



STRATEGIC PLANNING COMMITTEE

Monday, 06 June 2022

Subject	Planning Performance Report – April 2021 to March 2022
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officers	Ben Woolnough Planning Manager (Development Management) 01394 444681 ben.woolnough@eastsuffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 01394 444503 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 timescales for determining planning applications.

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 type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input checked="" 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 development management and enforcement section			

Background and Justification for Recommendation

1 Background facts	
1.1	This report provides details on the determination timescales for all planning applications at East Suffolk Council when tested against the government set timescales as well as the East Suffolk Council stretched targets.
1.2	The Key Performance Indicators (KPIs) are reported on a quarterly basis and included within the East Suffolk Council performance report and tested against the Council's Business Plan.

2 Current position	
2.1	East Suffolk Council as Local Planning Authority determines applications that seek Planning Permission, Listed Building Consent, Advertisement Consent and Tree Works applications along with associated applications such as those seeking approval of matters reserved by conditions on consents.
2.2	This report focuses on the applications for Planning Permission (those seeking Approval of Reserved Matters, Change of Use, Full Planning Permission, Outline Planning Permission, Removal of Condition(s) and Variations of Condition(s)). There are herein referred to as Planning Applications.
2.3	However, some data is also included in relation to the other forms of formal applications determined by the Local Planning Authority during the period 1 April 2021 to 31 March 2022, and the preceding years.
2.4	Alongside dealing with these formal planning applications, the Development Management Team provide a pre-application advice service and are also responsible for monitoring and enforcing planning matters.

2.5	<p>During the period 1 April 2021-31 March 2022, East Suffolk Council as Local Planning Authority determined a total of 5549 applications, comprising 2714 formal applications required on government returns (including 'Planning Applications', Listed Building Consent and Advertisement applications) and 2835 of these other forms of application, including:</p> <ul style="list-style-type: none"> - 956 requests for pre-application advice, - 492 Tree Preservation Order related applications, - 246 applications for tree works within Conservation Areas, - 30 applications seeking Environmental Impact Assessment Screening, - 18 applications seeking a Certificate of Lawfulness for an existing use or development, - 34 applications seeking a Certificate of Lawfulness for a proposed use or development. - 364 applications seeking approval of details reserved by condition (often referred to as discharge of conditions), and - 204 applications seeking non-material amendments.
2.6	A pie chart illustrating the above proportions is included in Figure 6 of Appendix B .
2.7	<p>This was an increase on the previous year (1 April 2020 – 31 March 2021) during which East Suffolk Council as Local Planning Authority determined a total of 5385 submissions, comprising 2425 formal applications required on government returns (including 'Planning Applications', Listed Building Consent and Advertisement applications) and 2960 of these other forms of application, including:</p> <ul style="list-style-type: none"> - 1007 requests for pre-application advice, - 513 Tree Preservation Order related applications, - 256 applications for tree works within Conservation Areas, - 14 applications seeking Environmental Impact Assessment Screening, - 23 applications seeking a Certificate of Lawfulness for an existing use or development, - 48 applications seeking a Certificate of Lawfulness for a proposed use or development. - 350 applications seeking approval of details reserved by condition (often referred to as discharge of conditions), and - 189 applications seeking non-material amendments
2.8	A pie chart illustrating the above proportions is included in Figure 5 of Appendix B

2.9	<p>During the year prior to that (1 April 2019 – 31 March 2020), East Suffolk Council as Local Planning Authority determined at total of 5346 submissions, comprising 2291 formal applications required on government returns (including 'Planning Applications', Listed Building Consent and Advertisement applications) and 3055 of these other forms of application including:</p> <ul style="list-style-type: none"> - 932 requests for pre-application advice, - 450 Tree Preservation Order related applications, - 186 applications for tree works within Conservation Areas, - 20 applications seeking Environmental Impact Assessment Screening, - 21 applications seeking a Certificate of Lawfulness for an existing use or development, - 18 applications seeking a Certificate of Lawfulness for a proposed use or development. - 403 applications seeking approval of details reserved by condition (often referred to as discharge of conditions), and - 186 applications seeking non-material amendments
2.10	A pie chart illustrating the above proportions is included in Figure 4 of Appendix B
2.11	Therefore, as illustrated in Figures 1, 2 and 3 of Appendix B , over the previous three years there has been an increase in the number of submissions determined, including in terms of 'Planning Applications'.
2.12	Whilst the total number of determined submission in themselves do not sound significant (an increase of 203 between 2019/20 and 2021/22 or 3.66%), all submissions take a significant amount of officer time, and cumulatively this has a significant impact upon the capacity of the team.
2.13	It is also important to understand where these increases have occurred, and different types of applications have different requirements from officers in terms of both the steps in the process and the time required. .
2.14	The most significant increase in terms of overall numbers and resulting workloads for officers has been in terms of the determination of applications for Full Planning Permission, with a 18.5% increase (434 extra cases) from 2019/20 to 2344 cases in 2021/22.
2.15	Applications for full planning permission require a significant proportion of officer time as they all require the creation of case on the system and the upload of documents, a site visit and posting of a site notice, a full consultation process with third parties, the town/parish council and other relevant consultees, review of the submitted plans/document and consultee response, assessment against planning policy, the drafting an officer report and review/signing off by a senior officer. Such cases can also trigger the referral process and/or Planning Committee, both of which involve significant officer time in terms of the production of reports, powerpoint presentations and attendance. Therefore even a modest increase in applications of this type can have a significant implication upon time and capacity of the team.

