

BROMSGROVE DISTRICT COUNCIL
PERFORMANCE MANAGMENT BOARD

13 April 2007

Responsible Portfolio Holder	Cllr Dyer
Responsible Head of Service	Dave Hammond

Planning appeals and called in applications.

1.0 SUMMARY

1.1 The purpose of this report is to advise the Performance Management Board as to whether there is a correlation between the increase in the number of planning applications called to Planning Committee in certain wards of the District and planning appeals.

2.0 RECOMMENDATION

2.1 It is recommended that the content of this report be noted.

3.0 BACKGROUND

3.1 The Performance Management Board has requested the preparation of a report to establish whether there is a correlation between applications called to Committee and appeal decisions.

3.2 Currently planning applications which fall into the 'Major' category (as defined by National PS codes) are sent to Planning Committee for decision. Other Applications are determined by Officers (Delegated Decisions). Ward Members have the ability to request that a delegated application be presented to Planning Committee for decision.

4.0 STATISTICAL ANALYSIS

4.1 Appendix 1 shows the number of appeals determined in the period 2006/2007. It identifies whether these applications were; sent to Committee by officers, called to Committee by Ward Members or decided at officer level (Delegated), along with the outcome of the associated appeal and whether the decision was a Member overturn of an Officers recommendation.

4.2 Of the thirty six appeals recorded in the period, only four were called to Planning Committee by Members at the application stage. This number

appears low, however a number of applications that may have been of interest to Members may have already been sent to Committee for other reasons (i.e. Major applications, the need to request Enforcement Action). In addition, of those four applications called in, these include developments within three different Wards.

- 4.3 Members do in some circumstances overturn officer's recommendations and those instances are shown in the Appendix. However none of those four decisions called in to Committee resulted in decisions being overturned. There is therefore no correlation between the number of planning applications called to Planning Committee and planning appeals being allowed and therefore there is no correlation at Ward level either.

5.0 PERFORMANCE

- 5.1 Performance monitoring in relation to planning appeals is a Best Value Performance Indicator. BVPI 204 sets down the number of planning appeal decisions allowed against the Authorities decision to refuse on applications, that target is up to 40%.
- 5.2 The current performance (2006/2007) against this target is 29%. The Authority is therefore successfully defending its decisions at Appeal and is performing above the relevant target in that respect.

6.0 FINANCIAL IMPLICATIONS

- 6.1 During the appeal process there is the opportunity for the appellant to claim an award of costs against the Authority, if the Council has acted unreasonably and as a result has caused the other party to incur or waste expense. It is therefore vital that decisions on applications are based on sound planning judgements sufficient to withstand this test.

7.0 CORPORATE OBJECTIVES

7. Corporate Objective 4, Priority 10 Planning.

8.0 RISK MANAGEMENT

- 8.1 There are no risk management issues.

9.0 CUSTOMER IMPLICATIONS

- 9.1 The ability for the Council to successfully defend its decisions at appeal is vital with respect to carrying out a robust Development Control Function. In addition the views of Inspectors can help shape and guide the formation of Supplementary Guidance as well as adding credibility to the views of associated consultees. The outcomes of appeals are listed on the Agenda of the Planning Committee on a monthly basis.

10.0 OTHER IMPLICATIONS

Please include the following table and spell out any particular implications in the relevant box. If there are no implications under a particular heading, please state 'None':-

Procurement Issues -None
Personnel Implications - None
Governance/Performance Management – See 7.0 above
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy - None
Environmental - None
Equalities and Diversity - None

11.0 OTHERS CONSULTED ON THE REPORT

Please include the following table and indicate 'Yes' or 'No' as appropriate. Delete the words in italics.

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service <i>(i.e. your own HoS)</i>	Yes
Head of Financial Services <i>(must approve Financial Implications before report submitted to Leader's Group)</i>	No
Head of Legal & Democratic Services <i>(for approval of any significant Legal Implications)</i>	No
Head of Organisational Development & HR	No

<i>(for approval of any significant HR Implications)</i>	
Corporate Procurement Team <i>(for approval of any procurement implications)</i>	No

12.0 APPENDICES

Please list the appendices attached to the report as shown in the example below.

Appendix 1 Table of Appeals 2006/2007 showing relationship of decision on appeal to call in to Planning Committee.

13.0 BACKGROUND PAPERS

None

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