

# REPORT FOR DECISION

**MEETING:** PLANNING CONTROL COMMITTEE  
**DATE:** 20 APRIL 2010  
**SUBJECT:** PLANNING APPEAL PERFORMANCE  
**REPORT FROM:** CHIEF PLANNING OFFICER  
**CONTACT OFFICER:** TOM MITCHELL

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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 lists provides information on the performance in respect of Planning appeals in 2009/10

**OPTIONS & RECOMMENDED OPTION** The Committee is recommended to the note the report.

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## IMPLICATIONS:

<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? N/A
<b>Financial Implications and Risk Considerations:</b>	Director of Finance and E-Government to advise regarding risk management N/A
<b>Statement by Director of Finance and E-Government:</b>	N/A
<b>Equality/Diversity implications:</b>	N/A
<b>Considered by Monitoring Officer:</b>	N/A
<b>Are there any legal implications?</b>	No

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

**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

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**APPEALS PERFORMANCE FOR 2009/10**

**1.0 Introduction**

This report provides information on the current performance of the Council in respect of Appeals against decisions made on planning applications and Enforcement Notices.

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

- The former BVPI (204) recorded the percentage of appeals allowed against the refusal of planning applications. This has not been replaced in the new National Performance Indicators but a Local target of 35% is 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%).

**2.0 Planning Appeal decisions 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010**

The number of appeal decisions, in respect of planning applications and advertisements consents, is 31, down from 33 last year.

The appeals "performance" has been above the standards set in the targets at 19% and has further improved upon last years low figure of 24%.

	Appeals lodged	Appeal decisions	No. of appeals allowed	No. W/drawn	% allowed
Committee decision	3	4	3	1	<b>75%</b>
Delegated decision	21	26	3	0	<b>11%</b>
All appeals	24	31	6	1	<b>19%</b>

There were no awards of cost against the Council on planning appeal decisions.

In respect of the Committee decisions, two appeals concerned a proposal which was refused contrary to the officer recommendation, and these were allowed (see 50366 and 51766 below).

### **3.0 Committee Decisions subject to appeal.**

Allowed:

49646 - Mountheath Industrial Estate, George Street, Prestwich – office development

50366 - Former Brandlesholme PH, Brandleshome Road - erection of 50 bedroomed care home.

51766 – Land adj 8 Peel View, Tottington – new dwelling.

Dismissed:

50043 – Fold Mill, BradleyLane, Radcliffe – creation of bunds and a roller shutter door.

### **4.0 Enforcement Appeals**

During the year there were 4 appeals decisions in respect of Enforcement Notices. Of these 2 appeals were allowed:-

- 30 Woodhill Road – erection of a conservatory.
- 30 Kings Road – erection of timber decking.

A further appeal was lodged in respect of a Notice served against the erection of a workshop on land at 321 Turton Road. The appellant withdrew prior to the Public Inquiry and the Council were awarded costs.

Two further appeals have been lodged during the year and as yet are undecided.

### **5.0 Comment:**

The number of appeals lodged and decided in respect of planning applications has reduced compared to the previous year. The performance has continued to improve against both previous years and the national average.

The level of appeal activity associated with Enforcement Action is considered to be relatively low when considered in the context that 58 Notices, which have appeal provisions have been served in 2009/10.

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**List of Background Papers:-** None

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