2.16	There has also been a significant increase in the number of submissions for Certificates of Lawfulness (proposed) with an increase of 47% from 18 in 2019/20 to 34 in 2021-22, and a noticeable increase in applications for Listed Building Consent with an increase from 250 in 2019/20 to 300 in 2021/22, which is a 16.7% increase. Both of these application types also require a significant level of officer time with the Certificate of Lawfulness applications requiring assessment against the national regulations and case law, the drafting of a report, review by a senior officer before consideration/determination by Legal Services. Listed Building Consent applications following a similar process to planning applications in terms of site visit, site notice, consultation, review, drafting of reports and review by a senior officer. Therefore, any increase in the numbers for these application types also has a significant impact upon the capacity of the team.																
2.17	During the three year period there has also been a 60% increase in consultations from other bodies. Whilst such cases are often quicker to process and determine than those referred to above, they still require officer time, which in turn has implications in terms of capacity to deal with the formal applications and pre-application submissions etc.																
2.18	<p><u>Overview of Determined Planning Applications</u></p> <p>The breakdown for determined planning, listed building consent and advertisement consent application during Q4 (December 2021 to 31 March 2022) is reported as follows:</p> <table><tr><td></td><td>Q4 Percentage</td><td>Q4 Total</td><td>Targets</td></tr><tr><td>Major Development</td><td>90%</td><td>19/21</td><td>60% national 65% stretched</td></tr><tr><td>Minor Development</td><td>64%</td><td>87/136</td><td>65% national 75% stretched</td></tr><tr><td>Other Development</td><td>64%</td><td>306/483</td><td>80% national 90% stretched</td></tr></table>		Q4 Percentage	Q4 Total	Targets	Major Development	90%	19/21	60% national 65% stretched	Minor Development	64%	87/136	65% national 75% stretched	Other Development	64%	306/483	80% national 90% stretched
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Other Development	64%	306/483	80% national 90% stretched														

	Current Quarter		Previous Quarters						
	Q4 %	Q4 Total	Q3 %	Q3 Total	Q2 %	Q2 Total	Q1 %	Q1 Total	Targets
Major Development	90%	19/21	89%	8/9	64%	7/11	64%	9/14	60% national 65% stretched
Minor Development	64%	87/136	53%	79/149	76%	103/136	72%	92/127	65% national 75% stretched
Other Development	64%	306/483	60%	287/482	85%	474/560	76%	446/586	80% national 90% stretched

2.19	Appendix H include graphs showing the above figures for the period 1 April 2021 – 31 March 2022, and Appendix G contains graphs showing the quarterly statistics for the past three years.																
2.20	<p>The end of year statistics for the reporting year are as follows:</p> <table><tr><td></td><td>Q1 – Q4 Percentage</td><td>Q1 – Q4 Total</td><td>Targets</td></tr><tr><td>Major Development</td><td>78%</td><td>43/55</td><td>60% national 65% stretched</td></tr><tr><td>Minor Development</td><td>66%</td><td>361/548</td><td>65% national 75% stretched</td></tr><tr><td>Other Development</td><td>72%</td><td>1,516/2,111</td><td>80% national 90% stretched</td></tr></table>		Q1 – Q4 Percentage	Q1 – Q4 Total	Targets	Major Development	78%	43/55	60% national 65% stretched	Minor Development	66%	361/548	65% national 75% stretched	Other Development	72%	1,516/2,111	80% national 90% stretched
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2.21	<p>The following table is a comparison with the end of Q4 in 2020/21</p> <table><tr><td></td><td>Q1 – Q4 Combined Percentage</td><td>Q1 – Q4 Combined Total</td><td>Targets</td></tr><tr><td>Major Development</td><td>82%</td><td>37/45</td><td>60% national 65% stretched</td></tr><tr><td>Minor Development</td><td>80%</td><td>460/574</td><td>65% national 75% stretched</td></tr><tr><td>Other Development</td><td>90%</td><td>1624/1806</td><td>80% national 90% stretched</td></tr></table>		Q1 – Q4 Combined Percentage	Q1 – Q4 Combined Total	Targets	Major Development	82%	37/45	60% national 65% stretched	Minor Development	80%	460/574	65% national 75% stretched	Other Development	90%	1624/1806	80% national 90% stretched
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2.23	Unfortunately, the government and stretch targets have not been met during every quarter over the period 1 April 2021 – 31 March 2022. However, as explained later in this report that has been an increase in the number of applications over the past three financial years and those increases have been within application types that require a significant level of officer time, which in turn has affected the capacity of the team.																
2.24	As shown in the table and figures below, the Council maintains a high approval rate across all types of applications and proactively look to support development where policy permits and work proactively with applicants and agents to secure appropriate schemes.																

