

**Bolsover District Council**

**Meeting of the Planning Committee on 17th July 2024**

**6 Monthly Planning and Enforcement Appeal Report – January 2024 – June 2024**

**Report of the Development Management and Land Charges Manager**

<b>Classification</b>	This report is Public
<b>Contact Officers</b>	Chris Whitmore – Development Management and Land Charges Manager  Karen Wake - Planner

**PURPOSE/SUMMARY OF REPORT**

- To report performance against the government’s quality of decision making targets.
- To report any issues or lessons learnt from the appeal decisions.

**REPORT DETAILS**

**1. Background**

- 1.1 In November 2016 (updated October 2022) The Department for Communities and Local Government produced guidance entitled “Improving Planning Performance which included guidance on speed of Planning decisions and Quality of Planning Decisions. This report relates to the quality of decision making targets.
- 1.2 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.
- 1.3 The threshold or 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. The assessment period is 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.
- 1.4 During the 6-month monitoring period; Jan-June 2022 the council had no appeals on major planning application decisions. The council had only one appeal on non-

major applications. This appeal was dismissed. No decision was overturned within that period. During the July-Dec 2022 monitoring period the council had no appeals on major planning applications determined. The council had two appeal decisions on non-major applications. One of these appeals was dismissed, the other was allowed. However, this only equated to 0.53% of the number of non-major application decisions within that period. During the Jan-June 2023 monitoring period the council had no appeals on major planning applications decisions. The council had three appeal decisions on non-major applications. Two appeals were allowed, and one was dismissed. Only 33% of appeals determined within this period were allowed, however this only equated to 1.14% of the total number of non-major applications decisions that were overturned within that period. During the July-Dec 2023 monitoring period the council had no appeals on major planning applications and three appeal decisions on non-major applications. Two of these appeals was dismissed and one was allowed. The appeal which was allowed was refused by Planning Committee, contrary to the officer recommendation. However, this only equated to 0.57% of the total number of non-major applications determined within that period.

- 1.5 The latest monitoring period was Jan-June 2024. During this period the council had no appeals on major planning applications and three appeal decisions on non-major planning applications. All three of these appeals were dismissed. The council therefore had no decisions overturned at appeal within that period.
- 1.6 Having regard to quality of decisions designation criteria during the assessment period (i.e. two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation) for both major and non-major development, no major application decisions have been overturned at appeal and less than 1% of non-major development decisions made have been overturned at appeal. This indicates that the quality of decision making is high.

## **2. Conclusions and Reasons for Recommendation**

- 2.1 During the latest monitoring period there were only three appeal decisions on non-major applications. No decisions have been overturned at appeal and the council therefore continues to exceed national appeal decision targets.
- 2.2 The Council received one appeal decision relating to the service of an enforcement notice, where the appeal was dismissed and the terms of the Enforcement Notice upheld. The performance of Local Authorities in relation to the outcome of enforcement appeals is not measured in the same way as s78 planning appeals. However, it is considered useful to report on enforcement appeals within the same time period to highlight any issues and address any lessons learnt from these decisions.
- 2.3 The lack of appeals against planning decisions indicates current decision making is sound.
- 2.4 When/if appeals are lost the reporting of decisions provides an opportunity to learn from these decisions. A full summary of the decisions made is provided at appendix 1 and 2.

### 3. Alternative Options and Reasons for Rejection

- 3.1 An alternative option would be to not publish appeal decisions to members. It is however considered useful to report decisions due to the threat of intervention if the council does not meet the nationally set targets. Members of Planning Committee should understand the soundness of decision making and soundness of Planning Policies.
- 3.2 In the June 2021 internal audit, the process of reporting appeal decisions to Planning Committee and reflecting on decisions taken was reported. The process supported the Planning Department achieving 'substantial' reassurance in the latest internal audit of 'Planning Processes and Appeals'.
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### RECOMMENDATION(S)

1. This report is noted.
2. Recommend appeal decisions continue to be reported to Committee members every 6 months.

#### IMPLICATIONS:

**Finance and Risk:**            Yes             No

**Details:**

Costs can be awarded against the council if an appeal is lost and the council has acted unreasonably

The council can be put into special measures if it does not meet its targets  
On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

Appeal documents are publicly available to view online. Responsibility for data beyond information held in the planning register is PINS during the appeal process. Decisions are open to challenge but only on procedural matters.

On behalf of the Solicitor to the Council

**Staffing:**            Yes             No

**Details:**

Factored into normal officer workload and if original application report is thorough it reduces the additional work created by a written representations appeal. Additional workload created if the appeal is a hearing or public inquiry.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>BDC:</b>  Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p><b>NEDDC:</b>  Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	<p>No</p>

<p><b>District Wards Significantly Affected</b></p>	<p>All</p>
<p><b>Consultation:</b>  Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/>  SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/>  Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Details:</p>

DOCUMENT INFORMATION	
<p>Appendix No 1</p>	<p>Title: S78 Planning Appeal Decisions Period January 2024 – June 2024</p>
<p>Appendix No. 2</p>	<p>Title: S78 Enforcement Appeal Decisions Period January 2024 – June 2024</p>