

GROWTH & DEVELOPMENT DEPARTMENT

ORIGINATING SECTION: PLANNING (DEVELOPMENT
MANAGEMENT)

REPORT TO PLANNING & HIGHWAYS COMMITTEE –14th DECEMBER 2023

TITLE: APPEALS MONITORING REPORT

WARDS: ALL

1.0 PURPOSE OF THE REPORT

- 1.1 To present Members with an update of recently decided appeals since the last monitoring report in April 2023. You can see from the attached table, 12 no appeals in total were determined during the period 7th April 2023 to 1st December 2023, this included one enforcement appeal. 11 no appeals were dismissed, and 1 appeal was 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 very well. The latest published figures by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government for the period October 2020 to September 2022 (appeal decisions up to September 2022), show the Council in **18th place** out of 330 local planning authorities. Figure 1 below is the current published table.
- 1.3 The table at Figure 1 presents the latest 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 December 2021 (and subsequent appeal decisions to the end of September 2022).
- 1.4 The measure to be used is the percentage of the total number of decisions 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 2022 will be used for designation decisions in Quarter 1 2023, this allows for applications to be decided between April 2020 and March 2022 and a 9 month lag to December 2022 for appeals to be decided. The average percentage figure for the assessment period as a whole is used [para 20, National Planning Practice Guidance “Improving planning performance: criteria for designation (updated 2022)” – 19th October 2022].

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)
City of London		0.0
Ebbsfleet Development Corporation ⁴		0.0
Ipswich		0.0
London Legacy Development Corporation ⁴		0.0
Northumberland National Park		0.0
Old Oak and Park Royal Development Corporation ⁴		0.0
Allerdale		0.1
East Lindsey		0.1
East Staffordshire		0.1
Havant		0.1
Knowsley		0.1
Norwich		0.1
Oadby and Wigston		0.1
Preston		0.2
Richmondshire		0.2
North Somerset		0.2
Barrow-in-Furness		0.2
Blackburn with Darwen		0.2
County Durham		0.2
Eden		0.2
Hyndburn		0.2

Figure 1:

Table P154: District Matters Planning Performance Table for Quality of non-major decisions: October 2020 to September 2022

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 1st December 2023