

## **GROWTH & DEVELOPMENT DEPARTMENT**

**ORIGINATING SECTION: PLANNING (DEVELOPMENT  
MANAGEMENT)**

**REPORT TO PLANNING & HIGHWAYS COMMITTEE –20<sup>th</sup> April 2023**

**TITLE: APPEALS MONITORING REPORT**

**WARDS: ALL**

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### **1.0 PURPOSE OF THE REPORT**

- 1.1 To present Members with an update of recently decided appeals since the last monitoring report in September 2022. You can see from the attached table, 9 no appeals in total were determined during the period 23<sup>rd</sup> August 2022 to 6<sup>th</sup> April 2023. 7 no appeals were dismissed, and 2 appeals were allowed.
- 1.2 With regards to the National performance benchmarking in terms of appeals allowed against the number of applications determined, Blackburn With Darwen Borough Council are performing well. The latest published figures by the Ministry of Housing, Communities & Local Government for the period October 2019 to September 2021 (appeal decisions up to June 2022), show the Council in 18<sup>th</sup> place out of 330 local planning authorities. Figure 1 below is the top 30 table.
- 1.3 The table at Figure 1 presents data on the performance of local planning authorities against the published criteria for assessing under-performance under section 62B of the Town and Country Planning Act 1990. The data in the table cover minor developments, changes of use where the site area is less than one hectare and householder developments. These are subsequently described collectively as 'non-major developments', having been referred to in previous versions of this table as 'Minor and other developments'. For the quality of decisions, the statistics show the overall figure for planning applications determined in the assessment period of 24 months to the end of September 2021 (and subsequent appeal decisions to the end of June 2022).
- 1.4 The measure to be used is the percentage of the total number of decisions<sup>12</sup> made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period, as recorded in Live Table P152a and P152b for major development and in Live Table 154 for non-major development from the data collected by the Ministry of Housing, Communities and Local Government and the Planning Inspectorate. The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of

decisions on planning applications made during the assessment period. The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. For example, a two year assessment period ending March 2020 will be used for designation decisions in Quarter 1 2021, this allows for applications to be decided between April 2018 and March 2020 and a 9 month lag to December 2020 for appeals to be decided. The average percentage figure for the assessment period as a whole is used.

- 1.5 The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10 per cent of an authority's total number of decisions on applications made during the assessment period being overturned at appeal. Members are advised that there have been no appeals relating to 'major developments' within the same period.

1.6

England	Quality of decisions (% overturned at appeal)
<b>England</b>	
Barrow-in-Furness	0.0
City of London	0.0
Ebbsfleet Development Corporation <sup>4</sup>	0.0
Isles of Scilly	0.0
Knowsley	0.0
London Legacy Development Corporation <sup>4</sup>	0.0
Northumberland National Park	0.0
Old Oak and Park Royal Development Corporation <sup>4</sup>	0.0
Allerdale	0.1
Chesterfield	0.1
Eden	0.1
Lincoln	0.1
Preston	0.1
Stevenage	0.1
Stockport	0.1
Bassetlaw	0.2
Blaby	0.2
Blackburn with Darwen	0.2

Figure 1:

Table P154: District Matters Planning Performance Table for Quality of non-major decisions: October 2019 to September 2021

**2.0 RECOMMENDATION**

2.1 That the report be noted.

**3.0 BACKGROUND PAPERS**

3.1 See the file numbers referred to.

**4.0 CONTACT OFFICER:** Gavin Prescott, Planning Manager  
(Development Management)

**5.0 DATE PREPARED** 6<sup>th</sup> April 2023