

# REPORT FOR DECISION

**MEETING:** PLANNING CONTROL COMMITTEE  
**DATE:** 22<sup>nd</sup> May 2012  
**SUBJECT:** PLANNING APPEAL PERFORMANCE  
**REPORT FROM:** DEVELOPMENT MANAGER  
**CONTACT OFFICER:** JOHN CUMMINS

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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 2011/12

**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
<b>Staffing/ICT/Property:</b>	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 2011/12**

**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.

Planning Appeals are handled by an independent agency of the DCLG called 'The Planning Inspectorate' and they are based in Bristol. The way that Appeals are handled is laid down by statute; with fixed timetables and legal procedures that have to be followed. If they are not, it leaves the Council and appellant, open to claims for costs.

There used to be national performance indicators for this area of work but these have been dropped and whilst figures are published on a national level, there are no formal links to any funding. However these statistics are now monitored by AGMA.

The Appeals work is an important part of the planning process and involves a very high level of expertise; takes up a substantial amount of officer time as well as involving working closely with our colleagues in legal and often external Counsel and as such warrants detailed analysis.

## 2.0 Planning Appeal decisions 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

	Appeals lodged	Appeal decisions	No. of appeals allowed	No. W/drawn	% allowed	% allowed National ave 2011/12
Committee decision	4(3)	3 (3)	2 ( 2)	0 (0)	<b>75% (75%)</b>	<b>N/A</b>
Delegated decision	22 (25)	30 (18)	6 (7)	1 (1)	<b>20% (39%)</b>	<b>N/A</b>
All appeals	25 (28)	33 (20)	8 (9)	1 (1)	<b>24% (42%)</b>	<b>34% (40%)</b>

The number of appeal decisions, in respect of planning applications and advertisements consents, is 33, up from 20 last year. (2011/12 shown in brackets above.)

There was 1 award of cost against the Council on a planning appeal decisions. This was at Perrys Motor Sales at Crostons. This was on a delegated decision of the officers and the costs awarded were £6,114.90, this was a negotiated settlement down from the original claim of £18,000+.

It is considered that this award was challengeable as the Inspector did impose a condition on the consent granted, but there was insufficient evidence to support this action.

### 3.0 Delegated Decisions subject to appeal.

It should be noted that following a dip in performance in 2009/10, we have continued the improvement and have now gone well below the national average for the number of Appeals allowed. The rate would have been even better but 3 advertisement regulations appeals against placing advertisements on broadband cabinets were lost.

### 4.0 Committee Decisions subject to appeal.

In respect of the Committee decisions, three appeals concerned a proposal which was refused contrary to the officer recommendation to approve. Of these, two were allowed and one appeal was dismissed.

Allowed:

53436 - 201 Manchester Road (Pack Horse PH) – External alterations to allow change of use to retail and flats.

53079 - Melrose, Hawkshaw Lane – Demolition of existing house and redevelopment for new house.

Dismissed:

53205 – 46 – 48 Bury Old Road, Prestwich – 14 flats. (Council reason for refusal not supported)

### 5.0 Enforcement Appeals

During the year there were 4 appeals decisions in respect of Enforcement Notices. 3 dismissed and 1 allowed.

The Appeal allowed followed the challenge in the High Court on the Enforcement Notice at Springside. Following a successful challenge (with costs awarded to the Council) the Appeal was referred back to PINs. The Inspector re-worded the decision and allowed the Appeal.

The national average for Enforcement Appeals allowed is 30%. Currently ours is 25% following this latest decision. This is above previous year's remarkable percentages, but still below the national average.

**6.0 Comment:**

**Planning Appeals**

The number of appeals lodged and decided in respect of planning applications has increased compared to the previous year and with the number of Appeals allowed falling we are now well below the national average which has also fallen.

**Enforcement Appeals**

The level of appeal activity associated with Enforcement Action is considered to be low when considered in the context that 95 Notices were served (71 in 2010/11). The current 75% success rate on Appeals is considered to be good and reflects well on the work of the Enforcement team.

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**List of Background Papers:** None

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