

REPORT FOR: PLANNING COMMITTEE.

Date of Meeting: 12 February 2014

Subject: **INFORMATION REPORT –
Appeals and Enforcement
Update Report**

Responsible Officer: Beverley Kuchar – Head of
Development management and
Building Control

Exempt: No

Enclosures: Enforcement Register Quarter 3
2013/2014

Section 1 – Summary

This report provides the Committee with an overview of Planning appeal decisions and an overview of enforcement statistics for Quarter 3 of 2013/14.

FOR INFORMATION

Section 2 – Report

2.1 Appeals Background

This report provides the Committee with an overview on the appeal decisions received by the Council in Quarter 3 of 2013/2014.

2.2 Overview

The decisions of the Council as Local Planning Authority are subject to a right of appeal. Appeals are made to the Planning Inspectorate, an agency of Government, established independently by the Secretary of State to review and in most cases, determine, planning appeals submitted. Planning Appeals may be determined by 'written representations' – where the appeal is 'heard' by an exchange of written correspondence; an 'informal hearing' – where the parties meet to explore the reasons for refusal with a Planning Inspector or by way of a public inquiry, where formalised examination of the evidence takes place under the Direction of an Inspector.

The majority of planning appeals are heard by way of written representations. Public Inquiries, because of their cost and the delay associated with them, are the least common form of appeal in the borough.

In addition to the consideration of the planning merits of a specific application – centred upon the reasons for refusal, in some cases, Planning Inspectors will determine claims against the Council for applicants (or the Councils) costs arising as a result of unreasonable behaviour.

2.3 Appeal Decisions by Type

Table 1: Appeal Decisions by Type – 1st October 2013 – 31st December 2013

Summary of Appeal Decisions (1st October 2013 – 31st December 2013)
Householder Appeals 23 Decided 8 Allowed % Allowed = 34%
Enforcement 0 Decided 0 Allowed % Allowed = 0%
Others (Written representations, informal hearings, public inquiries) 15 Decided 4 Allowed % Allowed = 26%

Majors

1 Decided

0 Allowed

% Allowed = 0%

The above table summarises the results of appeal decisions by type in the previous quarter (Q3). 30% of applications were allowed in this quarter which is an increase on appeals allowed than in quarter 2. However, performance in major applications has remained consistent with no major applications allowed and the percentage of others allowed over and above last quarter is not considered significant (5%).

The main decline in performance has been in householder appeals where there has been double the percentage of applications allowed on appeal in this quarter than quarter 2. The percentage of householder applications allowed on appeal in this quarter is, however, less than in quarter 1 in which half all householder appeals were allowed by the Planning Inspectorate. In order to sustain the performance results from Q2 the development management team needs to continue to ensure that site circumstances are fully considered in the determination of applications including ensuring that the impact on neighbouring occupiers is fully considered and justified. It is also important to recognise that a number of the householder applications determined by the Planning Inspectorate this quarter were originally determined in 2012 and early 2013.

There have been no costs applications awarded against the Council this quarter. There has not been any enforcement appeals determined this quarter.

2.4 Conclusion (Appeals)

Planning Appeals introduce considerable additional costs to the planning application process for both applicants and the Council. They also prolong the uncertainty surrounding new development for surrounding residents and businesses. The outcome of planning appeals can be uncertain for both applicants and the Council. Wherever possible, the Planning Division is seeking to avoid unnecessary appeals by providing better, earlier and more consistent guidance and by ensuring that planning applications submitted respond to clear policy guidance setting out the expectations of the Council for quality, sustainability and amenity. When an application is refused, work within the team is increasingly focused upon ensuring that sound and clear reasons for refusal are provided, to enable an applicant to understand what needs to be changed (if possible) to make a proposal acceptable, and to allow the most robust defence of such reasons in the event of an appeal.

2.5 Planning Enforcement

Below is a summary of enforcement statistics for the 3rd Quarter 2013/14. A copy of the enforcement register for this quarter is appended to this report for information. For the majority of last year, the planning enforcement team had

to operate with only 2 officers. The Development Management team structure had been changed to bring the enforcement officers into the area teams to work more closely with the area team managers and with the case officers within each team, with the effective implementation date on 1 April 2013.

Planning enforcement continues to receive a significant number of complaints regarding alleged breaches of planning control, and notwithstanding the reduction by 50% in the number of dedicated enforcement officers from 4 to 2 for the majority of the year, the number of complaints investigated and closed has remained consistent. However the current administration, resolved to invest more into the team given the number of outstanding cases that remained uninvestigated and as a result a recruitment drive secured the services of two (2) additional officers who joined the team in November 2013. The two new officers are tasked with reducing the backlog of outstanding cases and initiating the appropriate action required to resolve the breaches of planning control. In addition 2 officers are actively pursuing the 'beds in sheds' project in conjunction with teams across the Council.

In the last quarter there has been an increase in the number of formal notices issued and served. However there has been a notable increase in the number of site visit undertaken and cases closed which has been as a direct result of the additional resources.

It is expected that the true impact of the additional officers will be noted in the report for the 4th quarter

Table 2: Enforcement Statistics by Quarter 2012/13

Summary of Enforcement Statistics for 2013/2014 (Jul 13 to Sep 13)

Months/Year	Total New Cases Created	Total ENF Notices served	Appeals Lodged	Outstanding Appeals Allowed	Outstanding Appeals Dismissed	Prosecution
Apr 13 – Jun 13	165	1	0	3	3	1 pending
July 13- Sep 13	143	6	2	0	5	3 Currently pending
Oct 13 – Dec 13	120	7 (6 pending with legal)	5	0	1	3 Currently pending

Section 3 – Further Information

This report, insofar as it reports on enforcement action, will be updated on a quarterly basis, in accordance with Proviso F of the Planning and Building Control Scheme of Delegation, March 2013, which requires that any decision on taking enforcement action be reported to the planning committee.

Section 4 – Financial Implications

This report, for information, has no direct financial implications.

Section 5 – Corporate Priorities

The delivery of effective defence against appeals and planning enforcement has a direct role to play in the achievement of Council Corporate priorities, including 'Keeping neighbourhoods clean, green and safe' and 'Supporting our Town Centre, our local shopping centres and businesses'.

The objectives of the Council's involvement in appeals and planning enforcement, set out in this report will contribute directly to improving the physical environment of the Borough and reinforcing the integrity of the statutory planning process, for the benefit of the Borough and its residents and businesses.

Name: Simon George	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 1 February 2014		
Name: Sian Webb	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 27 January 2014		

Section 6 - Contact Details and Background Papers

Contact: Beverley Kuchar, Head of Development Management and Building Control, x6167

Background Papers:
Enforcement Register Q3 2013/14