

11. ANNUAL REPORT ON PLANNING APPEALS 2018/19 (A.1536/AM/JRS/KH)

Purpose of Report

This report summarises the work carried out on planning appeals from 1 April 2018 to 31 March 2019.

Information on Appeals Process

In this period, 37 new appeals were received, of which 12 were still in hand as of the 1 April. During the year, 24 appeals were decided and 3 were withdrawn.

Of the total new appeals:

- 21 - followed the written representation procedure of which 3 were Enforcement Appeals
- 14 - followed the householder appeals procedure
- 0 - followed the public inquiry procedure
- 2 - followed the hearing procedure of which 1 was an 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 2018/19, at 62% is higher than the previous year, although the context for this is analysed in more detail below.

	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14
DECISIONS	24	23	41	29	35	33
Allowed	9 38%	9.5 41%	14 34%	7 24%	15 43%	11 33%
Dismissed	15 62%	13.5 59%	27 66%	22 76%	20 57%	22 67%

The national average for appeals allowed (according to the figures from the Planning Inspectorate up to the end of December) for 2018/19 was 37% for householder appeals and 30% for all other appeals excluding householder.

Of the 9 appeals allowed during this period, 3 (33%) were dealt with by written representations, 5.5 (61%) by the householder procedure and 0.5 (6%) by the informal hearing process.

Enforcement

During the 2018/19 period, the Public Inquiry Procedure handled no new enforcement appeals.

Householder Appeals

In the year to 31 March 2019, 14 new householder appeals were submitted. Of these, 7.5 (54%) were dismissed, 5.5 (39%) were allowed and 1 (7%) were still ongoing.

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 that were allowed or partially allowed during 2018/2019.

Appeal Site	Development subject to appeal	Mode of appeal	Decision date	Delegated/ committee	Main issue
3196737 3 Lowside Close, Calver	First floor extension, single storey rear extension, loft conversion and alterations	Householder	02/07/18	Delegated	The effect of the first floor extension on the character and appearance of the area
3201699 Walker Edge Farm, Bolsterstone	Garden room and link building	Householder	24/07/18	Delegated	The effect of the proposal on the character and appearance of the area
3204525 Trinity Cottage, Ashford in the Water	Erection of handmade green oak truss frame and monopitch roof to side of property	Householder	29/08/18	Delegated	The effect of the proposed development on the character and appearance of the host dwelling and the surroundings on Hill Cross and the Conservation Area
3200699 Rocklands, The Bent, Curbar	Erection of mobile timber hen-house on skids	Written Representations	12/10/18	Committee	Whether the four conditions were necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other aspects
3208690 15 Lowside Close, Calver	Single Storey Garden Room extension	Householder	22/10/18	Delegated	Effect of the proposal on the character and appearance of the host dwelling and its setting
3213351 Badgers Wood, Upper Padley, Grindleford	Alterations and additions to an existing 1920's timber framed bungalow/chalet	Householder	30/01/19	Delegated	Effect of the proposal on the character and appearance of the host property and on the area, having regard to the location of the site within the Peak District National Park
3201092 Edale House, Hope Road, Edale	Alterations to listed building	Hearing	01/03/19	Delegated	Effect of the existing and proposed works on the special interest of Edale House which is listed grade II In this case the decision was split.

					<p>The appeal involved numerous alterations to the building, several of which were retrospective. The Authority agreed that some of the works were acceptable and these and these were allowed by the Inspector. However, in relation to the substantive parts of the works that the Authority argued were unacceptable, the Inspector identified that insufficient public benefit was identified that would outweigh the harm to the heritage asset and the appeal was dismissed in those parts.</p>
3208806 Skidmore, Queen Street, Tideswell	Removal of condition to planning permission granted for change of use of part of premises from commercial to residential	Written Representations	11/03/19	Delegated	<p>Whether conditions were reasonable and necessary in the interests of preserving the character and appearance of the Conservation Area.</p> <p>In this case the decision was split.</p> <p>The appeal was allowed insofar as it relates to the removal of one condition. The Inspector decided that the other condition subject to the appeal was necessary and reasonable in the circumstances, subject to amended wording.</p>
3221331 Hollins House Dunlow Lane, Eyam	Two storey rear extension, single storey side extension and detached garage	Householder	28/3/19	Delegated	<p>Effect of the proposed detached garage on the character and appearance of its immediate surroundings</p> <p>In this case the decision was split.</p> <p>The appeal allowed the extensions to the dwelling, development which was supported by the Authority. The detached garage was not acceptable to the Authority, and this view was supported by the Inspector.</p>

Delegation / Planning Committee

Total number of planning applications received between 1 April 2018 and 31 March 2019 was 1163 of which 717 (62%) were determined under delegated powers.

Of the 24 appeals decided:

- 21 (88%) related to applications determined under delegated powers. Of these 13 were dismissed and 8 were allowed
- 3 (12%) appeals were determined by Planning Committee. Of these 2 were dismissed and 1 was allowed

Comment

The percentage of appeals allowed in 2018/19 was lower than the previous year, at 38% rather than 41%.

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 Planning Inspectorate is generally supporting the Authority's decisions and its policies.

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.

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. 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. 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) - None

Appendices – None

Report Author, Job Title and Publication Date

Andrea McCaskie, Head of Law; Jane Newman, Head of Development Management and Karen Harrison, Democratic & Legal Support Officer