2.25	For the period 1 April 2021 – 31 March 2022, the approved/refused figures for 'Planning Applications' are:		
		Permitted	Refused
	Delegated Planning Decisions	3515 (93.78%)	233 (6.22%)
	Committee Planning Decisions	83 (88.30%)	11 (11.70%)
Overall		3598 (93.65%)	244 (6.35%)

2.26 The above figures are shown in the pie charts below and in **Appendix K**.

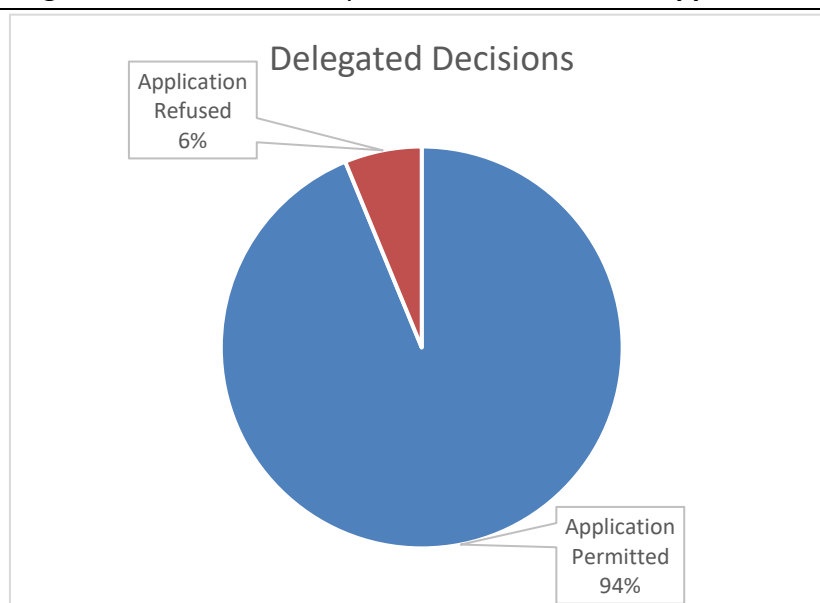


Figure 1: The proportions of all applications Approved or Refused at officer level in accordance with the scheme of delegation (withdrawn cases and consultation responses to other organisations are not shown here)

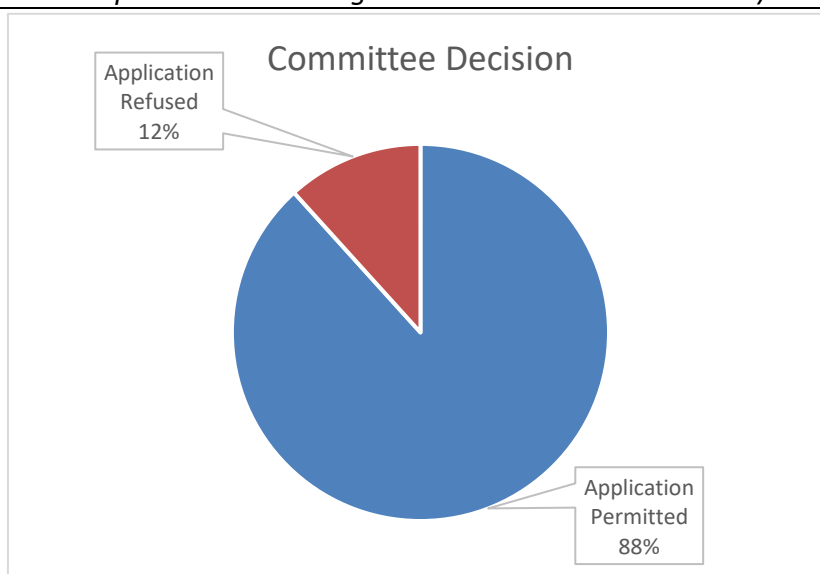
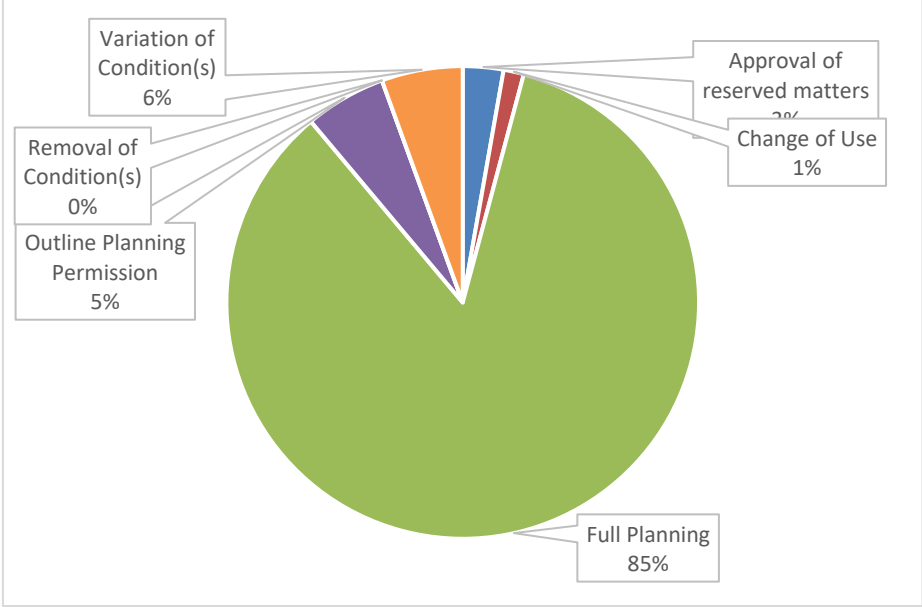


