

## **14. ANNUAL REPORT ON PLANNING APPEALS 2017/18 (A.1536/AM/JRS/KH)**

### **Purpose of Report**

This report summarises the work carried out on planning appeals from 1 April 2017 to 31 March 2018.

### **Information on Appeals Process**

In this period 22 new appeals were received, of which 3 were still in hand as of the 1 April. During the year 23 appeals were decided and 3 were withdrawn.

Of the total new appeals:

- 12 - followed the written representation procedure
- 8 - followed the householder appeals procedure
- 2 - followed the public inquiry procedure (LDC & Enforcement Appeal)

### **Outcome of Appeals**

The chart below shows the outcome of appeals over the last five years. The percentage of appeals dismissed in the year 2017/18, at 59% is lower than the previous year, although the context for this is analysed in more detail below.

	<b>2017/18</b>	2016/17	2105/16	2014/15	2013/14	2012/13
<b>DECISIONS</b>	<b>23</b>	41	29	35	33	38
Allowed	<b>9.5</b> <b>41%</b>	14 34%	7 24%	15 43%	11 33%	10 26%
Dismissed	<b>13.5</b> <b>59%</b>	27 66%	22 76%	20 57%	22 67%	28 74%

The national average for appeals allowed (according to the figures from the Planning Inspectorate up to the end of December) for 2017/18 was 32% for householder appeals and 31% for all other appeals excluding householder.

Of the 9.5 appeals allowed during this period, 6 (63%) were dealt with by written representations, 2.5 (26%) by the Householder procedure and procedure and 1 (11%) by the informal hearing process.

### **Enforcement**

During the period 1 new enforcement appeal was handled and dismissed by the Public Inquiry Procedure.

### **Householder Appeals**

In the year to 31 March 2018, 8 new householder appeals were submitted. Of these, 5.5 (69%) were dismissed, and 2.5 (31%) were allowed.

## 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 2017/2018.

Appeal Site	Development subject to appeal	Mode of appeal	Decision date	Delegated/committee	Main issue
3156948 Riverside Business Park, Buxton Road, Bakewell	Removal of Condition 3 from the planning permission granted in 2016 for a new access road to the business park	Informal Hearing	22/06/17	Committee	Whether the disputed condition was reasonable and necessary in the interests of highway safety and the character and appearance of the area, including its enjoyment by residents and visitors
3170548 The Moon Inn, Stoney Middleton	Retrospective planning approval for replacement shed in garden of public house	Written Representations	27/06/17	Delegated	Whether the development would preserve or enhance the character or appearance of the Conservation Area
3170901 Turnpike House, Kettleshulme	Erection of wooden feather board landscaping fence within the boundary of the property	Written Representations	29/06/17	Committee	Whether the proposal would preserve or enhance the character or appearance of the Conservation Area and whether the proposal would affect the living conditions of the occupiers of Side End Cottage with regard to the ability to maintain that property

3173151 Horseshoe Cottage, Back Lane, Alstonefield	Erection of a store	Written Representations	20/07/17	Committee	The effect of the proposed development on the character and appearance of the existing cottage and its setting, and the surrounding landscape
3171518 Cliffe House Farm, Loxley Road, Sheffield	Erection of an agricultural building	Written Representations	28/07/17	Committee	The effect of the proposal on the character and landscape setting of the area. Whether the proposal would preserve the setting of the nearby listed building
3166812 Station House, Upper Padley, Grindleford	Conversion of part of outbuilding to holiday let and leave part as ancillary accommodation	Written Representations	21/09/17	Delegated	Effect of the development on i) the character and appearance of the host building and the wider area and ii) the water supply, groundwater resources and the water environment (part allowed)
3175372 Bank House, Main Road, Hathersage	Change of use from A2 to A3 from former bank to restaurant	Written Representations	04/10/17	Committee	The effect of the proposed development on the living conditions of nearby residents with regards to odour, noise, disturbance and privacy as well as

					heritage assets
3182213 Rushup Cottage Far, Rushup Lane, Chapel-en-le- Frith	Porch extension to rear of detached dwelling	Householder	20/10/17	Delegated	Effect of the proposal on the character and appearance of the host dwelling
3182026 24 Hernstone Lane, Peak Forest	Drop shared western boundary wall and a footway crossing/dropped kerb to allow vehicular access to the property	Householder	27/10/17	Delegated	Effect of the proposal on highway safety (part allowed)
3179328 Aston Grange, Oker Road, Oker, Matlock	Alterations and extensions to create bedsit and ground floor shower room for disabled resident	Householder	07/11/17	Delegated	Effect of the development on the character and appearance of the area
3161980 Land adjacent to the North of Brown Lane, Flash, Quarnford	Enforcement regarding material change of use of the land to a use for storage, handling and processing of wood	Written Representations	15/02/18	Delegated	Allowed in part. Enf. Notice upheld with variations

## Delegation / Planning Committee

Total number of planning applications decided between 1 April 2017 and 31 March 2018 was 1110 of which 731 (66%) were determined under delegated powers.

Of the 23 appeals decided:

- 16 (70%) related to applications determined under delegated powers. Of these 11.5 were dismissed and 4.5 were allowed
- 7 (30%) appeals were determined by Planning Committee. Of these 2 were dismissed and 5 were allowed

## Comment

The percentage of appeals allowed against the Authority's decisions in 2017/18 was higher than last year, at 41% rather than 34%. However, this includes two appeals which is where the decision followed the Authority's position in one case (an enforcement notice was varied but otherwise met the Authority's expectations (Brown Lane, Flash), and in the other an appeal at Hernstone Lane, Peak Forest was allowed in part, but the element which the Authority objected to was dismissed. If these had been recorded as dismissed appeals, then the performance measure would be much more favourable.

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.

There was one appeal for Bank House, Hathersage, where the Inspector had awarded costs against the Authority due to unreasonable behaviour, which had resulted in unnecessary wasted expense for the applicant.

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. The delegated report template was changed in November 2017 to include as a standard more background on the National Park and the national and local policies specifically relating to the conservation and enhancement of the National Park. As there is no opportunity to provide additional information in householder appeals this ensures that the Inspector always has the policy background clearly set out and can easily understand why in the National Park there is a greater need to conserve and enhance the special qualities of the place. Since the introduction of this template there has been an increase in positive outcomes for householder appeals. To date no problems have occurred with the processing of appeals electronically.

Finally, in March 2018 the Authority received a letter from the Ministry of Housing Communities and Local Government (MHCLG), advising that the Authority may be at risk of designation because of its performance on major appeals in the qualifying period (2015-2017). The "quality" performance measure is that the Authority must not lose more than 10% of major applications on appeal. During this period the Authority lost 2 major appeals in a total of 4 applications. The Director has responded, as requested, to highlight two factors that should be taken into account. Firstly, the figures only show the "District" function, but omitted the higher number of applications

dealt with under the “County” function, as a unitary Authority. Secondly, the overall number of cases is very low so the statistics are not representative of the Authority’s overall performance. The figures for the last 2 year period show the Authority falling within the measure.

### **Human Rights**

The appeals procedure is consistent with human rights legislation.

### **RECOMMENDATION:**

**That the report be noted.**

**Background Papers** (not previously published) - None

**Appendices** – None

### **Report Author, Job Title and Publication Date**

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