



## Planning Appeal Performance

Executive Portfolio Holder:	Tony Lock, Protecting Core Services
Strategic Director:	Netta Meadows, Service Delivery
Lead Officer:	Barry James, Interim Lead Specialist (Built Environment)
Contact Details:	Barry.James@southsomerset.gov.uk or 01395 462463

## Purpose of the Report

1. This report provides Members with information about the Council's performance at planning appeals. It sets out the number of appeals submitted and the Council's success rate when the different types of appeals have been considered by the Inspectorate.

## Forward Plan

2. The requirement for this report appeared on the District Executive Forward Plan with an anticipated Committee date of September 2020.

## Public Interest

3. The information provides a summary of how the Council is performing in relation to planning appeals.

## Recommendations

4. That District Executive note the contents of the report.

## Background

5. The Council is a Local Planning Authority with responsibility for determining a range of planning applications. Applicants have the opportunity to submit an appeal to the Planning Inspectorate if a) they disagree with the decision (i.e. if their application was refused, or if it was approved with conditions that they do not agree with), or b) if a decision hasn't been made within an appropriate time. There is no fee for appealing, and the only person who can appeal is the applicant.
6. Council performance relating to appeals is measured by the Government; the percentage of the total number of decisions made by a Council that are subsequently overturned at appeal is the indicator used, and both major and minor application types are assessed. The threshold for designation of an authority is 10% of their total number of decisions being overturned at appeal. In this context designation means "*the Secretary of State considers that there are respects in which the authority is not adequately performing their function of determining applications*".



7. For information there is a speed indicator (60% of major developments to be determined within their time period, 70% of non-major developments) alongside the appeal/quality indicator of 10% appeal decisions overturned.
8. Designation means the loss of planning powers locally. It means applicants can apply directly to the Planning Inspectorate for proposals in the category of applications for which the authority has been designated. For example, where an authority has been designated as underperforming in relation to its performance in determining major applications, applicants for major development will have the option of being able to apply directly to the Planning Inspectorate; applicants for non-major development would continue to apply directly to the local planning authority.

### **SSDC's Appeal Statistics**

9. Between the period of 1<sup>st</sup> April 2019 to 29<sup>th</sup> July 2020 a total of 57 appeals were submitted, broken down as follows (please note updated statistics will be provided if available by the date of the meeting):

North Area: 13  
East Area: 14  
South Area: 5  
West Area: 25

10. Of the 57 appeals submitted 14 were allowed. The number of cases that were determined by Committee and subsequently appealed is six (2 in East, 2 in West, 2 in North). Of those six Committee decisions appealed five were allowed.
11. Requests for costs were made alongside 4 of the 6 Committee-related appeals. Three of these were granted, either partially or fully. No request for an award of costs were submitted with appeals following delegated refusals.
12. The statistics therefore indicate that decisions at Committee which have not been successfully upheld at appeal are much more likely to be accompanied by an award of costs. This has financial implications for the Council.
13. As noted above, a Council may be designated if its performance at appeal results in 10% of all decisions being overturned. In terms of planning appeals lost as a percentage of all decisions:  
  
Quarter 2 of 2019/20 – 2%  
Quarter 3 of 2019/20 – 0.88%  
Quarter 4 of 2019/20 – 0.83%  
Quarter 1 of 2020/21 – 3.39%
14. These percentages are well below the threshold for designation; that said, the Council should always strive for the best performance it can achieve through its planning service including at appeals. It is appropriate to address this issue and in



## South Somerset District Council

order to do so, and to ensure more consistency in decision making, the Lead Specialist is to put in place regular meetings with the Chairs of the Committees. Officers will also be clear with their advice on the potential impacts of certain decisions to Members whilst they deliberate cases before making their decision.

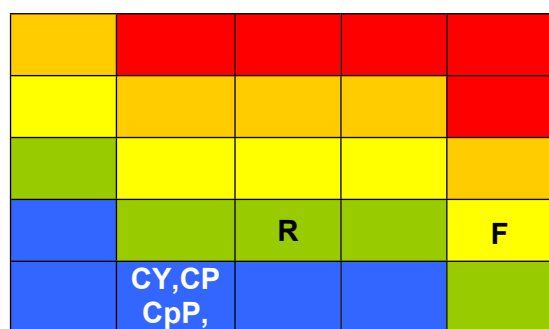
### Financial Implications

15. The Council has been on the negative end of decisions relating to an award of costs in 3 cases during this period, all of which were as a result of a Committee decision. There is a financial benefit therefore to ensure the process of determination in cases is expedient and professionally handled, and that where a request for an award of costs is submitted that the Council provides the Inspector with a suitable response.
16. Another financial implication to consider is that Area Committees can meet the cost resulting from a refused application where Officers advise against the decision. The Council should work to try to avoid this situation as often as possible as the Council is often at a weakened position at appeal. The Constitution states that *“Applications which an Area Committee wishes to refuse, where, in the opinion of the Director (Service Delivery), the proposed grounds for refusal would be difficult to substantiate - unless the Area Committee is prepared to meet any costs arising from such a refusal from their Area Budget”*.

### Risk Matrix

17. The risk matrix shows risk relating to the Corporate Plan headings.

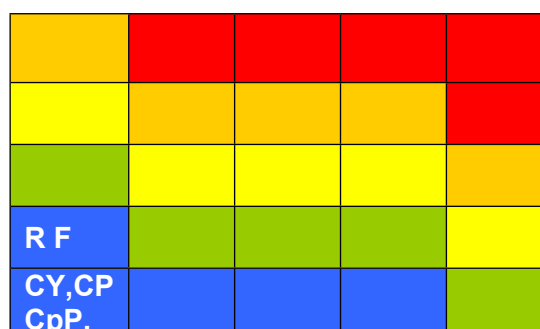
**Risk Profile before officer recommendations**



Likelihood



**Risk Profile after officer recommendations**



Likelihood



#### Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability



## **South Somerset District Council Council Plan Implications**

- Deliver a high quality, effective and timely service to our customers and communities
- Ensure development which is sustainable, where people want to live and communities can thrive

### **Carbon Emissions and Climate Change Implications**

There are no climate change implications resulting from this report.

### **Equality and Diversity Implications**

There are no equality or diversity implications associated with this report.

### **Privacy Impact Assessment**

There are no personal data or personal data processing implications associated with this report.

### **Background Papers**

Individual planning appeal decisions are published on the SSDC website at this link:  
<https://www.southsomerset.gov.uk/services/planning/planning-appeal-process/>

---