

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 11 September 2018

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

Title: PLANNING APPEALS MONITORING REPORT: APRIL 2017 TO MARCH 2018 - UPDATE

Contact Officer: John Stephenson, Development Control Manager (Appeals and Planning Investigation)
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

This report is as a result of Members' request for further details on the previous report regarding planning appeals received and decided for the year 2017/18.

2. **RECOMMENDATION(S)**

Members note the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: none directly from this report
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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: Not Applicable:
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
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Personnel

1. Number of staff (current and additional): 50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
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Legal

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

1. Summary of Procurement Implications: n/a
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Customer Impact

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

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

3.1 The table (1) below provides a summary of appeals activity in the period 1 April 2017 to 31 March 2018. During that time 380 appeals were lodged during the same period 329 appeal decisions were received of which 204 were dismissed, 123 were allowed and 2 were part allowed/part dismissed.

3.2 The breakdown by appeal procedure for 2017/2018 compared with 2016/2017 is summarised below:

Table (1)

Appeals Lodged Procedure	Bromley 2016-2017	Bromley 2017-2018
Fast track	144 (41%)	156 (41%)
Written Representations	193 (55%)	216 (57%)
Informal Hearing	9 (3%)	3 (1%)
Local Inquiry	3 (1%)	5 (1%)
TOTAL	351	380

This represents a slight increase for Bromley in the proportion of written representation cases.

3.3 The number of appeal cases that Bromley are dealing with has increased significantly and our success rate has improved when compared to last year.

Table (2)

Appeal decisions in Bromley Borough 2017/2018*					
	Fastrack	Written	Hearing	Inquiry	Total
No. of appeals allowed	64	48	1	8	121
No. of appeals dismissed	90	104	2	1	197
No. of appeals Part allowed/dismissed	1	0	0	1	2
Total appeals decided	155	152	3	10	320
% appeals allowed	41%	32%	33%	80%	38%
National comparison¹	38%	31%	44%	46%	33%

*Figures do not include Enforcement appeals

In 2017/2018, overall 38% of Planning Appeals were allowed, this is where planning permission is granted, a slight decrease when compared with 2016/2017 in which 40% were allowed.

3.4 A breakdown of appeal decisions is as follows:

Number of applications determined at delegated committee: 249

Number of applications determined at Plans Sub Committee: 71

Number of applications recommended for permission which were overturned at committee: 30

Of those that were overturned **8** were dismissed at appeal and **22** were allowed at appeal

Of those that were overturned **7** cost claims were submitted, **4** were refused and **3** were allowed.

¹ Source: Planning Inspectorate Statistical Report (figures provisional)

In total **21** cost claims were received against planning appeals, **12** were refused and **5** were allowed

Sundridge Park Manor x 4 = 2 recommended for refusal and 2 overturned claim for £250k = paid £150k

Lilly's Farm, Chelsfield Lane deleted decision recommended for refusal = awaiting claim

Yonder Farm = recommended for refusal, partial award = paid £3,295

Kemnal Stables = overturned at PSC, partial award = £20k claimed, pending negotiation

Land Jct South Eden Park Road x 2 = recommended for refusal, partial award = awaiting claim

- 3.5 The List of inquiries as requested is sent out weekly to all Councillors, I have attached a copy of the current list as Appendix 5.
- 3.6 Comparison figures with other London Boroughs as requested see the list attached as Appendix 6.

Non-Applicable Sections:	Impact on vulnerable adults and children, Policy, Financial Legal, Procurement and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A