

7. ANNUAL REPORT ON PLANNING APPEALS 2015/16 (A.1536/AM/JRS/KH)

Purpose of Report

This report summarises the work carried out on planning appeals from 1 April 2015 to 31 March 2016.

Information on Appeals Process

In this period 34 new appeals were received, of which 14 were still in hand as of the 1 April. During the year 29 appeals were decided and 0 were withdrawn.

Of the total new appeals:

- 2 were to follow the informal hearing procedure
- 18 were to follow the written representation procedure
- 5 were to follow the householder appeals procedure
- 7 were to follow the enforcement appeal procedure
- 1 was to follow the LDC appeal procedure
- 1 was to follow the public inquiry procedure

Outcome of Appeals

The chart below shows the outcome of appeals over the last five years. The percentage of appeals allowed in the year 2015/16, at 24% is lower than the previous 5 years, although the context for this is analysed in more detail below.

	2105/16	2014/15	2013/14	2012/13	2011/12	2010/11
DECISIONS	29	35	33	38	38	51
Allowed	7 24%	15 43%	11 33%	10 26%	15 39%	15 29%
Dismissed	22 76%	20 57%	22 67%	28 74%	23 61%	35 69%

The national average for appeals allowed (according to the figures from the Planning Inspectorate up to the end of December) for 2015/16 was 32% for householder appeals and 33% for all other appeals excluding householder.

Of the 7 appeals allowed during this period, 5 (72%) were dealt with by written representations, 1 (14%) by the Householder procedure and 1 (14%) was dealt with by the enforcement appeal procedure

Enforcement

During the period 7 new enforcement appeals were handled, of these 3 were dismissed, 1 was allowed and 3 were awaiting determination.

Householder Appeals

In the year to 31 March 2016, 5 new householder appeals were submitted. Of these, 3 were dismissed, 1 was allowed and 1 was awaiting determination.

List of Appeals Allowed

Each appeal decision, whether allowed or dismissed, has been reported to Committee during the year. The following is a list of all the appeals which were allowed or partially allowed during 2015/2016.

Appeal Site	Development subject to appeal	Mode of appeal	Decision date	Delegated/ Committee	Main issue
Barn Farm, Birchover	Use of land to accommodate up to 25 tents during the months of June, July and August each year	Written Representations	18/06/2015	Delegated	Effect of the proposal on the living conditions of the residents with particular regard to noise and disturbance
Five Acres Farm, Wardlow	Use of yard for parking 2 lorries, in addition to retention of use of yard for agricultural purposes	Written Representations	29/07/2015	Committee	Whether the proposal would accord with both local and national planning policy on farm diversification and whether the development would conserve the landscape and scenic beauty of the National Park
Endcliffe Court, Ashford Road, Bakewell	Six number one bedroomed flats	Informal Hearing	11/08/2015	Committee	Whether the development proposed would be consistent with the principles of sustainable development, and having regard to the Development Plan and the National Planning Policy Framework

Barn adjacent to the B5056, Winster, DE4 2DR	Change of use/conversion of an agricultural barn to provide a single local need/affordable residence	Written Representations	02/09/2015	Delegated	Whether the proposed development would have an effect on highway safety
Former Goldcrest Works, Main Road, Stanton-in-the-Peak	Change of Use of “croft” to domestic curtilage, erection of gritstone clad retaining wall and association ground works	Written Representations	29/09/2015	Committee	Whether the proposal would preserve or enhance the character or appearance of the Stanton-in-the-Peak Conservation Area
Flash Bar Stores, Quarnford, Buxton	Against an Enforcement Notice – without planning permission, change of use of the Land to a mixed use comprising A1 retail and A3 café and C3 residential use and; without planning permission carrying out building operations comprising the extension and alterations to the roof, installation of solar panels and installation of a door to the building.	Written Representations	17/02/2016	Delegated	Whether the residential occupation of the outbuilding is justified by the needs of the existing business, and the effect of the development and works which have been carried out on the character and appearance of the building and its setting in the National Park
Redbourn e Cottage, White Lodge Lane, Baslow	Proposed two storey extension to detached dwelling over and to the rear of existing garage and single storey side/rear extension	Householder	29/03/2016	Delegated	Effect of the proposal on the living conditions of the occupiers at the neighbouring property in terms of outlook and light

Delegation / Planning Committee

Total number of planning applications decided between 1 April 2015 and 31 March 2016 was 1127 of which 910 (81%) were determined under delegated powers.

Of the 29 appeals decided:

- 21 (72%) related to applications determined under delegated powers. Of these 17 were dismissed and 4 were allowed
- 8 (28%) appeals were determined by Planning Committee. Of these 5 were dismissed and 3 were allowed

Comment

The percentage of appeals allowed against the Authority's decisions in 2015/16 was lower than last year, at 24% rather than 43%. The total number of appeals has dropped, particularly from the very high level of 2010/11. Those appeals which have been allowed have been cases where a site specific judgment by the Inspector has been different from that of the Authority. There have been no appeals allowed which were fundamentally contrary to policy or which raised wider policy issues. This is welcome and shows that the Authority's decisions and its policies are generally being supported by the Planning Inspectorate.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as the Director of Conservation & Planning sends all members a short analysis of each decision, together with the decision letter itself, when an appeal is determined. Three appeals were allowed this year in cases where Members had overturned the officer recommendation (Five Acres Farm, Wardlow; Endcliffe Court, Bakewell and the Former Goldcrest Works, Stanton-in-the-Peak).

One of the appeals dismissed was in respect of an objection to a Prohibition Order at Bakestonedale, near Pott Shrigley. The Appeal was against the proposed Order, with the Inspector making a recommendation to the Secretary of State, who confirmed the Order. The case was dealt with by written representations, having initially been listed as an Inquiry. In January 2016 there was also a public inquiry into a Prohibition Order relating to Longstone Edge/Backdale; the decision is awaited.

There has been an increase in the number of enforcement appeals this year: 3 are currently being handled, 1 was allowed and 3 were dismissed.

At the Authority there has been an increase in the number of appeals heard at informal hearings, and also an increase in those dealt with by written representations. Nationally the figures (up to the end of December), for public inquiries, hearings and written representations have plateaued, with public inquiries accounting for 4% of all appeals in 2015/16 whilst hearings accounted for 7% in 2015/16 and written representations accounted for 89% in 2015/16.

The householder appeal service continues to be a success, allowing a quicker and simpler process and the opportunity for officers to use the delegated report as the essential evidence to defend the appeal. To date no problems have occurred with the processing of appeals electronically.

Human Rights

The appeals procedure is consistent with human rights legislation.

RECOMMENDATION:

That the report be noted.

Background Papers (not previously published):

Appeal statistics

Appendices – None

Report Author, Job Title and Publication Date

Andrea McCaskie, Head of Law, John Scott, Director of Conservation & Planning and
Karen Harrison, Democratic & Legal Support Assistant