



STRATEGIC PLANNING COMMITTEE

Monday, 13 December 2021

Subject	Appeals Performance Report – 24 November 2021 to 13 February 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@eastsoffolk.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 checked="" 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 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 23 planning appeal decisions have been received from the Planning Inspectorate since the 24 November 2021 following a refusal of planning permission from East Suffolk Council, and one planning appeal decision have been received in relation to appeals for non-determination.
2.2	A summary of all the appeals received is included in an Appendix to this report
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	Twenty of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management and two decisions were determined through the Planning Committee contrary to Officer's recommendation. There was also one appeal against non-determination, which related to a case that was deferred at Planning Committee.
2.6	<p>Of the planning appeals, fourteen of the decisions were dismissed (61%), eight of the decisions were allowed (35%) by the Planning Inspectorate, and one was withdrawn prior to a decision being issued by the Inspectorate.</p> <p>Three of the appeals were for Major Applications, with two allowed (66.6%) and one withdrawn (33%). One application which was allowed had been recommended for approval at Planning Committee, but the committee voted to refuse those application. The other allowed appeal was an appeal against non determination following a deferral at from its first Planning Committee. The withdrawn appeal had also been refused contrary to the officer's recommendation; however, it was withdrawn because a subsequent application was later approved.</p> <p>Twelve of the appeals were for minor applications with four were allowed (33.3%) and eight dismissed (66.6%).</p> <p>Eight of the appeals was for householder/other applications with two allowed (25%) and six dismissed (75%).</p>

	<p>There were too few appeals relating to Major applications (just three) during this quarter to draw any significant conclusions. In terms of appeal decisions relating to Minor applications, the percentage allowed (33.3%) was higher than the national level (27%) but not to such a significant degree for a single quarter, as to raise significant concern.</p> <p>The percentage of householder/other applications which were upheld on appeal this quarter is positive. At 75% the percentage dismissed is significantly above the national average 61% (i.e. there were just 25% allowed this quarter compared to the national average of 39%).</p> <p>The summaries of the appeals include a section on key issues and any lessons which could be learnt.</p>
2.7	There are no significant issues arising with the planning appeals which have been allowed, summaries cover the learning points of all appeals.
2.8	<p>Members will note that two claim of costs against the Council have been received, one of which was upheld with the Inspector concluding that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated.</p> <p>The other claim of costs was refused on the grounds that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.</p>

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.