Figure 2: The proportions of all applications Approved or Refused via North or South Planning Committee (note withdrawn cases are not shown here)

	<p style="text-align: center;">Overall (Delegated and Committee Decisions)</p> <p>The pie chart illustrates the overall proportions of all applications approved or refused. The chart is divided into two segments: a large blue segment representing 'Application Permitted' at 94%, and a smaller red segment representing 'Application Refused' at 6%.</p> <p style="text-align: center;">Figure 3: The overall proportions of all applications approved or refused (withdrawn cases are not shown here)</p>
2.27	The charts in Appendix J , shows the number of approvals and refusals of Planning Applications, along with the proportions of each for each quarter from April 2019 to March 2022.
2.28	Where applications are refused Officers seek to defend those refusals strongly. Members will note the separate appeals report on the agenda which demonstrates confidence that applications are being refused where justified in planning terms and those decisions are for the most part upheld at appeal. Members will note that in respect of the same quarter the Council successfully defended 68% of all planning appeals.
2.29	<p><u>Determination Route</u></p> <p>In accordance with the scheme of delegation, as set out in the Council’s Constitution, all applications received by East Suffolk Council as Local Planning Authority are taken through one of three process determination routes.</p>
2.30	<p>As stated in the National Government guidance on determining planning applications:</p> <p style="padding-left: 40px;">“Who in a local planning authority makes a planning decision? Section 101 of the Local Government Act 1972 allows the local planning authority to arrange for the discharge any of its functions by a committee, sub-committee, or an officer or by any other local authority. An exception where this power may not apply is where the local authority’s own application for development could give rise to a conflict of interest, when regulation 10 of the Town and Country Planning General Regulations 1992 applies.</p>

	<p>The exercise of the power to delegate planning functions is generally a matter for individual local planning authorities, having regard to practical considerations including the need for efficient decision-taking and local transparency. It is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.</p> <p>Local planning authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised.”</p> <p>Paragraph: 015 Reference ID: 21b-015-20140306</p> <p>Revision date: 06 03 2014</p> <p>From Determining a planning application - GOV.UK (www.gov.uk)</p>
2.31	<p>In simplified terms, Planning Applications are either:</p> <ul style="list-style-type: none"> • delegated to the Head of Planning and Coastal Management, to be determined by officers • triggered and referred to the Referral Panel, which then either: <ul style="list-style-type: none"> • refer the determination of application to Planning Committee for determination or • delegate the determination of the application to the Head of Planning Services, to be determined by officers • taken directly to Planning Committee for determination at the discretion of the Head of Planning and Coastal Management and/or the Chairman of the Planning Committees
2.32	<p>The potential routes for the determination of applications are illustrated in Appendix A (Application Process Diagram).</p>
2.33	<p>During the period 1 April 2021 - 31 March 2022, there were 72 ‘Planning Applications’ determined via Planning Committee, 61 (84.72%) of which sought Full Planning Permission, 4 (5.56%) sought Outline Planning Permission, 4 (5.56%) sought a Variation of Condition, 2 (2.78%) sought Approval of Reserved Matters and 1 (1.39%) sought a Change of Use. There were no applications seeking the Removal of a Condition during the reporting period. These are illustrated in Figure 4 below.</p>

	 <p>Figure 4: The proportions of different types of planning application determined by Planning Committee during the period 1 April 2021 – 31 March 2022</p> <table border="1"> <thead> <tr> <th>Application Type</th> <th>Proportion</th> </tr> </thead> <tbody> <tr> <td>Full Planning</td> <td>85%</td> </tr> <tr> <td>Variation of Condition(s)</td> <td>6%</td> </tr> <tr> <td>Outline Planning Permission</td> <td>5%</td> </tr> <tr> <td>Approval of reserved matters</td> <td>2%</td> </tr> <tr> <td>Change of Use</td> <td>1%</td> </tr> <tr> <td>Removal of Condition(s)</td> <td>0%</td> </tr> </tbody> </table>	Application Type	Proportion	Full Planning	85%	Variation of Condition(s)	6%	Outline Planning Permission	5%	Approval of reserved matters	2%	Change of Use	1%	Removal of Condition(s)	0%
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Removal of Condition(s)	0%														
2.34	In accordance with the scheme of delegation all applications that are not ‘planning applications’ are delegated to the Head of Planning Services for determination. This is those applications which are not seeking the grant of planning permission, e.g. applications for Discharge of Conditions, non-material amendments etc).														
2.35	In addition, all ‘Planning Applications’ are delegated to the Head of Planning Services unless they are triggered either directly to either North, South or Strategic Planning Committees, or trigger the Referral Process. The triggers for each of these processes is detailed within the report on the Referral Process that is also on this meeting’s agenda.														
2.36	The figures relating to delegated cases set out below also include those cases that triggered the referral process and were subsequently delegated by the referral panel.														
2.37	During the period 1 April 2021 - 31 March 2022, there were 1759 ‘Planning Applications’ determined at officer level, 1627 (92.50%) of which sought Full Planning Permission, 103 (5.86%) sought Variations of Conditions, 18 (1.02%) sought Outline Planning Permission, 7 (0.4%) sought Approval of Reserved Matters, 3 (0.17%) sought Removal of Conditions) and 1 (0.06%) sought a Change of Use. These are illustrated in Figure 5 below.														

