

Report to Governance Select Committee



Date of meeting: 1 December 2015

Subject: Planning Appeals Performance

**Officer contact for further information: Nigel Richardson
Assistant Director Governance x4110**

SCRUTINY



Committee Secretary: M Jenkins (4106)

Recommendations/Decisions Required:

1. That the Committee receives and comments on a presentation of recent appeal decisions by Assistant Director of Governance (Development Management).
2. That the Committee considers any lessons or outcomes of the presentation for future planning application decision making and key performance indicators GOV007 and GOV008.

Report:

1. If an application for planning permission is refused by the local planning authority, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions, under section 78 of the Town and Country Planning Act 1990. All parties must provide the evidence required and meet the procedural deadlines. The appeals can be normally be determined by an exchange of written statements, or appearance at a hearing or an inquiry, which is chaired by a planning inspector.
2. Appeal performance is reported six monthly to the area planning committees and there are two key performance indicator (KPI) measures – GOV007: *What percentage of planning applications recommended by planning officers for refusal were overturned and granted planning permission by appeal* and GOV008: *What percentage of planning applications refused by Council Members against the recommendation of the planning officers were granted planning permission on appeal*. Whilst performance statistics and copies of the Council Member related appeal decision letters are brought to the Area Plans Committees attention, Members are seeking some clarity and understanding on why some appeals are dismissed and others are allowed, which in turn will hopefully help towards improving performance of these two KPI's as identified in their individual improvement plans.
3. Councils must determine planning applications in line with the Local Plan and government policy such as the National Planning Policy Framework. However councils can also take account of other material considerations, such as local opposition, but to do so should have the backing of planning policy. Whilst making comments on planning application, people can feel they are making a contribution to decisions being made in their area, it is worth highlighting however, that the strength or volume of local opposition is not a material planning consideration. The voices of local people are more likely to be heard if their objections are focussed on planning issues, which Members should be focussing upon and take into account to justify a refusal.
4. It is difficult to show common themes in why some appeals are more successful than others, but Officers have picked out 6 relatively recent cases across the district for further scrutiny which will be viewable in the form of a powerpoint presentation at the meeting. Members will have an opportunity to raise questions and discuss the issues

with Nigel Richardson at the meeting and explore what could be done to improve the Council's appeal performance in the future.

5. The 6 appeal decisions are appended to this report and are as follows:
 - 42 Princes Road, Buckhurst Hill – EPF/2693/14: Appeal Allowed
 - Church Hill Car Park, Church Hill, Loughton – EPF/1412/14: Appeal Allowed with costs
 - 47a Theydon Park Road, Theydon Bois – EPF/0180/15: Appeal Dismissed
 - Former Haulage Yard, Sewardstone Rd, Waltham Abbey – EPF/1556/14: Appeal Dismissed.
 - 134 High Street, Ongar – EPF/2358/14 – Appeal Allowed
 - 261 High Street, Epping – EPF/1924/12 – Appeal Allowed
6. Lessons or themes that emerge from these appeals can be used for future planning application decision making and set out in GOV007 and GOV008 improvement plans for next year.

Reason for decision:

Options considered and rejected:

None -. Report required from KPI Improvement Plan for GOV007 and GOV008.

Consultation undertaken: None

Resource implications:

Budget provision: None

Personnel: None

Land: None

Community Plan/BVPP reference: None

Relevant statutory powers: Town and Country Planning Act 1990 and The National Planning Policy Framework (NPPF).

Background papers: Appeal Decisions (attached).

Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference: None

Impact Assessment:

Risk Management

There are no risk management issues arising from the recommendations of this report. All appeal decisions are reported 6 monthly to Area Plans Sub Committee meetings.

Equality:

There are no equality implications arising from the recommendations of this report.