



<b>Development Control Committee</b>	<b>Thursday, 27 June 2019</b>	<b>Matter for Information</b>
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**Report Title:** **Planning Appeals Summary Update (2018/19)**

**Report Author(s):** **Richard Redford (Development Control Manager)**

<b>Purpose of Report:</b>	To provide an up-date on appeal decisions received by the Council during 2018/19.
<b>Report Summary:</b>	A total of 14 appeal decisions were received with 7 dismissed, 5 allowed and 2 withdrawn prior to a decision being issued.
<b>Recommendation(s):</b>	<b>That the content of the report and appendix be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Richard Redford (Development Control Manager) (0116) 257 2654 <a href="mailto:richard.redford@oadby-wigston.gov.uk">richard.redford@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	<p>Building, Protecting and Empowering Communities (CO1)</p> <p>Growing the Borough Economically (CO2)</p> <p>Providing Excellent Services (CO3)</p>
<b>Vision and Values:</b>	<p>"A Stronger Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Respect (V2)</p>
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	No corporate risk(s) identified.
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Appeal Details and Decisions (2018/19)

## **1. Introduction**

- 1.1. This report relates to appeal decisions made by the Planning Inspectorate (PIN's) in relation to various planning related development control decisions comprising formal submissions and planning enforcement.
- 1.2. As Members are aware, the Council as Local Planning Authority (LPA) is monitored on its performance in the determination of planning submissions on a quarterly-basis with the expectation that the Council exceeds targets set by Central Government.
- 1.3. The same applies to planning appeals where the Council is expected to successfully defend 70% or more of planning appeals against its decisions. Failure to successfully defend its decisions at appeal has a high potential for the Council to be made a 'Standards Authority' and put into Special Measures where the ability to make decisions on planning applications is 'removed' from the Council.
- 1.4. Due to the low numbers of planning applications handled by the Council in its role as LPA, there is a need to ensure that refusals of or conditions attached to planning permissions as well as formal enforcement notices can be robustly defended at appeal to ensure less than 30% are allowed thus avoiding the risk of the Council being placed in Special Measures.
- 1.5. The purpose of this report is to provide a yearly summary for 2018/19 of those planning applications (including consent based submissions) and planning enforcement related notices which have been challenged at appeal.
- 1.6. It provides details of site address, development, Local Planning Authority's (LPA) decision and the level at which the decision was made, the Planning Inspectorate's (PI) decision and, where applicable, any costs that were awarded on the appeal for or against the LPA.

## **2. Information**

- 2.1. As set out in paragraph 1.3 above, the failure of the Council as LPA to defend 30% or more of the planning and planning related appeals it receives can result in it being put into Special Measures where its ability to determine planning applications is taken out of its hands. This would result in the Council losing accountability to make planning decisions and to take into account representations of both applicants and residents.
- 2.2. It is therefore important that the Council monitors its appeal decisions and is aware of how its appeal figures could influence its future ability to make planning decisions. This report details for the preceding calendar year the appeals received and determined by PIN's with other relevant information.
- 2.3. There are resource implications where costs are awarded against the Council on an appeal allowed by the Planning Inspectorate, and potentially falling income through lost planning

application fees should the Council be placed in Special Measures and lose the ability to both handle and determine planning and related submissions.

### **3. Planning Appeals in 2018/19**

3.1. **Appendix 1** to this report provides details in respect of relevant planning-related appeals in 2018/19. A total of 14 appeals were determined by PIN's as follows:

- 1 related to an Enforcement Notice which was quashed and the appeal allowed granting planning permission; and
- 13 related to planning application decisions with 7 dismissed, 4 allowed and 2 withdrawn prior to a formal decision being issued by PIN's which are considered to have been dismissed.

3.2. Only one application for costs was made against the Council which was dismissed by PIN's.

### **4. Conclusion**

4.1. Taking account of the Government target of less than 30% of appeals being allowed the Council's breakdown for the last year is as follows:

- 64% dismissed
- 36% allowed

4.2. It can be seen from these figures that the Council is above the 30% Government target for appeals being allowed.

4.3. There is a continual on-going need for careful consideration including the use of professional advice by Officers and consultees at both delegated and Committee levels in the determination of planning and related submissions to ensure that where a submission is refused, it can be successfully defended at appeal. This will also serve to ensure minimal successful cost claims against the Council.