

### **13. ANNUAL REPORT ON PLANNING APPEALS 2021/2022 (A.1536/AM/BT/KH)**

#### **Purpose of Report**

This report summarises the work carried out on planning appeals from 1 April 2021 to 31 March 2022.

#### **Information on Appeals Process**

In this period, 47 new appeals were received, of which 9 were still in hand as of the 1 April. During the year, 49 appeals were decided, which included some appeals that had been carried over from the previous year.

Of the 47 total new appeals received:

- 24 -followed the written representation procedure
- 19 -followed the householder appeals procedure
- 1 - followed the public inquiry procedure
- 3 -were withdrawn by the applicant

#### **Outcome of Appeals**

The chart below shows the outcome of appeals over the last six years. The percentage of appeals dismissed in the year 2021/22, at 76% is higher than the previous year, although the context for this is analysed in more detail below.

	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
DECISIONS	49	40	40	24	23	41
Allowed	12 24%	14 35%	15 37%	9 38%	9.5 41%	14 34%
Dismissed	37 76%	26 65%	25 63%	15 62%	13.5 59%	27 66%

The national average for appeals allowed (according to the figures from the Planning Inspectorate up to the end of December 2021) for 2021/22 was 29.2% for householder appeals and 29.1% for all other appeals excluding householder.

Of the 12 appeals allowed during this period, 6 (50%) were dealt with by written representations, 5 (42%) by the householder procedure and 1 (8%) by the public inquiry procedure.

#### **Enforcement**

In July 2021, the Enforcement Appeal concerning the Midhope Moor Track was dealt with by a 6-day Public Inquiry where the Planning Inspector dismissed the appeal and upheld the Enforcement Notice.

Following the appeal decision, the landowner will now be required to remove the track and restore appropriate vegetation cover, to mitigate the visual impact of the track route within the landscape, within 12 months (November 2022). He is also required to implement ongoing establishment of vegetation cover along the route for a further 30 months.

The track, which is approximately 700 metres long, sits within open moorland forming part of the Dark Peak Site of Special Scientific Interest (SSSI), the Peak District Moors (South Pennine

Moors Phase 1) Special Protection Area (SPA) and the South Pennine Moors Special Area of Conservation (SAC).

Two further enforcement appeals have experienced delays with the Public Inquiry for Bonsall Moor now due in June 2022 and that for Thornbridge Hall now due in October 2022.

### **Householder Appeals**

In the year to 31 March 2022, 19 new householder appeals were submitted. Of these 12 (63%) were dismissed, 4 (21%) were allowed and 3 (16%) were still ongoing.

### **Delegation / Planning Committee**

The overall number of planning applications received (including non-material amendments and discharge of condition applications) between 1 April 2021 and 31 March 2022 was 1260. Some 728 full applications were determined during this period of which 56 cases were brought to the Planning Committee.

Of the 49 appeals decided:

- 40 (82%) related to applications determined under delegated powers. Of these, 30 were dismissed and 10 were allowed
- 9 (18%) appeals were determined by Planning Committee. Of these, 7 were dismissed and 2 were allowed

### **Comment**

The percentage of appeals allowed in 2021/22- was lower than the previous year at 24%

Those appeals, which have been allowed, in the main have been cases where a site-specific judgment (typically on harm to the character and appearance of the area) 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. One case related to the application of Lawful Use Certificates which has prompted discussion and learning between the Planning and Legal Teams.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as members receive 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**

Appendix 1 – List of Appeals Allowed 2021/2022

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

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