

## **20. ANNUAL REPORT ON PLANNING APPEALS 2022/2023 (A.1536/AM/BT/KH)**

### **Purpose of Report**

This report summarises the work carried out on planning appeals from 1 April 2022 to 31 March 2023.

### **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, 27 appeals were decided, which included some appeals that had been carried over from the previous year.

Of the total new appeals received:

- 25 - followed the written representation procedure
- 7 - followed the householder appeals procedure
- 1 - followed the hearing procedure
- 1 - was withdrawn by the applicant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 2022/23, at 59% is lower than the previous year, although the context for this is analysed in more detail below.

	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>	<b>2018/19</b>	<b>2017/18</b>
<b>DECISIONS</b>	<b>27</b>	<b>49</b>	<b>40</b>	<b>40</b>	<b>24</b>	<b>23</b>
Allowed	<b>11</b> <b>41%</b>	<b>12</b> <b>24%</b>	<b>14</b> <b>35%</b>	<b>15</b> <b>37%</b>	<b>9</b> <b>38%</b>	<b>9.5</b> <b>41%</b>
Dismissed	<b>16</b> <b>59%</b>	<b>37</b> <b>76%</b>	<b>26</b> <b>65%</b>	<b>25</b> <b>63%</b>	<b>15</b> <b>62%</b>	<b>13.5</b> <b>59%</b>

### **Householder Appeals**

In the year to 31 March 2023, 7 new householder appeals were submitted. Of these 1 (14%) was dismissed, 3 (43%) were allowed and 3 (43%) were still ongoing.

The Householder appeal service continues to be the most popular as it allows for 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. The national average for householder appeals allowed (according to the figures from the Planning Inspectorate up to the end of December 2022) for 2022/23 was 28%. To date no problems have occurred with the processing of appeals electronically.

### **Enforcement**

In 2022/23 2 major Public Inquiries took place, both concerning appeals against Enforcement Notices that had been issued by the Authority's Monitoring and Enforcement Team: -

In June 2022 there was a 5-day Public Inquiry regarding an Enforcement Notice that had been served on the owner of Whitelaw Mines on Bonsall Moor for using the land for a motocross (scrambling) track. The Inspector supported the Authority and upheld the Enforcement Notice. Following this decision good progress has been made in clearing the site in compliance with the Notice.

In Nov/Dec 2022 there was a 6-day Public Inquiry against an Enforcement Notice that had been served on the owner concerning unauthorised works that had taken place at Thornbridge Hall, Great Longstone. In this case the Inspector quashed the Enforcement Notice and allowed the appeal subject to a set of conditions aimed at mitigating impacts and requiring approval of a Conservation Management Plan. Officers are currently overseeing the discharge of these conditions.

### **Delegation / Planning Committee**

Total number of full planning applications (those included in statutory returns and not including non-material amendments or discharge of condition applications) received between 1 April 2022 and 31 March 2023 was 830 of which 84% were determined under delegated powers. The total number of applications received for all types was 1426.

Of the 27 appeals decided:

- 22 related to applications determined under delegated powers. Of these, 13 (59%) were dismissed and 9 (41%) were allowed
- 2 appeals related to applications that were determined by Planning Committee. Of these, 1 (50%) was dismissed and 1 (50%) was allowed
- 3 appeals were for non-determination. Of these 1 (33%) was allowed and 2 (67%) were dismissed.

### **Comment**

The percentage of appeals allowed in 2022/23- was higher than the previous year at 41%, while the overall number of appeals allowed was slightly down at 11 from 12 the previous year.

In nearly all cases, 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, e.g. on harm or compatibility with the character and appearance of the area or host building. The decision and report for the case at Thornbridge Hall has raised more significant concerns regarding the application of policies for designated heritage assets (including the Registered Park and Garden and the Conservation Area), plus landscape policies and the recognition of Estate Parklands as one of our distinctive landscape character types worthy of protection. Therefore, while overall the site-specific decisions do not raise policy issues, the Head of Planning will be writing to the Planning Inspectorate to record our concerns about the application of policies in highly designated locations where a “nest” of designations occur and there is a need to consider the intent of each of these layers of designation accordingly.

Members will be aware of any issues raised by specific appeal decisions (both allowed and dismissed) as all decision letters are forwarded to members and a short summary is included each month in the summary report to Planning Committee. The summary report also affords the Head of Planning the opportunity to raise and discuss any issues arising with the members at Planning Committee.

### **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 2022/2023

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

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