
TITLE: Review of Planning Appeal Decisions

Committee: Planning Committee

Date: 1 April 2015

Author: Sue Wheatley, Planning Manager

[P222]

1.0 ISSUE

- 1.1 When a decision is made upon a planning application it is possible for an applicant to lodge an appeal with the Planning Inspectorate. This can be against a refusal or against any of the conditions which are imposed on a permission. Members will recall that they received a report analysing appeal performance over the last 5 years with a more detailed snapshot in relation to the last 2 years at their meeting on 3 December 2015.
- 1.2 It was agreed that a summary of appeal decisions should be presented quarterly to Planning Committee.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that Members Note the Contents of the Report.

3.0 BACKGROUND/OPTIONS

- 3.1 Householder appeals must be lodged within 12 weeks of the date of the decision on the application. Other appeals must be lodged within six months. Appeals can be dealt with under different procedures, such as written representations, informal hearings or public inquiry. In the past the appellant (person lodging the appeal) could choose the appeal method. The Planning Inspectorate now makes this decision.
- 3.2 Parties are expected to meet their own appeal costs however an Inspector can make an award of costs against either party if that party have acted unreasonably and this has caused the other party to incur unnecessary or wasted expenditure. The usual reason that a cost award is made against a Local Planning Authority is where it has failed to substantiate a reason for refusal.
- 3.3 The appeal performance targets included within the Service Delivery Plan
- 60% success rate for planning appeals.
 - Less than 20% of decisions on applications for major development overturned at appeal.

3.4 Appendix 1 includes details of the appeal decisions since the previous report. The success rate is 70% and there was only one major appeal and this was dismissed.

3.5 Appendix 2 includes details of outstanding appeals.

4.0 ARGUMENTS/CONCLUSIONS

4.1 The appeal performance is satisfactory but due to the implications of reaching wrong decisions it is important to continue to monitor performance. It is therefore proposed to highlight appeal decisions to Planning Committee monthly rather than twice yearly, when the case is fresh in the Committee's mind.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 The cost of defending an appeal can be significant; particularly if it is dealt with by Public Inquiry. Counsel and expert witnesses may need to be instructed. These costs can be even more significant if the Inspector makes an award of costs against the Council.

5.2 Equality Impact Assessment (INRA) not required

6.0 APPENDICES

6.1 Appendix 1 – Detailed review of the appeal decisions since previous report.

6.2 Appendix 2 – Outstanding Appeals

Background Documents

Planning application files referred to in Appendix 1 and 2

Location

Room 011A
The Grange,
Ely

Contact Officer

Sue Wheatley
Planning Manager
(01353) 616229

E-mail:

Sue.wheatley@[eastcambs.gov.uk](mailto:Sue.wheatley@eastcambs.gov.uk)