

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **19 April 2011**

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

Title: **PLANNING APPEALS MONITORING REPORT (JANUARY - MARCH 2011)**

Contact Officer: Tim Bloomfield, Development Control Manager (Appeals and Enforcement)
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Chief Officer: Bob McQuillan - Chief Planner

Ward: All

1. Reason for report

Following the previous monitoring report to DC Committee on 13 January 2011 this report provides an update for the first quarter of 2011.

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: No cost
 2. Ongoing costs: N/A.
 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: Call-in is not applicable.
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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? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

The attached table (Appendix 1) shows that in the period January to March 2011 52 new planning appeals were lodged, compared with 69 in same period in 2010. Over the same period 39 appeal decisions were received of which 25 (64%) were dismissed and 13 (33%) allowed with 1 part allowed/part dismissed.

With regard to appeal procedure, the written representation method accounted for 44% of all appeal decisions. The number of informal hearings and 'fast track' appeals (FTA) decisions each accounted for 28% of all appeal decisions. No local inquiry decisions were received in this quarter. It is notable that the number of appeals determined by informal hearings or local inquiries has fallen since the Planning Inspectorate adopted a more rigorous stance in applying the criteria as to the most appropriate procedure.

In the first quarter of 2011 24 appeals (46%) of all new appeals followed the fast track procedure. Although there remain concerns about the fast track procedure it is significant that 70% were dismissed in this quarter indicating that the significantly shorter timescales has not had a marked effect on performance levels.

The breakdown by appeal procedure for the first quarter of 2011 compared with 2010 is summarised below:

Procedure	January to March 2011	January to December 2010
Fast track	24 (46%)	137 (55%)
Written Representations	20 (39%)	86 (35%)
Informal Hearing	6 (11%)	25 (10%)
Local Inquiry	2 (4%)	2 (1%)
Total	52	250

Analysis of Committee Decisions - 2010

At the previous Committee the Chairman requested further information regarding committee decisions in cases where officers recommendations were overturned and the rate of success on appeal compared with applications refused under delegated powers.

As previously reported the overall figures for 2010 confirm that 55% of all appeals were dismissed and 45% allowed. An analysis of appeal decisions received in 2010 shows that 155 (71%) were refused under delegated authority and 63 (29%) were refused at committee.

In 48 cases planning applications were recommended for permission by officers but were overturned at committee. 30 (63%) of those cases were the subject of appeals of which 60% were allowed, 30% were dismissed and 10% are awaiting a decision.

Over the same period 9 claims for costs were received of which 6 were allowed, 1 was refused and 2 are awaiting settlement.

The attached table (Appendix 2) summarises the number of appeals arising from the refusal of permission at committee in 2010, and the number of cases in which the appellant claimed costs against the Council. Of particular significance is the proportion of overturned decisions which were allowed on appeal (60%) and the proportion of cases where costs were allowed (67%).

Non-Applicable Sections:	Policy implications, financial implications, legal implications. Personal implications
Background Documents: (Access via Contact Officer)	