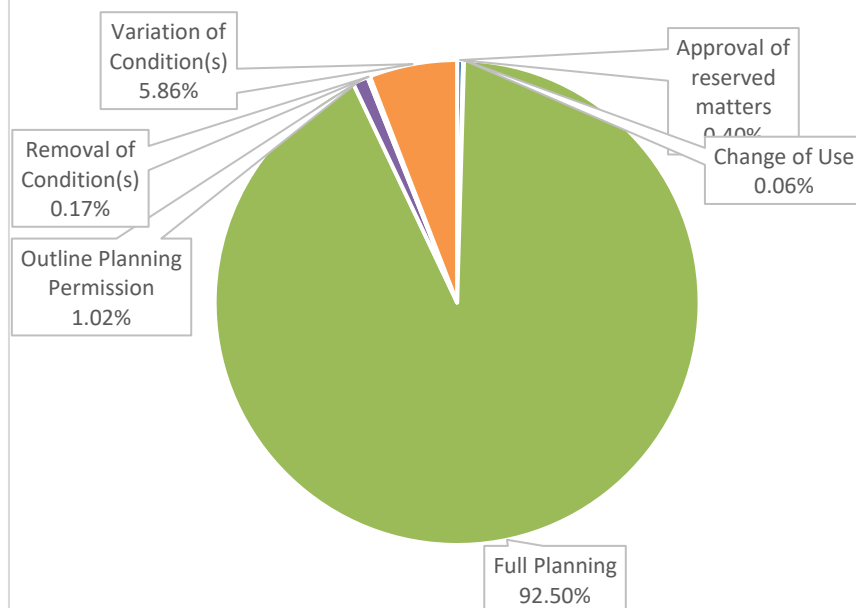


Figure 5 : The proportions of different types of planning application determined under the scheme of delegation during the period 1 April 2021 – 31 March 2022

2.38 There is a separate report on this agenda which explains the Referral Process and Planning Committee process in detail including the referral triggers, and sets out detailed data in relation to the numbers of applications going through that process, decision outcomes and implications upon timeliness of decisions. The appendices to that report also provide more detail on data relating to the Referral Process for the period 1 April 2019 to 31 March 2022.

2.39 **Timeliness of decisions**

It is recognised that the Referral Panel process and the Planning Committee Process are important to the democratic process of determining planning applications, but the potential implications for the timeliness of decision making also needs to be acknowledged.

2.40 Whilst all planning applications have to go through public consultation and other legislative processes, by their very nature the different determination process routes affect how quickly the application can be processed, considered, and determined. For example, if an application triggers the referral process this adds at least a week to 10 days to the determination process, and then if that item is referred to committee realistically there is the potential for up to four weeks be added to the process if the relevant committee meeting has just occurred. However, often the timeframe can be shorter, depending upon where in the committee cycle the application falls.

2.41 As explained in the other report on this agenda relating to the referral panel and committee processes can add time to the determination process of applications, which is reflected in the figures relating to the timeliness of decision making. For the period 1 April 2021 – 31 March 2022, 56.23% of delegated decisions on 'Planning Applications' were in time compared to just 4.17% of applications that were determined via the planning committee route, with 31.72% of delegated decisions being determined within an agreed Extension of time, compared to 75% of planning applications determined via planning committee, with just 12.05% of delegated decisions out of time compared to 20.83% of Planning Committee decisions. This is illustrated in **figures 6 and 7** below, which are also included in **Appendix I**.

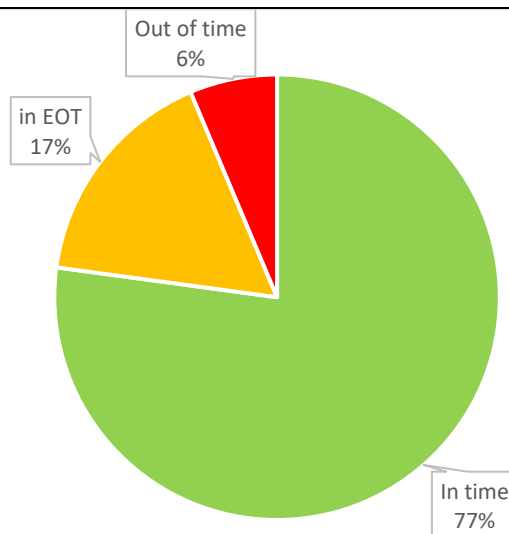


Figure 6 : The timeliness of 'Planning Applications' determined at Officer level between 1 April 2021 and 31 March 2022 (excluding those items taken via Referral Process prior to determination)

