



**STRATEGIC PLANNING COMMITTEE**

**Monday, 03 July 2023**

<b>Subject</b>	Appeals Performance Report – 15 February 2023 to 21 May 2023
<b>Report of</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Philip Ridley Head of Planning and Coastal Management 01394 444434 <a href="mailto:philip.ridley@eastsoffolk.gov.uk">philip.ridley@eastsoffolk.gov.uk</a>  Ben Woolnough Planning Manager (Development Management, Major Sites and Infrastructure) 07833 406681 <a href="mailto:Ben.woolnough@eastsoffolk.gov.uk">Ben.woolnough@eastsoffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:Katherine.scott@eastsoffolk.gov.uk">Katherine.scott@eastsoffolk.gov.uk</a>

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

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
To provide information on the performance of the enforcement section			

## Background and Justification for Recommendation

<b>1 Background facts</b>	
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.

  

<b>2 Current position</b>	
2.1	A total of 17 planning appeal decisions, and two costs decisions have been received from the Planning Inspectorate since 15 February 2023 following a refusal of planning permission from East Suffolk Council or appeals against non-determination.
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	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 17 planning appeals, 10 of the decisions were dismissed (58.8 %) and seven of the decisions were allowed (41.2%) by the Planning Inspectorate.
2.7	Two of the appeals were for Major Applications, with both allowed. One was a delegated refusal and allowed following a Public Inquiry (APP/X3540/W/22/3301868 Land west of Norwich Road, Halesworth, Suffolk) and the other a refusal by Planning Committee as an overturn of the officer recommendation of approval (APP/X3540/W/22/3300310, Land off St Andrews Place and Waterhead Lane, Melton).
2.8	11 of the appeals were for minor applications with five allowed (45 %) and six dismissed (54%).
2.9	Four of the appeals were for other applications and they were all dismissed (100%).
2.10	There were also two decisions, relating to applications for the award of costs against the Council, both of which were dismissed, the Inspectors concluding the Local Planning Authority had not acted unreasonably in reaching its decision.

2.11	<p>In terms of key outcomes of the appeals, these matters are of particulate note:</p> <ul style="list-style-type: none"> <li>The decision at Playford Lane, Rushmere St Andrew confirms the approach taken with the application of the cluster policy SCLP5.4 and the recently adopted Supplementary Planning Document, in that it confirms that dwellings within the settlement limits do not count as part of a 'cluster'.</li> </ul>
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### 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:

<b>Appendix A</b>	Summary of all appeal decisions received
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### Background reference papers:

None.
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