

Report to Development Management Committee on Recent Planning Appeal Decisions
18 April 2011

In the year 2009 -2010 a total of 49 appeals were determined. Of those 49 appeals, 34 were dismissed and 15 were allowed. The % of appeals allowed was therefore 31% .This outcome was slightly better than the national average of 33%.

In the following analysis of the figures for the 4 Quarters of 2010/11 it should be pointed out that because the numbers determined in each Quarter are small, little weight can be attached to the % allowed in each Quarter.

Quarter 1 2010/11

Planning Appeals 2 appeals were determined : 50 % (1) were allowed .

Householder Appeals 3 appeals were determined 67% (2) were allowed.

Advertisement Consent Appeals 1 appeal was determined 0% (0) were allowed.

Lawful Development Certificate Appeals 1 appeal was determined 0%(0) were allowed.

Quarter 2 2010/11

Planning Appeals 3 appeals were determined 33% (1) were allowed.

Householder Appeals 3 appeals were determined 33% (1) were allowed.

Enforcement Appeals 2 appeals were determined 50% (1) was quashed on legal grounds, that is to say planning permission was not granted.

Quarter 3 2010/2011

Planning Appeals 6 were determined 33% (2) were allowed .

Householder Appeals 1 was determined 100%(1) were allowed .

Listed Buildings/Conservation Area Consent Appeals 1 was determined 100% (1) were allowed .

Quarter 4 2010/2011

Planning Appeals 1 was determined 0% were allowed

Householder Appeals 3 were determined 0% were allowed

In the year 2010/2011 the total number of appeals determined was 27 of those 18 were dismissed and 9 allowed .

The % allowed in the year 2010/2011 was therefore 33% which is in line with the national average . Performance has therefore been maintained on a year on year basis . Where Householder Appeals form a significant element in the overall number of appeals it is observable that the % allowed is slightly above the overall average . This does not necessarily reflect the accelerated nature of the process (No further statement of case is allowed) rather it may reflect the use of either contract or less experienced Inspectors as well as a somewhat more relaxed attitude to what is considered reasonable householder development .

Because of changes to the way in which appeals were processed, moving from a system of a dedicated Appeals Officer to Case Officers processing their own appeals, this is the first Appeals report for some time . Given the fact that it is intended to resume reporting appeals on a quarterly basis and that the next report would therefore fall due in the June committee cycle ,it is proposed to ask the new post election Committee for instructions on whether the report should be in this format ,or if a more in depth analysis should be

provided . This could take the format of the previous reports which identified the site; the development ; the decision (whether Committee or Officer Delegated Powers) and a very brief description of the issues .

It is intended as a separate item to provide, on an “as and when necessary” basis, feedback on trends in Inspectors decision making where this impacts on how Torbay determines applications and where changes in interpretation may be necessary.