

16. ANNUAL REPORT ON PLANNING APPEALS 2014/15 (A.1536/AM/JRS/KH)

Purpose of Report

This report summarises the work carried out on planning appeals from 1 April 2014 to 31 March 2015.

Information on Appeals Process

In this period 45 new appeals were received, of which 8 were still in hand as of the 1 April. During the year 35 appeals were decided and 2 were withdrawn.

Of the total 45 new appeals:

- 4 were to follow the informal hearing procedure (one of which was withdrawn) (9%)
- 33 were to follow the written representation process (73%)
- 4 were to follow the householder appeals procedure (9%)
- 4 were to follow the enforcement appeal process (one of which was withdrawn) (9%)

Outcome of Appeals

The chart below shows the outcome of appeals over the last five years. The percentage of appeals allowed in the year 2014/15, at 43% is higher than the previous 5 years, although the context for this is analysed in more detail below as the basic figures do not necessarily reflect the full position.

	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10
DECISIONS	35	33	38	38	51	67
Allowed	15 43%	11 33%	10 26%	15 39%	15 29%	15 22%
Dismissed	20 57%	22 67%	28 74%	23 61%	35 69%	52 78%

The national average for appeals allowed (according to the figures from the Planning Inspectorate) for 2014/15 was 41% for householder appeals and 45% for all other appeals excluding householder.

Of the 15 appeals allowed during this period, 12 (80%) were dealt with by written representations, 2 (13%) by the householder appeals procedure and 1 by Informal Hearing (7%).

Enforcement

During the period 4 enforcement appeals were handled, of these 1 was withdrawn, 1 was dismissed and 2 are awaiting determination.

Householder Appeals

In the year to 31 March 2015, 4 householder appeals were submitted. Of these 1 was dismissed, 2 were allowed and 1 is 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 2014/2015. Those marked with an # were refused contrary to the officer recommendation.

Appellant name & site	Development subject to appeal	Mode of appeal	Decision date	Delegated/ committee	Main issue
Hanson Grange, Ashbourne	Agricultural building to house cattle and feed	Written Reps	30/04/14	Delegated	Impact on the visual and landscape character of the locality
White House Farm, Wardlow	Change of use of agricultural building to storage area for mobile toilets and storage tank for the storage of waste from the toilets	Written Reps	06/05/14	Committee #	Impact on the living conditions of nearby residents
Moorlands Lane, Froggatt	Demolition of industrial shed unit and erection of a private dwelling house	Written Reps	08/05/14	Committee #	Impact on the character and setting of the CA and living conditions of nearby residents
The Old Coach House, Tissington	Installation of 22 solar panels on rear elevation	Written Reps	08/05/14	Committee	Impact on CA/LB
Media House, Deepdale Business Park, Bakewell	Removal of a Condition on the Planning Permission given for Phase 1 Office Block	Informal Hearing	21/05/14	Delegated	Impact on character of the area and interests of nearby residents
Riverside Business Park, Bakewell	Free standing sign to signpost	Written Reps	06/06/14	Delegated	Impact on the character and appearance of the area and public safety
Ivy Cottage, Wensley Cottage, Winster	Conversion of garage/workshop into holiday accommodation without complying with conditions attached to planning permission	Written Reps	18/06/14	Delegated (Note: This appeal has been listed as allowed, but it was dismissed on the key issue contested by the Authority and was only allowed in respect of an uncontested	Whether the conditions were reasonable and necessary and regard to Policy and Guidance

