

**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Tuesday 9 June 2015

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

**Title:** PLANNING APPEALS MONITORING REPORT (APRIL 2014 TO MARCH 2015)

**Contact Officer:** John Stephenson, Development Control Manager Planning Appeals and Investigation  
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**Chief Officer:** Chief Planner

**Ward:** (All Wards);

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1. Reason for report

The report provides an update on planning appeals received and decided for the year 2014/15.

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2. **RECOMMENDATION(S)**

Members note the report

### Corporate Policy

1. Policy Status: Not Applicable Existing Policy New Policy: Further Details
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres Not Applicable: Further Details
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### Financial

1. Cost of proposal: Estimated Cost No Cost Not Applicable: Further Details
  2. Ongoing costs: Recurring Cost Non-Recurring Cost Not Applicable: Further Details
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
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### Staff

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

### Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
  2. Call-in: Applicable Not Applicable: Further Details
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes No Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

3.1 The Table (1) below provides a summary of appeals activity in the period 1 April 2014 to 31 March 2015. 326 appeals were lodged during the same period 266 appeal decisions were received of which 141 were dismissed and 117 were allowed, with 8 being part allowed part dismissed, as shown in Table (2).

#### Number of Appeals and Appeal Procedure:

3.2 With regard to the appeal procedure, the number of fast track appeals have increased each year from approximately 35% in 2010/11 to 48% in 2014/15.

3.3 The breakdown of appeals lodged by appeal procedure for 2014/2015 compared with 2013/2014 is summarised below:

**Table (1)**

<b>Appeals Lodged Procedure</b>	<b>Bromley 2013 – 2014</b>	<b>Bromley 2014 - 2015</b>	<b>England (1) 2014-2015 (Q3/4)</b>
Fast track	113 (45.6%)	157 (48%)	33%
Written Representations	118 (47.6%)	158 (48%)	62%
Informal Hearing	12 (4.8%)	3 (1%)	3%
Local Inquiry	5 (2%)	8 (2%)	3%
<b>TOTAL</b>	<b>248 (100%)</b>	<b>326 (100%)</b>	<b>100%</b>

(1) Source – Planning Inspectorate Statistical Report

This shows that, in Bromley, a higher proportion of Fast Track appeals are received relative to England.

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 2014/2015 is available.

3.10 **Table (2)**

<b>Appeal decisions in Bromley Borough 2014/15</b>					
	<b>Fasttrack</b>	<b>Written</b>	<b>Hearing</b>	<b>Inquiry</b>	<b>Total</b>
No.of appeals Allowed	67	44	2	3	116
No. of appeals Dismissed	56	79	0	2	137
No. of appeals Part allowed/dismissed	2	4	1	1	8
<b>Total Appeals Decided</b>	125	127	3	6	261
<b>% Appeals Allowed (I)</b>	<b>55%</b>	<b>38%</b>	<b>100%</b>	<b>67%</b>	<b>48%</b>
<b>National Comparison (I)</b>	<b>40%</b>	<b>30%</b>	<b>41%</b>	<b>58%</b>	<b>34%</b>

*Note (1) – includes Part Allowed/Dismissed Appeals*

In 2014/15, overall 48% of Planning Appeals were ‘Allowed’, this is where planning permission is granted, this compares with a national average of around 34%.

In more detail, there are significant differences in the rate of appeals allowed, at local and national level. In Bromley, 54% of Fast track appeals were allowed in 2014/15 compared with 35% of written representation appeals. Action to improve the performance within development control on refused householder applications which form the basis of fasttrack appeals will be undertaken.

<b>Non-Applicable Sections:</b>	Policy, financial, legal and personnel
Background Documents: (Access via Contact Officer)	