeals (HAS), introduced in 2009, has been extended to appeals against refusal of express consent for the display of an advertisement, appeals for minor commercial (shop front) development and this is now known as the CAS appeal service.
- 3.7 The validation requirements for an appeal have been changed so that the appeal process is front loaded with appellants providing a 'full statement of case' with the appeal form, a statement explaining choice of procedure and the provision at an early stage of a draft statement of common ground for inquiry or hearing setting out factual information not considered to be in dispute.
- 3.8 The targets have been changed to enable faster decision making. The process has been shortened by 1 week so that residents have 5 weeks within which to make any additional comments concerning appeals rather than the 6 weeks previously given at this stage. The target is to determine 80% of written representations appeals within 14 weeks of the start date, 80% of hearings within 14 weeks of the start date and 80% of non-bespoke inquiries within 22 weeks of the start date,
- 3.9 A separate report on planning appeal costs for the financial year 2013/2014 is available.

Non-Applicable Sections:	Policy, financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A