



Development Control Committee	Thursday, 20 May 2021	Matter for Information
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Report Title: **Planning Appeals Summary Update (2020/21)**

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

Purpose of Report:	To provide an update on appeal decisions received by the Council as Local Planning Authority (LPA) during 2020/21.
Report Summary:	A total of 5 appeal decisions were received, with 3 dismissed (60%) and 2 allowed (40%). The Council as LPA is therefore above the 30% Government target for appeals being allowed.
Recommendation(s):	That the content of the report and appendix be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Richard Redford (Development Control Manager) (0116) 257 2654 richard.redford@oadby-wigston.gov.uk</p>
Corporate Objectives:	<p>Building, Protecting and Empowering Communities (CO1)</p> <p>Growing the Borough Economically (CO2)</p> <p>Providing Excellent Services (CO3)</p>
Vision and Values:	<p>"A Stronger Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Respect (V2)</p>
Report Implications:-	
Legal:	<p>There are no implications directly arising from this report.</p> <p>For context only, the Growth and Infrastructure Act 2013 inserted two new provisions into the Town and Country Planning Act (1990) ("the Act"). In particular, section 62A allowed major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.</p> <p>Under section 62B of the Act, the Secretary of State can designate a Local Planning Authority (LPA) where s/he considers it is not adequately performing its function in determining applications. This includes, amongst other things, where an LPA has not met the threshold for its decisions on applications being overturned at appeal.</p>
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	<p>Reputation Damage (CR4)</p> <p>Decreasing Financial Resources / Increasing Financial Pressures (CR1)</p>

Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Appeal Details & Decisions (2020/21)

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 higher 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. There is a reputational risk to the Council. There can also be resource implications where costs are awarded against the Council on an appeal allowed by the Planning Inspectorate. Therefore, particularly due to the low numbers of planning applications handled by the Council, there is a need to ensure that refusals, conditions attached to planning permissions, and enforcement notices, can be robustly defended at appeal.
- 1.4. The purpose of this report is to provide a yearly summary for 2020/21 of those planning applications (including consent based submissions) and planning enforcement related notices which have been challenged at appeal.
- 1.5. 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. 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.

3. Planning Appeals in 2020/21

3.1. **Appendix 1** to this report provides details in respect of relevant planning-related appeals in 2020/21. A total of 5 appeals were determined by PIN's as follows:

- 5 related to planning application decisions of which:
 - 3 were dismissed; and
 - 2 were allowed

3.2. No applications for costs were made against the Council.

3.3. 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:

- 60% dismissed; and
- 40% allowed.

3.4. It can be seen from these figures that the Council is above the 30% Government target for appeals being allowed. In assessing the implications of this, at the time of writing this report the National data has not been published meaning we cannot see how we compare with other councils. However, it is like that where a council has not met the target, the specific circumstances will be taken into consideration.

3.5. In terms of the two appeals that were allowed these related to residential extension developments where the Inspectors views of harm differed slightly from that of Officers in that a different amount of weight was given to the harm associated with the schemes. It is also of note that, in numeric terms, the number of appeals allowed is small.

3.6. There remains however, 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.