



STRATEGIC PLANNING COMMITTEE

Monday, 02 October 2023

Subject	Appeals Performance Report – 22 May 2023 to 11 September 2023
Cabinet Member	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
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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:

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
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		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 17 appeal decisions have been received from the Planning Inspectorate since 22 May 2023 following a refusal of planning permission from East Suffolk Council. There has also been one appeal against a condition on the granting of planning permission, one appeal against the refusal of advertisement consent and three appeal decisions relating to Planning Enforcement Notices.
2.2	A summary of all the appeal decisions received is appended to this report (Appendix A).
2.3	In the current monitoring period for this report the majority of the appeal decisions for East Suffolk related to applications which were delegated decisions determined by the Head of Planning and Coastal Management. There was one case determined by committee (29D Quilter Road, Felixstowe) which was for a replacement dwelling.
2.4	There are three types of procedure for Planning Appeals, the most common of which is written representations, with hearings and inquiries forming smaller proportions.
2.5	Nationally between May 2022 and April 2022, there were 15,997 appeal decisions made through the written representations procedure, with 889 through hearings and 524 through the inquiry process (source: Table 4 at Planning Inspectorate statistical release 18 May 2023 - GOV.UK (www.gov.uk)). That equates to 91.88% being written representations, 5.1% hearings and 3.01% inquiries.
2.6	During this monitoring period of this report (22 May 2023 – 11 September 2023), the majority of the appeal decisions made by the Planning Inspectorate for the East Suffolk Council area were through the written representations procedure, with just one hearing, and no inquiries.
2.7	Nationally between May 2022 and April 2022, the majority of appeal decisions were planning appeals 14,495, with a smaller proportion being enforcement appeals (2, 167) and specialist appeals (748) (source: Table 4 at Planning Inspectorate statistical release 18 May 2023 - GOV.UK (www.gov.uk)). That equates to 83.26% being planning appeals, 12.46% enforcement appeals and 4.3% being specialist appeals.

2.8	In this context Planning appeals are those for planning permission, variations of conditions, householder appeals, commercial appeals, listed building consent appeals, advertisement appeals, s106 planning obligations and called in planning applications, with enforcement appeals being those against the issuing of enforcement notices and lawful development certificate appeals, and the specialist cases are everything else including those relating to rights of way orders, purchase orders, tree preservation orders and high hedges etc ((full list beneath Table 4 at Planning Inspectorate statistical release 18 May 2023 - GOV.UK (www.gov.uk)).
2.9	In the current monitoring period for this report, under the above definitions there were 19 planning appeal decisions (86.36%) and 3 enforcement appeal decisions (13.64%) for the East Suffolk area, with no specialist appeals.
2.10	Planning Appeals can take a significant period of time to be determined. According to figures published by the Planning Inspectorate their median decision time for cases in April 2023 was 29 weeks for written representation, 37 weeks for hearings and 79 weeks for Inquiries, with planning cases having a median decision time of 27 weeks in April 2023 and enforcement appeals having a median decision time of 55 weeks in April 2023 (source: paragraph 2.1 at Planning Inspectorate statistical release 18 May 2023 - GOV.UK (www.gov.uk)).
2.11	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.
2.12	According to figures published in April 2023, in 2022 across the UK 73,515 planning applications were rejected across the UK while 560,591 were approved, and of the 73,515 refused, 2,210 went to appeal (3% of all refused applications), with just 392 of those appeals resulting in the original decision being overturned and permission granted (18%) (source: Successful planning appeals fall to lowest level in five years The Planner). This means 82% of appeals were dismissed nationally.
2.13	The East of England has had some variation but with a dip to a mean of 10% of appeal decisions being allowed in Q1 of 2022-23 (April – June 2022), and 11% in the following quarter (July – September 2022), but since then it has been similar to the national figures referred to above with the mean percentage of planning appeal decisions allowed during the last 3 financial quarters (October 2022-June 2023 being 19% in every quarter (based upon data at Percentage of planning appeals allowed - Quarterly in England LG Inform (local.gov.uk)).
2.14	Of the 17 appeals related to applications for planning permission (i.e. Majors, Minors and Others), 16 of the decisions were dismissed (94 %) and only one of the decisions was allowed (6 %) by the Planning Inspectorate.
2.15	There were no appeal decisions related to major applications.
2.16	There were 13 planning appeals for minor applications and they were all dismissed.

2.17	Four of the appeals were for other applications, with one allowed and three dismissed (75%).
2.18	There was also an appeal against conditions included on a planning permission, which was dismissed.
2.19	The appeal against the refusal of Advertisement Consent was also dismissed. It was associated with a tandem appeal against the refusal of planning permission which was also refused (included in figures above).
2.20	There were 3 appeal decisions relating to Enforcement Notices, one was allowed and the other dismissed with conditions. This means that two of the enforcement notices were upheld with some amendments to their wording.
2.21	<p>In terms of key outcomes of the appeals, these matters are of particulate note:</p> <ul style="list-style-type: none"> • The ‘appeal against conditions included on a Planning Permission’, related to the use of the permitted dwelling only as an only or principal home in accordance with Reydon Neighbourhood Plan Policy RNP4. The Inspector confirmed the condition is required in order for the dwelling to meet the requirements of the policy, and that the condition meets the tests for conditions as set out in Paragraph 56 of the NPPF, in that it is necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. • The dismissed appeals relating to the Cabin Holiday Let, Park Farm Weston and Patience Acre, Weston ((summarised in the section relating to Minor developments with the appendix), confirm our approach to the application of policy to seek to safeguard tourist accommodation, through policy WLP8.17 and requiring suitable marketing to demonstrate that there is no demand for tourist accommodation in this location, which had not been undertaken or supplied in these cases. • The dismissed appeals at Salix Sawmill, Bromeswell and Fordley Meadows, Kelsale cum Carlton (both summarised in the section relating to Minor developments with the appendix), confirm our approach to the application of both local and national planning policy in relation to rural workers dwellings. In that such applications need to demonstrate sufficient functional justification based upon the existing rural activity, and that evidence of the applicants consideration of alternatives to a dwelling on site need to be submitted (e.g. alternative security measures and means to monitor animals, boilers and power equipment etc). • The two appeal cases relating to new dwellings in Newbourne (both summarised in the section relating to Minor developments with the appendix), confirm that the former Land Settlement Association Holdings area of Newbourne (Policy SCLP11.9) has an important character, and that the gaps between the existing development/buildings are not necessarily suitable for infilling as they do not necessarily meet the definition of a cluster as they

	do not represent a 'close group' or 'continuous line' of 5 or more existing dwellings under Policy SCLP5.4.
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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:

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

None.
