

**Bolsover District Council**

**Planning Committee**

**Date of Meeting 13<sup>th</sup> January 2021**

**Report: Appeal Decisions: July 2020 – December 2020**

**Report of the Planning Manager (Development Control)**

**Purpose of the Report**

- To report the Planning Service's 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 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.
- 1.4 During the first appeal monitoring period the council won 100% of appeals on Major planning applications and 99.6% of appeals on non-major applications. During the second monitoring period the council won 96.5% of appeals on Major planning applications and 98.8% of appeals on non-major applications. During the third monitoring period the council had no appeals on major planning applications and won 100% of appeals on non-major applications. The council is therefore exceeding its appeal decision targets.
- 1.5 Following the report of appeal decisions to Planning Committee in January 2019 it was agreed that appeal decisions continue to be reported to Committee members every 6 months.

**2 Conclusions and Reasons for Recommendation**

- 2.1 During the 6 months since the last monitoring period the council has no appeals on Major planning applications determined and has had no appeals against enforcement notices. The council has had only one appeal on non-major

applications and this appeal was allowed. However, this equates to only 0.54% of the number of non-major applications determined within that period. The council is therefore still exceeding its appeal decision targets.

2.2 The lack of appeals against decisions indicates current decision making is sound.

2.3 When/if appeals are lost the reporting of decisions provides an opportunity to learn from these decisions.

### **3 Consultation and Equality Impact**

3.1 Consultations are carried out with each application and appeal. Consultations on this report of appeal decisions is not necessary.

3.2 Appeal decisions do not need an equality impact assessment in their own right but by monitoring appeal decisions it allows us to check that equalities are considered correctly in every application. There have been no appeal decisions reporting equalities have been incorrectly addressed.

### **4 Alternative Options and Reasons for Rejection**

4.1 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.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

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

5.1.2 The council can be put into special measures if it does not meet its targets

#### **5.2 Legal Implications including Data Protection**

5.2.1 Appeal documents are publicly available to view online. Responsibility for data is PINS during the appeal process.

5.2.2 Decisions are open to challenge but only on procedural matters.

#### **5.3 Human Resources Implications**

5.3.1 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 enquiry.

### **6 Recommendations**

- 6.1 This report be noted. Recommend appeal decisions continue to be reported to Committee members every 6 months.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	No
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 Document Information

Appendix No	Title
1.	APP/R1010/D/20/3248835: 7 Clowne Road, Barlborough, S434EN
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
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## **Appendix 1: Planning Appeal Decisions Period July 2020 - December 2020**

### **APP/R1010/D/20/3248835: 7 Clowne Road, Barlborough, S434EN: New Pitched Roof over Existing Detached Garage with Decorative Roof Finial and to Replace Existing House and Porch Roof Finials with the Same Design of Roof Finial**

#### **Main Issues**

The main issue was:

- The effect of the development on the character and appearance of the appeal property, including whether or not it preserves or enhances the character and appearance of the Barlborough Conservation Area and the setting of the grade II listed Clownefields farmhouse.

#### **Conclusion**

The Inspector concluded that the size, design and positioning of the finials does not detract from the existing property, which although an important contributor to the character and appearance of the conservation area is not of itself listed. Although a vernacular building where limited adornment would be expected the nature of the adornment resultant from these small relatively discreet elements would not detract from the overall simple appearance of the building, the conservation area, which would be preserved, or the setting of the nearby Clownefields farmhouse.

The Inspector concluded that the proposal would not detract from the character and appearance of the appeal property, nor the surrounding area and would preserve the character and appearance of the CA. Furthermore, the proposal would not detract from the setting of the grade II listed Clownefields farmhouse. As such the proposal would accord with policies SC16 and SC17 of the Local Plan, which require development proposals to preserve or enhance the character and appearance of the area and its setting, and to protect the significance of a heritage asset, including its setting.

The appeal was allowed subject to conditions that the finials were installed in accordance with the approved plans and were to be painted the same colour as the roof.

#### **Recommendations**

None.

The decision was a judgement about the impact of a proposal on the character and appearance of the building and the Conservation Area and the setting of Adjacent Listed Buildings rather than testing a Local Plan Policy.