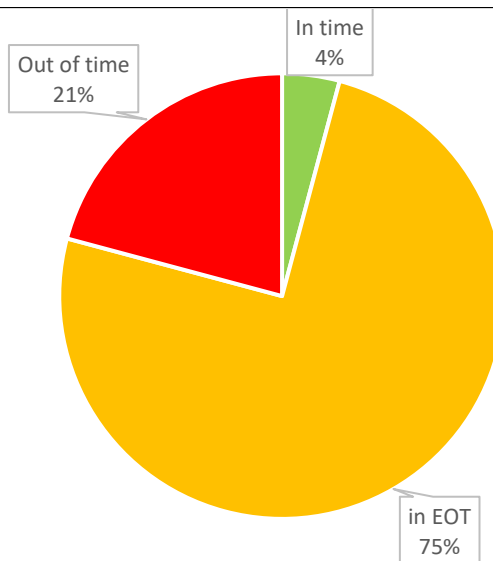
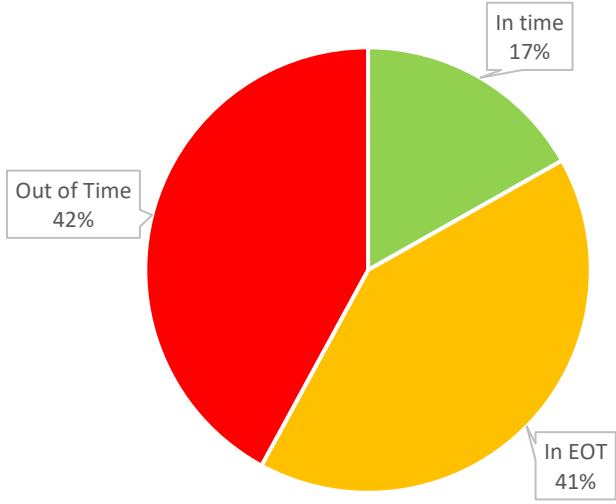


Figure 7: The timeliness of 'Planning Applications' determined at Planning Committee between 1 April 2021 and 31 March 2022

2.42	It is clear from the above figures, that a significantly higher proportion of applications determined via the Planning Committee route are beyond the government set target dates, than those determined at officer level. This is to be expected given the necessary lead-in times and where meeting dates etc can fall in relation to consultation processes etc during the lifetime of each application.								
2.43	The importance of the Planning Committee to the democratic process is recognised, and therefore some impact upon the overall Local Planning Authority statistical returns is accepted. However, a balance between the democratic process and timeliness of decision much be maintained.								
2.44	As illustrated on figure 8 below, there are similar implications in terms of timeliness arising from the Referral Panel Process.								
	 <p>Figure 8: The timeliness of 'Planning Applications' determined by officers after being delegated by the Referral Panel between 1 April 2021 and 31 March 2022</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>In time</td> <td>17%</td> </tr> <tr> <td>In EOT</td> <td>41%</td> </tr> <tr> <td>Out of Time</td> <td>42%</td> </tr> </tbody> </table>	Category	Percentage	In time	17%	In EOT	41%	Out of Time	42%
Category	Percentage								
In time	17%								
In EOT	41%								
Out of Time	42%								
2.45	Whilst the figures for applications triggering the referral process are better than those for applications determined via Planning Committee, as illustrated above a significantly higher proportion of applications delegated by the referral panel are beyond the government target date than those that do not trigger the referral or committee process.								
2.46	As with planning committee, the importance of the Planning Committee to the democratic process is recognised, and therefore some impact upon the overall Local Planning Authority statistical returns is accepted. However, a balance between the democratic process and timeliness of decision much be achieved.								

2.47	<p><u>Planning Appeals</u></p> <p>The outcomes of appeals are reported on a quarterly basis to the Strategic Planning Committee, and the latest of these reports is also on this meeting's agenda. These reports include summaries of the outcomes and key issues raised in all appeal decisions along with an analysis of the percentage of cases dismissed or allowed on appeal for Major, Minor and Other application types. They relate to all appeal decisions received since the previous report, so do not fully align with the financial year that this report is covering, and therefore the numbers outline are not identical to those reported in those quarterly reports.</p>
2.48	<p>During the period 1 April 2021 to 31 March 2022, there were 66 appeal decisions received, 4 (6%) of which related to Majors, 42 (63.6%) of which related to Minors and 20 (30.3%) that related to others (Figure 4 in Appendix L).</p>
2.49	<p>Of these appeal decisions 93.9% related to cases that were refused by officers under the scheme of delegation, 4.6% related to cases that were refused by committee contrary to officer recommendation and 1.5% were appeals against non-determination in relation to applications that were deferred by Planning Committee. None of the appeals relating to cases at Planning Committee were dismissed, as all four appealed committee determined cases were either allowed (1 Major and 2 Minors) or withdrawn prior to the appeal being determined (1 Major). These proportions are illustrated in Figure 1 in Appendix L</p>
2.50	<p>In terms of the appeals relating to Major applications, one was dismissed (25%), two were allowed (50%) and one was withdrawn (25%) as shown in Figure 5 in Appendix L.</p>
2.51	<p>The dismissed appeal related to a 'Major' was an application refused at officer level in accordance with the scheme of delegation (DC/20/1636/OUT, APP/X3540/W/21/3276418). In terms of the allowed appeals, the first related to a delegated refusal (DC/19/3196/FUL, APP/X3540/W/20/3259654, Kelsale Cum Carlton) and the second to an application which was against non-determination following deferral at the South Planning Committee (DC/20/3362/FUL, APP/X3540/W/21/3280171, Grundisburgh). The withdrawn appeal related to an application which was recommended by officers for approval to the South Planning Committee, where the recommendation was overturned, with the application being refused.</p>
2.52	<p>In terms of the appeals relating to Minor applications 29 (69%) were dismissed, 12 (28.9%) allowed, and one (2.38%) had a split decision, as shown in Figure 6 in Appendix L.</p>
2.53	<p>Of the Allowed Appeals relating to Minor applications, two (16.7%) were applications determined via the Planning Committee Process, and 10 (83.3%) were determined at officer level.</p>

