

Planning Application Appeals

This is a briefing note intended to provide information on the current performance of the Council in respect of Planning Appeals.

The context for this information on Planning Appeals in Bury is as follows:-

- BVPI (204) in respect of the percentage of appeals allowed against the refusal of planning applications. A National target has not been set but a Local target of 35% has been included within the Council's Best Value Performance Plan.
- The current National average of appeals allowed is 33% (and is consistently between 33% and 36%).
- In determining the Planning Delivery Grant (PDG) for 2006/7, poor performance on appeals could have reduced the level of grant awarded. Where the number of appeals allowed was 40% greater than the national average, 10% of the grant has been withheld and where the number is greater than 50%, 20% has been withheld. The "target" for appeal performance, in terms of PDG, was about 46%. The accounting period for the purposes of the PDG was not the full year but rather from October 2004 to June 2005 and for this period the performance was just within the target at 45% and the PDG award was not reduced. A similar arrangement is anticipated for the award of next year's PDG.

	Appeals lodged (excluding Advertisement Consents)	No. W/drawn	No. of appeal decisions	No. of appeals allowed	% allowed
Committee decision	7	1	11	4	36%
Delegated decision	24	3	31	10	32%
All decisions	31	4	42	14	33%

Appeal decisions 1st April 2005 to 31st March 2006

The number of appeals lodged has reduced from a figure of 51 in 2004/5 to 31 for 2005/6, which is more consistent with previous years' caseloads.

The percentage of appeals against the Committee's decision which were allowed has reduced significantly from 80% in 2004/5 to 36% for 2005/6. The overall performance has improved from 51% to 33%.

There were no awards of cost against the Council on any appeal decision.

In respect of the Committee decisions which were decided contrary to the officer recommendation there were 6 appeals in total - 3 appeals were allowed, 2 were dismissed and 1 was withdrawn.

Allowed:

43717 – Leaches Road, Shuttleworth (detached single storey stable block)

44097 - 32 Manchester Road (additional flat)

45101 - 32 Manchester Road (additional bedroom in basement flat)

Dismissed:

42468 – 18 Sergeants Lane Whitefield (erection of 4 apartments)

42956 – 20 Heaton Fold, Bury (2 detached houses)

Withdrawn:

44252 – Bridge Hall lane, Bury (27 Apartments)

Comment:

The overall appeal performance is:-

- significantly improved on the previous year
- consistent with the national averages
- to the standard required in the Council's Best Value Performance Plan.
- at a level which would not incur abatement of the Planning Delivery Grant for 2007/8.