

South Lakeland District Council
PLANNING COMMITTEE
27th April 2017
APPEALS UPDATE

PORTFOLIO:	Not applicable
REPORT FROM:	David Sykes - Director People and Places
REPORT AUTHOR:	Mark Shipman – Development Management Group Manager
WARDS:	All, not wholly within a National Park
FORWARD PLAN:	Not applicable

1.0 EXPECTED OUTCOME

- 1.1 The report updates Members on performance measures and recent appeals. It is anticipated that targets and objectives will continue to be achieved at the year end.

2.0 RECOMMENDATION

- 2.1 It is recommended that Members note the report and the contents of appendix 1.

3.0 BACKGROUND AND PROPOSALS

- 3.1 There have been two decisions received since the last committee. These and undecided appeals are shown as set out in appendix 1.
- 3.2 The Growth and Infrastructure Act 2013 sets out the legal mechanism to measure the performance of a Council to determine whether they should be placed in special measures. One of the indicators is whether more than 20% of appeals for major applications were being lost over a two year period.
- 3.3 There used to be a Best Value Performance Indicator relating to all appeals which measured the efficiency of planning policies; we continue to measure appeals decisions against an overall target of 33% allowed appeals.

4.0 CONSULTATION

- 4.1 Not applicable.

5.0 ALTERNATIVE OPTIONS

5.1 Not applicable

6.0 LINKS TO COUNCIL PRIORITIES

- 6.1 This report links to the aim of “Enhance and protect the district’s high quality environment.”
- 6.2 Locally we have set a target of a maximum number of appeals allowed as 33%. All enforcement appeals are discounted from the indicator because it measures the efficiency of planning policy. The current overall performance, calculated from those decisions received since 1 April 2017 (taking account of decisions not reported in March), is 100% success in defending appeals against refusal (that is 0% allowed and this is above the maximum local target). As reported last month some of these decisions hinge on matters of planning judgement and not policy, therefore planning policy is not considered to be inefficient.
- 6.3 The Government measures appeal performance on major applications over a two year period and set the target at 20%. The measure used for assessing the quality of decisions is the percentage of decisions on applications for major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government (DCLG).
- 6.4 The percentage figure for the assessment period as a whole is used. The nine months specified in the measure are to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged, and for the outcome of those appeals to be known.
- 6.5 The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation (designation is considered annually in October), taking into account the nine months to be allowed for beyond the end of the assessment period. The period under consideration is 1 January 2012 to 31 December 2014 and the figures are taken from the DCLG website.

Total major application decisions	Major applications not decided	Total major decisions and non-determined cases	Total major appeal decisions	Major decisions overturned at appeal	Quality of decisions (% overturned at appeal)
140	1	141	5	2	1.4

The quality of decision making performance is 1.4% and is well below the 20% threshold to trigger the Council being placed in Special Measures, applying this criterion. South Lakeland District Council is ranked 141 / 336 nationally.

- 6.6 DCLG also publish appeal decision for “Minor and Others” combined, and the Housing and Planning Act 2016 states that this will be another measure to determine if a Local Planning Authority is to be placed in special measures. With this in mind the following extract is presented for Member’s information. The same time period is used.

Total minor and other decisions	Minor and other applications not decided	Total minor and other and non-determined cases	Total minor and other appeal decisions	Minor and other decisions overturned at appeal	Quality of decisions (% overturned at appeal)
1220	0	1220	39	6	0.0

It is proposed by the Government that the target to be achieved is between 10% - 20% overturned on appeal. South Lakeland District Council had 0.005% overturned and is ranked 43 / 336 nationally.

7.0 IMPLICATIONS

7.1 Financial and Resources

- 7.1.1 The recommendations in this report do not have any cost implications.

7.2 Human Resources

- 7.2.1 The recommendations in this report do not have any staffing implications.

7.3 Legal

- 7.3.1 Not applicable.

7.4 Social, Economic and Environmental

- 7.4.1 This report does not have any registered significant environmental effects.

7.5 Equality and Diversity

- 7.5.1 The Statement of Community Involvement takes account of the equalities issues in seeking to define South Lakeland’s community and interests relevant to the Local Development Framework which will influence the determination of individual planning applications.

7.6 Risk

Risk	Consequence	Controls required
Failure to achieve the National Performance target of less than 20% of major application appeals being allowed over a 2 year period. It is anticipated that there will be a target of 10 – 20% for a quality performance indicator in relation to all minor and	Ultimately the failure to achieve Government targets in relation to major appeals could result in the Council being put into Special Measures and the powers to determine major applications being lost to central Government / Planning	Target of maximum number of appeals “allowed” - 33% and majors at 20%. Ensure that sufficient resources maintained in planning so that major applications in particular are dealt with within targets thus avoiding non-determination appeals. Ensure that applications are determined in accordance with policy and that

Risk	Consequence	Controls required
other planning application appeals.	Inspectorate.	there is a presumption in favour of sustainable development.

CONTACT OFFICERS

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APPENDICES ATTACHED TO THIS REPORT

Appendix No.	
1	A table showing appeal decisions received from the Planning Inspectorate, and all appeals that are still awaiting a decision.

BACKGROUND DOCUMENTS AVAILABLE

Name of Background document	Where it is available
Various planning files	Planning Department / website:

TRACKING INFORMATION

Assistant Director	Portfolio Holder	Solicitor to the Council	SMT	Scrutiny Committee
11 th March 2017	n/a	11 th March 2017	n/a	n/a
Executive (Cabinet)	Committee	Council	Section 151 Officer	Monitoring Officer (Corporate Director)
n/a	27 th April 2017	n/a	n/a	n/a
Human Resource Services Manager	Leader	Ward Councillor(s)	Development Management Group Manager	
n/a	n/a	n/a	11 th March 2017	

APPENDIX 1

Site	Description	SLDC Decision	Planning Inspectorate Ref and start date South Lakeland Planning Ref	Planning Inspectorate Decision
GRANGE over SANDS: Monton, Cart Lane	Appeal against issue of Enforcement Notice	<i>ENFORCEMENT</i>	APP/M0933/C/16/3153405 15/07/16 SL/2016/0700	Enforcement Notice QUASHED COSTS partially awarded 4 April
CASTERTON Casterton Lower School (Bronte House, Crookenden House and Garner House)	Conversion of former boarding school to provide 17 additional dwellings (total of 20)	<i>Refused 24/6/16</i>	APP/M0933/W/16/3156343 9/09/16 (<i>INQUIRY</i>) SL/2016/0016	Awaited
BEETHAM Land at Corner of Arnside Lane, Hale	Dwelling	<i>Refused 24/6/16</i>	APP/M0933/W/16/3164582 4/1/17 SL/2016/0412	DISMISSED 7 March
GRANGE over SANDS Westerley, The Esplanade	Single dwelling and vehicular access	<i>Refused 1/8/16</i>	APP/M0933/W/16/3159462 22/2/17 SL/2016/0402	Awaited

Site	Description	SLDC Decision	Planning Inspectorate Ref and start date South Lakeland Planning Ref	Planning Inspectorate Decision
ALDINGHAM The Copper Dog, Leece	Demolition of former public house and erection of five detached dwellings with parking spaces and one detached garage (Revised scheme SL/2014/0794)	<i>Refused 22/6/16</i>	APP/M0933/W/16/3165777 20/3/17 SL/2015/1153	Awaited