

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE
DATE: 16th OCTOBER2012
SUBJECT: PLANNING APPEAL PERFORMANCE
REPORT FROM: DEVELOPMENT MANAGER
CONTACT OFFICER: JOHN CUMMINS

TYPE OF DECISION: COUNCIL

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

SUMMARY: The report lists provides information on the performance in respect of Planning appeals for the period April to September 2012.

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

IMPLICATIONS:

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? N/A
Financial Implications and Risk Considerations:	Director of Finance and E-Government to advise regarding risk management 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

Wards Affected: All

Scrutiny Interest: N/A

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

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

APPEALS PERFORMANCE FOR April to September 2012

1.0 Introduction

This is a new report that provides a half yearly update of 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 and given the Governments announcements about taking the decision making powers on planning applications away from 'poorly performing authorities', they are important and are closely monitored.

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 and as a result of the annual report presented to the May PCC an interim report is now to be produced each October.

2.0 Planning Appeal decisions 1st April 2012 to 30th September 2012

	Appeals lodged	Appeal decisions	No. of appeals allowed	No. W/drawn	% allowed	% allowed National ave 2011/12
Committee decision	2	2	0	0	0%	N/A
Delegated decision	11	8	1	1	12%	N/A
All appeals	13	10	1	1	10%	34%

There were no successful applications for Costs on any of these Appeals.

3.0 Delegated Decisions subject to appeal.

The Appeal success rate is well above the national average and shows a considerable improvement over last year's figures.

4.0 Committee Decisions subject to appeal.

In respect of the Committee decisions, 2 Appeals were lodged as a result of the decision of the PCC to overturn the recommendation of the Officers.

Both of the cases related to a partially built house in Ainsworth and the Committee refused the applications on the basis of the impact that the property had on the openness and character of the Green Belt. A full report on these decisions was presented to the August PCC.

The fact that both of these Appeals were dismissed has led to an outstanding success rate for the performance of the Council as a whole.

5.0 Enforcement Appeals

During the period only one Appeal was determined and that was at the Old Crow PH in Bury regarding a large bill board on the gable of the property and the Appeal was dismissed. 3 new Enforcement Appeals have been lodged and decisions are awaited on all of these cases.

The national average for Enforcement Appeals allowed is 30%. Last year ours was 25% and currently ours is 0% which again, is outstanding.

6.0 Comment:

Planning Appeals

The number of appeals lodged and decided in respect of planning applications has continued to increase. Currently we are one of the best performing Councils in the country, no small part due to the fact that the two decisions of the PCC were supported by the Planning Inspectorate.

Enforcement Appeals

The level of appeal activity associated with Enforcement Action is considered to be low when considered in the context of the number of Notices served. The current 100% success rate on Appeals is considered to be excellent and reflects well on the work of the Enforcement team.

List of Background Papers: None

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