



STRATEGIC PLANNING COMMITTEE

Monday, 07 June 2021

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| Subject | Appeals Performance Report – January to 12 May 2021 |
| Report of | Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management |
| Supporting Officer | Liz Beighton Planning Manager (Development Management) 01394 444778 Liz.beighton@eastsoffolk.gov.uk |

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| 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.

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| 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 enforcement section | | | |

Background and Justification for Recommendation

1 Background facts

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| 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. |
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2 Current position

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| 2.1 | A total of 16 planning appeal decisions have been received from the Planning Inspectorate since the 11 February 2021 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 1). |
| 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% 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, 14 of the decisions were dismissed (88%) and two of the decisions were allowed (12%) by the Planning Inspectorate. These statistics show that the Council's success rate in defending appeals is above the national average and provides confidence that the Council is able to robustly defend against unacceptable development and has a suite of policies available to assist defence. The summaries of the appeals include a section on key issues and any lessons which could be learnt. |
| 2.7 | 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 |
| 2.8 | Members will note that one claim of costs against the Council has been received, with the decision refused on the grounds that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated |

3 How to address current situation

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| 3.1 | Quarterly monitoring |
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| 4 | Reason/s for recommendation |
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| 4.1 | That the report concerning the appeals decisions received is noted |
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Appendices

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