2.54	In terms of those Minor cases determined at officer level 29 (74.4%) were dismissed on appeal and only 10 (25.6%) were allowed. In comparison with the rate for committee determined Minor cases which was 100% allowed on appeal as there were only two appeals against minor applications determined at appeal, and they were both allowed.
2.55	The outcomes on appeals relating to 'Other' applications were 15 (75%) dismissed, 5 (25%) allowed, with no appeals withdrawn or split decisions. These proportions are illustrated in Figure 7 in Appendix L
2.56	All of 'other' applications which were the subject of appeal were cases that were determined at officer level in accordance with the scheme of delegations.
2.57	<p>During the past year the National Figures for all Appeals were:</p> <ul style="list-style-type: none"> - Quarter 1 (April – June 2021) 31% allowed, - Quarter 2 (July-Sept) 28% allowed - Quarter 3 (Oct-Dec) 28% allowed - Quarter 4, yet to be published. <p>(Data from Planning Inspectorate statistical release 20 January 2022 - GOV.UK (www.gov.uk))</p>
2.58	During the 2021-22 year, 28.79% of appeals were allowed, which is not dissimilar to the national averages outlined above. Therefore, there are no concerns regarding the overall appeal performance and quality of planning decisions made by East Suffolk.
2.59	There is a variation between the proportion of appeals allowed on applications that were determined via committee in comparison with those determined at officer level.
2.60	<p><u>Pre-application Advice</u></p> <p>Officers continue to work proactively with agents to promote the pre-application service to seek to ensure that where applications are submitted they have the right level of information accompanying them to enable swift decisions on applications to be made.</p>
2.61	During the period 1 April 2021 – 31 March 2022, 956 written pre-application submissions were responded to. This is a slight decrease on the previous year of just 0.05%, 1 April 2020-21 March 2021, during which 1007 pre-application submissions were responded to, but represents an increase of 2.51% from the 2019/20 period.
2.62	Although no formal consultation process takes place as part of the pre-application process, such submissions can require a significant amount of officer time not only from the DM case officer, but also from the support team logging the case and issuing the final written response letter, specialist services officers providing input and from senior officers who review the written feedback reports provided before issue.

2.63	However, officers recognise the importance of the pre-application process in terms of adding value to improve schemes early in the process before a formal application is submitted.
2.64	It is also recognised providing advice on the potential need for consent, which means those that utilise this service can avoid undertaking works that require planning, advertisement or listed building consent, and thus at least in theory reduce the number of breaches of planning control.
2.65	Alongside this service, the Development Management and Enforcement Team provide a duty officer system, on all working weekdays. It is operated on a rota system by those within the team, who provide informal advice to simple planning enquiries of a nature which can be responded to without significant research or review of significant amounts of submitted information.
2.66	<p><u>Planning Enforcement</u></p> <p>The Enforcement Performance Report also on this agenda includes details of enforcement cases received, enforcement cases closed, reasons for closure, time taken to close cases and the Enforcement Notices Served between 1 July 2019 and 31 March 2022.</p>
2.67	<p>In considering the role and activities of Planning Enforcement at East Suffolk Council, key consideration should be given to paragraph 59 of the NPPF which states:</p> <p><i>“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”</i></p>
2.68	The Enforcement Statistics for the period 1 July 2019 to 31 March 2022 are set out in more detail in Appendices N to P .
2.69	As illustrated in Figures 1, 2, 5 and 6 of Appendix M , there is significant variation in number of enforcement cases received during each month, but since July 2020, there has consistently been more than 100 planning enforcement complaints made to the team, with significantly higher numbers in quarters 2 and 3 of the 2021-2022 year (July to September and October to December 2021), with more than 160 and approximately 180 respectively.
2.70	There is also a significant variation in the number of cases closed (Figures 3, 4, 5 and 6 of Appendix M) However, this is influenced by not only the number of planning enforcement complaints received/cases created, but also the nature of the complaint and if is a breach. All planning Enforcement complaints have to be logged and investigated before they are closed, and whilst they all require significant officer time to log and investigate some cases by their very nature are likely to be quicker to resolve than others.

