



STRATEGIC PLANNING COMMITTEE

Monday, 06 June 2022

Subject	Appeals Performance Report – 14 February to 19 May 2022
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Ben Woolnough Planning Manager (Development Management) 01394 444593 ben.woolnough@eastsuffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 01394 444503 katherine.scott@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report provides an update on the planning performance of the Development Management Team in terms of the quality and quantity of appeal decisions received from the Planning Inspectorate following refusal of planning permission by East Suffolk Council.

Options:

Not applicable.

Recommendation/s:

That the content of the report be noted.

Corporate Impact Assessment

Governance:

Not applicable.

ESC policies and strategies that directly apply to the proposal:

Not applicable.

Environmental:

Not applicable.

Equalities and Diversity:

Not applicable.

Financial:

Not applicable.

Human Resources:

Not applicable.

ICT:

Not applicable.

Legal:

Not applicable.

Risk:

Not applicable.

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How does this proposal support the priorities selected? To provide information on the performance of the Development Management and Enforcement Section			

Background and Justification for Recommendation

1 Background facts	
1.1	The report is presented to Members as rolling reporting mechanism on how the Council is performing on both the quality and quantity of appeal decisions received from the Planning Inspectorate.
2 Current position	
2.1	A total of 17 planning appeal decisions and one enforcement appeal (with associated costs appeal) have been received from the Planning Inspectorate since the 14 February 2022 following a refusal of planning permission from East Suffolk Council.
2.2	A summary of all the appeals received is appended to this report (Appendix A).
2.3	The Planning Inspectorate monitor appeal success rates at Local Authorities and therefore it is important to ensure that the Council is robust on appeals, rigorously defending reasons for refusal. Appeal decisions also provide a clear benchmark for how policy is to be interpreted and applications considered.
2.4	Very few planning refusals are appealed (approximately 20%) and nationally on average there is a 42% appellant success rate for major applications, 27% success rate for minor applications and 39% success rate for householder applications.
2.5	All of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management.
2.6	Of the planning appeals, 13 of the decisions were dismissed (76.5%), one of the decisions was a split appeal decision (5.9%) and three of the decisions were allowed (17.6%) by the Planning Inspectorate.
2.7	The one major application appeal was dismissed. It sought consent for 27 self-build and custom build dwellings on land west of PROW 21, Woods Lane, Melton. The decision confirmed the location was contrary to the development plan for the principle of residential development.
2.8	Ten of the appeals were for minor applications with two allowed (20%), one a split decision (10%) and seven dismissed (70%). Therefore the numbers of Minor appeals dismissed was higher than the national average.
2.9	Five of the appeals were for householder applications and one being allowed (20%) and four was dismissed (80%). Therefore the numbers of Other appeals dismissed was significantly higher than the national average.
2.10	There was also one appeal against an application for Prior Notification Approval, which sought "Conversion of an agricultural building to a dwelling house pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning" at Barn A,

	Land adjacent former Wood Barn Cottages, Little Bealings. The appeal was dismissed and a full summary is included in the appendix to this report.
2.11	There are no significant issues arising with the planning appeals which have been allowed, although the appendix provides a summary of learning points of all appeals.
2.12	Members will note that three claims of costs against the Council were received, with all three cases refused on the grounds that unreasonable behaviour by the Local Planning Authority resulting in unnecessary or wasted expense had not been demonstrated.
2.13	The Planning Performance Report which is also on the agenda for the Strategic Planning Committee meeting on 6 June 2022, includes details on the number of appeal decisions received between 1 April 2021 and 31 March 2022, including details on the numbers of appeals allowed and dismissed (paragraph 2.77 onwards of that report).
2.14	Further details of proportions of Majors, Minors and Others allowed and dismissed during 1 April 2021 – 31 March 2022 period are also shown within Appendix L to the Planning Performance Report.
2.15	As explained in paragraphs 2.87 and 2.88 of the Planning Performance Report, during the 1 April 2021 – 31 March 2022 period, just 28.79% of appeals within East Suffolk were allowed, and the national averages for percentage of appeals allowed within the first three quarters of the same period were 31%, 28% and 28%. Therefore, there are no concerns regarding the overall performance and quality of planning decisions made by East Suffolk.

3 How to address current situation

3.1	Quarterly monitoring
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4 Reason/s for recommendation

4.1	That the report concerning the appeals decisions received is noted
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Appendices

Appendices:

Appendix A	Summary of all appeal decisions received
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Background reference papers:

None.