				matter)	
Vicarage Farm, Wheston, Tideswell	Alterations to and change of use of stable building to disabled person holiday accommodations	Written Reps	01/07/14	Delegated	Impact on character of area and Policy
Reading Room, Peak Forest	Single storey extension to provide new entrance and accessible toilets	Written Reps	23/07/14	Delegated	Impact on CA/LB
Rowan Close, Peak Forest	Extension to existing shed/garage	Householder Appeal (HAS)	18/08/14	Committee	Impact on CA/LB
Toll Bar Cottage, Owlter Bar	Creation of a Manege	Written Reps	24/09/14	Delegated	Impact on the character and appearance of the area
Stone Breck Workshop, Longnor	Conversion of workshop to residential use ancillary to the existing house, and rebuild of garage and lean to workshop	Written Reps	02/12/14	Delegated	Impact on character and appearance on the CA
Braemar Farm, Earl Sterndale	Construction of a roof over an existing silage clamp	Written Reps	17/12/14	Delegated	Impact on the character and appearance of the area
The Nook, King Street, Bakewell	Removal of an existing window and replacement by a breakfast bar	Written Reps	15/01/15	Committee	Impact on LB
Ibbotsons Croft, Hathersage	Single storey extension and porch	Householder Appeal (HAS)	28/03/15	Committee #	Impact of proposal on character and appearance on terrace row and CA

Delegation / Planning Committee

Total number of planning applications decided between 1 April 2014 and 31 March 2015 was 1143 of which 836 (73.1%) were determined under delegated powers.

Of the 35 appeals decided:

- 27 (77%) related to applications determined under delegated powers. Of these 17 were dismissed and 10 were allowed
- 8 (23%) appeals were determined by Planning Committee. Of these 3 were dismissed and 5 were allowed

Of the total 45 appeals received in this period:

- 11 (24%) were determined at Planning Committee
- 29 (64%) were decided under delegated powers
- 3 (7%) were against an enforcement notice
- 2 (5%) were withdrawn.

Costs

The Planning Inspectorate awarded one partial application of costs in favour of the Appellant. This was at Braemar Farm, Earl Sterndale, and was awarded against the Authority whom by its actions had directly caused the Appellant to incur unnecessary extra expense in having to dispute one element of the appeal.

Comment

The percentage of appeals allowed against the Authority's decisions in 2014/15 is higher than last year, at 43% rather than 33%. However, this includes the appeal at Winster which was actually dismissed in respect of the main issue (the Authority did not object to a minor part of the proposal, so the Inspector allowed this whilst dismissing the key issue). Had this been categorised as a dismissed appeal, the figures would have been better at 60% dismissed, 40% allowed. The total number of appeals has dropped, particularly from the very high level of 2009/10, so the absolute number of appeal allows is similar to last year. This also means that single decisions can have a more significant impact on the overall performance figures. Whilst any increase in the percentage of appeals allowed may be a cause for concern, the analysis of each case shows that there are no underlying policy concerns. 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 raise wider policy issues. This is welcome and shows that the Authority's decisions and its policies are generally being supported by the Planning Inspectorate. It is particularly worth noting that the Planning Inspectorate has supported the Authority's position on all appeal decisions which raise housing policy issues. This includes five appeals where the proposal was to remove holiday occupancy conditions to allow unrestricted open market residential use and where no physical changes were proposed.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as the Director of Planning now sends all members a short analysis of each decision, together with the decision letter itself, when an appeal is determined. Three appeals were allowed in cases where Members overturned the officer recommendation of refusal, but in one of these (White House Farm, Wardlow) the permission was only granted for a further one year trial period. In each of these three cases the decision was a balanced judgement based on planning considerations.

There has been a decrease in the number of enforcement appeals this year: 2 are currently being handled, 1 was withdrawn and 1 was dismissed.

At the Authority there has been a decline in the number of appeals heard at public inquiries and informal hearings, with an increase in those dealt with by written representations. Nationally the figures for public inquiries, hearings and written representations have plateaued, with public inquiries accounting for 3% of all appeals in 2014/15, whilst hearings accounted for 5% in 2014/15 and written representations accounted for 93% in 2014/15.

The householder appeal service continues to be a success, allowing a more expedient 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. However, it is important to note that the Planning Inspectorate is currently advising that there are delays of up to 10 weeks in registering planning appeals.

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 Planning & Karen Harrison, Democratic & Legal Support Assistant