



STRATEGIC PLANNING COMMITTEE

Monday, 10 October 2022

Subject	Appeals Performance Report – 20 May to 19 September 2022
Report by	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Ben Woolnough Planning Manager (Development Management, Major Sites and Infrastructure) 07833 406681 Ben.woolnough@eastsuffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 Katherine.scott@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
-------------------------------	------

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:

None.

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
-----------------------------	------

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 checked="" 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	
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 12 planning appeal decisions (with one associated costs appeal) and one enforcement appeal have been received from the Planning Inspectorate since the 20 May 2022 following a refusal of planning permission from East Suffolk Council. In addition to these appeals, a decision was also received in relation to an application for Judicial Review of a previous appeal decision.
2.2	A summary of all the appeal decisions 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	11 of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management, with the remaining one being determined at South Planning Committee.
2.6	Of the planning appeals, eight of the decisions were dismissed (66.6%) and four of the decisions were allowed (33.3%) by the Planning Inspectorate.
2.7	Nine of the appeals were for minor applications with four allowed (44%) and five dismissed (56%).
2.8	Two of the appeals were for householder applications and both were dismissed (100%).
2.9	The other appeal decision related to a certificate of lawfulness application. It was dismissed.
2.10	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.

2.11	An application for Judicial Review against the decision of the Planning Inspector to dismiss an appeal against the refusal of a Prior Notification application for the conversion of a building to a dwelling under Class Q, and the associated refusal of an application for costs was also refused. A summary of this decision is included within Appendix A.
2.12	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, and therefore costs were not awarded to the appellant.

3 How to address current situation

3.1	Quarterly monitoring
-----	----------------------

4 Reason/s for recommendation

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

Appendices

Appendices:

Appendix A	Summary of all appeal decisions received
-------------------	--

Background reference papers:

None.