2.71	It is positive to note as illustrated in Figure 6 of Appendix M that whilst there are exceptions during the month of December 2021 and March 2022, when looked at on a quarterly based, during the past three quarters (i.e. since July 2021) more cases have been closed than logged. Therefore, officers should be commended for their efforts.
2.72	Figures 1 and 9 within Appendix N , show that a significant proportion of enforcement cases received are closed because they are not actually a breach of planning control. However, all of these cases have to be logged and investigated (including site visits). Cumulatively the investigation of all of these cases that turn out not to be breaches of planning control requires a significant amount of officer time and resource from the officers investigating planning enforcement matters.
2.73	As illustrated in Figures 3 and 9 of Appendix N , many enforcement cases are closed because planning permission is granted, which rectifies the breach. Such cases also have to be logged and investigated, and an assessment has to be made as to whether planning permission is likely to be granted, and if that is the case, the site owner/operator contacted and encouraged to submit a formal planning application, with potentially numerous contacts with both the site owner and complainant required during this process. Therefore, cumulatively the investigation of all of these cases that subsequently result in the submission of a formal planning application, require a significant amount of officer time and resource from the officers investigating planning enforcement matters.
2.74	The other key reason why enforcement cases are closed is because the breach is rectified through compliance (e.g. the use ceased). The numbers per month are set out in Figures 2 and 9 of Appendix N . Such cases also have to be logged and investigated, and an assessment has to be made as to whether planning permission is likely to be granted, and in cases where it is not, the site owners/operators are contacted advising them of the breach of planning and to cease the use/remove the unauthorised works. There can be potentially numerous contacts with both the site owner and complainant required during this process, alongside other elements of the investigation and gathering evidence process. Therefore, cumulatively the investigation of all of these cases that subsequently result in the submission of a formal planning application, require a significant amount of officer time and resource from the officers investigating planning enforcement matters.
2.75	It is acknowledged that a significant proportion of the enforcement cases take more than 40 days to be closed. Ideally a higher proportion of the enforcement cases would be closed quicker than this time frame. However, by its very nature planning the investigation of planning enforcement complaints takes time. For example, in many cases, it is not known if a complaint is a breach of planning control or permitted development until a site visit has taken place so officers can establish what physical works have taken place or use is suggested as taking place, and in the case of uses, often further desktop based investigation such as web searches and contact has to be made with both the complaints and the owners/operators to gather further information in order to establish the true nature of the use, before it can be established if Planning Regulations have been breached.

2.76	Whilst it is acknowledged that the number of enforcement notices served as set out in Appendix P , may not sound significant, the numbers shown should not be taken in isolation. The numbers must be considered in the context of the proportion of enforcement cases that are either not breaches of planning control, are permitted development or are resolved through either the granting of consent or the cessation of the use/rectifying the breach in another way. Cases of that nature would never get as far as requiring an Enforcement Notice.
2.77	Enforcement Notices are only issued where absolutely necessary and it is proportionate to take such action (as per the NPPF paragraph 59 requirements referred to above). Wherever possible officers seek to resolve breaches of planning control by informal means rather than the serving of notices, as it can often result in resolution more quickly without the need for legal action, and potentially extensive ongoing investigation and evidence gathering by officers.
2.78	The team is in the process of an audit review of processes and the production of an action plan for the planning enforcement service, which is intended to be published to Strategic Planning Committee in October.

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 performance of the Development Management Team in terms of the speed of determining planning applications is noted.
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Appendices

Appendices:	
Appendix A	Application Process Diagram
Appendix B	Types of application determined on an annual basis between 1 April 2019 – 31 March 2022
Appendix C	Types of application determined on a quarterly basis between 1 April 2019 – 31 March 2022
Appendix D	The number of valid applications submitted each quarter between 1 April 2019 – 31 March 2022
Appendix E	The number of householder applications received and determined during each quarter between 1 April 2019 and 31 March 2022

Appendix F	The average number of valid applications allocated and the number of applications determined per quarter at senior officer, planning officer and assistant/trainee level between 1 April 2019 – 31 March 2022
Appendix G	The quarterly statistics for Minors, Majors and Minors between 1 April 2019 and 31 March 2022
Appendix H	The quarterly statistics for Minors, Majors and Minors between 1 April 2021 and 31 March 2022
Appendix I	Proportions of applications determined in time, within an Extension of Time (EOT) and out of time, via the different determination process routes between 1 April 2021 and 31 March 2022
Appendix J	The proportions of applications approved or refused during each quarter between 1 April 2019 and 31 March 2022 (via all determination routes).
Appendix K	The proportions of applications approved or refused via Planning Committee, delegated to officers and overall during the period 1 April 2021 – 31 March 2022.
Appendix L	Outcomes of Appeals between 1 April 2021 – 31 March 2022
Appendix M	The number of enforcement cases logged/received and closed during each month and each quarter between 1 July 2019 and 31 March 2022.
Appendix N	The reasons enforcement cases were closed during each month between 1 July 2019 and 31 March 2022.
Appendix O	The timeframes for the closure of enforcement cases between 1 July 2019 and 31 March 2022.
Appendix P	The numbers of enforcement notices served during each quarter between 1 July 2019 and 31 March 2022.

Background reference papers:

None.