

Item 4

REPORT TO PROSPEROUS AND ATTRACTIVE OVERVIEW AND SCRUTINY COMMITTEE

25 SEPTEMBER 2007

REPORT OF HEAD OF PLANNING SERVICES

DEVELOPMENT CONTROL SERVICE – REVIEW OF PLANNING APPEAL DECISIONS AND PERFORMANCE LEVELS

SUMMARY

This report is an update of progress towards Best Value Performance Indicator 204 which measures the number of allowed appeals arising from refusals of planning permission. The indicator is only concerned with the number of appeals against refusal of planning permission. It does not include decisions on appeals against conditions imposed on planning permission, non-determination of planning applications, and enforcement notice appeals.

RECOMMENDATION

That Committee consider the report and feedback views to cabinet.

INTRODUCTION

On 12 December 2006 a report was presented to Overview and Scrutiny Committee 3 advising that during the period April 2005 and November 2006 47.5% of appeals determined in this period had been upheld in favour of the applicant. This represented a significant dip in performance as a figure in the region of 35% would normally be expected, which is also close to the national average of allowed appeals. The report sought to identify the reasons for this dip in performance and also made a number of recommendations to address the decline in performance including the following measures:

- Officers to give greater weight to the impact that an extension will have upon the wider environment and not just the host property.
- Senior officers to visit sites where it is recommended to refuse an application on visual amenity grounds.
- Critiques to be prepared on appeal decisions and reported to committee so that lessons can be learnt from decisions.

This report reviews the progress that has been made to date.

APPEAL ANALYSIS

During the period December 2006 and August 2007 a total of 8 appeal decision letters were received. The appeals related to a variety of proposals including domestic extensions, dwelling houses and changes of use. An analysis of the outcomes has revealed that 5 of the appeals were dismissed and 3 were upheld. In percentage terms this amounts to 37.5% of appeals of being upheld with 62.5% of appeals being dismissed.

In the same period 5 decision letters were received in connection with enforcement notice appeals. Whilst these decisions are excluded for the purposes of calculating performance against BVPI 204 it is worthwhile noting that a 100% success rate was achieved.

CONCLUSIONS TO BE DRAWN FROM THE ANALYSIS

An analysis of the appeal decisions has established that there has been a marked improvement in performance during the period December 2006 and August 2007. Performance is now more in line with the national average of allowed appeals and demonstrates that more robust decisions are being made. However, given the relatively low number of appeals one decision either way could have a marked impact upon performance levels. Furthermore, the diverse range of proposals involved makes it difficult to establish with any degree of certainty whether the measures designed to address poor performance have been responsible for the improvement in performance levels. Under the circumstances it is intended to continue to monitor and review performance and to report appeal decisions to Committee together with a critique of the decision and lessons to be learnt.

Whilst enforcement notice appeal decisions are not included for the purposes of calculating performance against BVPI 204 a 100% success rate demonstrates that enforcement notices are being drafted and served correctly and that they are being issued where it is expedient to do so.

RESOURCE IMPLICATIONS

There will not be any direct resource implications but failure to improve performance could have an impact upon future Planning delivery Grant Allocations.

OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives / Values

Improved performance will help meet Corporate Aim 25, which is to provide a high quality, efficient and customer focussed Planning Service that supports sustainable improvement of the built and natural environment of the Borough.

Legal Implications

There are no legal implications.

Risk Management

There are no risk management issues.

Health and Safety Implications

No additional implications have been identified.

Sustainability

At this stage, there is no requirement to undertake Sustainability Appraisal.

Equality and Diversity

No additional implications have been identified

Social Inclusion

No additional implications have been identified.

Procurement

There are no procurement issues.

OVERVIEW AND SCRUTINY IMPLICATIONS

None.

LIST OF APPENDICES

List of appeal decisions.

Contact Officers: Andrew Farnie
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Ward(s): All

Background Papers

Appeal decision notices
Sedgefield Borough Residential Extensions SPD
Sedgefield Borough Local Plan

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>