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**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 22 May 2007

**SUBJECT:** PLANNING APPEALS

**REPORT FROM:** BOROUGH PLANNING, ENGINEERING AND  
TRANSPORTATION SERVICES OFFICER

**CONTACT OFFICER:** TOM MITCHELL – DEVELOPMENT MANAGER

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**TYPE OF DECISION:** COUNCIL

**FREEDOM OF  
INFORMATION  
STATUS:** This paper is within the public domain

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**SUMMARY:**

The report provides an outline of appeal performance during 2006/7 and the appendices list recent appeal decisions made by the Planning Inspectorate and one appeal lodged in respect of a Planning Enforcement Notice.

**OPTIONS AND RECOMMENDED OPTION (with reasons):**

The Committee is recommended to note the decisions in the appendix.

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**IMPLICATIONS -**

**Corporate Aims/Policy Framework:** N/A

**Financial Implications and  
Risk Considerations** N/A

**Statement by Director of Finance  
and E-Government:** N/A

**Equality/Diversity implications:** N/A

**Considered by Monitoring Officer:** N/A

**Are there any legal implications?** No

**Staffing/ICT/Property:** N/A

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**Wards Affected:** ALL

**Scrutiny Interest:** N/A

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**TRACKING/PROCESS**

**EXECUTIVE DIRECTOR:**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

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, is about 46%.

	Appeals lodged	Appeal decisions	No. of appeals allowed	No. W/drawn	% allowed
Committee decision	6	12	4	2	<b>25%</b>
Delegated decision	23	39	8	1	<b>20%</b>
All decisions	29	51	12	3	<b>23.5%</b>

**Planning Appeal performance 1<sup>st</sup> April 2006 to 31<sup>st</sup> March 2007**

The number of appeals lodged is 29 this year which is consistent with last year's figure of 31. The relatively high number of appeal decisions at 51, is as a result of the Planning Inspectorate catching up on their performance for appeals lodged in the previous year.

The percentage of appeals against the Committee's decision which were allowed is now 25% and this figure represents a considerable improvement on previous years - 80% in 2004/5 and 36% in 2005/6. The overall performance has improved from 51% in 2004/5 and 33% in 2005/6 to this year's figure of 23.5%

There were no awards of cost against the Council on any appeal decision but we have been awarded costs in respect of the appeal by Lidl in Radcliffe following their late withdrawal of the appeal.

In respect of the Committee decisions which were decided contrary to the officer recommendation, there were 8 appeal decisions - 2 appeals were allowed, 6 were dismissed.

**Allowed:**

45252 – Telecomm pole at Greenmount Golf Club  
44565 – 18 Sergeants lane (block of 4 apartments)

**Dismissed:**

43984 – South of Carr Bank Grange, Uppingham Drive, Ramsbottom (one dormer bungalow)  
44787 – South of Carr Bank Grange, Uppingham Drive, Ramsbottom (one dormer bungalow)  
43875 – 60-68 Hardmans Road (15 apartments)  
44869 – The Lawns Prestwich, Demolition of house and erection of 6 apartments (Conservation Area Consent)  
44868 – The Lawns Prestwich, Demolition of house and erection of 6 apartments  
45142 – Bankfield Mill, Pitt Street Radcliffe (42 apartments)

**Comment:**

The overall appeal performance is:-

- significantly improved on the previous year
- significantly better than 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.

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**List of Background Papers:- None**

**Contact Details:-**

Tom Mitchell  
Development Manager  
Environment and Development Services  
Craig House  
5 Bank Street  
Bury BL9 0DN

**Tel: 0161 253 5321**

**Email: [t.michell@bury.gov.uk](mailto:t.michell@bury.gov.uk)**

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