



STRATEGIC PLANNING COMMITTEE

Monday, 05 December 2022

Subject	Appeals Performance Report – 12 November 2022 to 14 February 2023
Report of	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
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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: (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 15 planning appeal decisions, one costs decision and one CIL appeal decision has been received from the Planning Inspectorate since the 12 November 2022 following a refusal of planning permission from East Suffolk Council.
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 15 planning appeals, 13 of the decisions were dismissed (86.7 %) and two of the decisions were allowed (13.3%) by the Planning Inspectorate.
2.7	Two of the appeals were for Major Applications, with one allowed and one dismissed.
2.8	Five of the appeals were for minor applications with one allowed (20 %) and four dismissed (80 %).
2.9	Seven of the appeals were for householder applications and they were all dismissed (100%).
2.10	There was also at an appeal against a Prior Approval application. It was dismissed.
2.11	There was also a Costs decision that was dismissed, and an appeal relating to the Community Infrastructure Levy (CIL), which was dismissed, confirming the CIL liability of the scheme.

2.12	<p>In terms of key outcomes of the appeals, these matters are of particulate note:</p> <ul style="list-style-type: none"> • The appeal decision relating to Land of Yarmouth Road, Melton (DC/20/1521/FUL) highlights the importance of giving significant weight to development plan policies, and confirms that there is nothing to indicate that the need for an aging population cannot be met through the Local Plan, having regard to the completions and likely pipeline supply. • The appeal decision at Land to the north of School Road, Ringsfield (DC/20/1001/OUT) highlights that an outline application cannot be refused on matters of design quality/impact to character of an area on an allocated site with a prescribed density, as these are matters which would be considered at reserved matters stage. A reduced site area to that allocated is not of concern if the stated density is still achievable. Whether or not an applicant proposes further development to a remaining part of a site in the future is not a consideration which carries any significant weight because any such proposal would need to be considered on its own merits – unless there is substantive evidence to indicate otherwise.
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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.
