

Report to: Governance Select Committee

Date of meeting: 27 March 2018



Portfolio: Planning and Governance (Councillor Philip)

Subject: Planning Appeals Performance – Case Study

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Recommendations/Decisions Required:

- 1. That the Committee receives and comments on a presentation of recent appeal decisions by a representative of 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. Appeals are normally determined by an exchange of written statements; less so by the two other methods - a hearing or an inquiry, which is chaired by an independent 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 by decision makers if their objections are on planning issues, which Members should be focusing upon in any case, 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 4 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 the presenting officer at the meeting and explore what could be done to improve the Council's appeal performance in the future.
5. The 4 appeal decisions are appended to this report and are as follows:
 - Cornerways, Turpins Lane, Chigwell – EPF/2390/16: Dismissed – Committee Reversal
 - Tennis Court, Roding Valley School, Loughton – EPF/0053/17: Allowed – Committee Reversal
 - 16 Kendal Avenue, Epping - EPF/0309/17: Allowed - Delegated
 - Fairlawn, Epping Road, Nazeing – EPF/0290/16 – Dismissed - Delegated
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.

Resource implications: None for this report.

Legal and Governance Implications: None for this report.

Safer, Greener and Cleaner Implications: None for this report.

Consultation undertaken: None.

Background Papers: Attached appeal decisions.

Impact Assessments:

Risk Management - None for this report.

Equality - No equality implications arise from this report.