

Agenda Item 9

Monthly Planning Appeals Performance Update – May 2012

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1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 May 2012, while Table B does the same for the current business plan year, ie. 1 April 2011 to 31 May 2012.

Table A. BV204 Rolling annual performance (to 31 May 2012)

| A. | Council performance | | Appeals arising from Committee refusal | Appeals arising from delegated refusal |
|----------------------------|---------------------|-------|--|--|
| | No. | % | No. | No. |
| Allowed | 13 | (37%) | 5 (63%) | 8 (30%) |
| Dismissed | 22 | 63% | 3 (38%) | 19 (70%) |
| <i>Total BV204 appeals</i> | 35 | | 8 | 27 |

Table B. BV204: Current Business plan year performance (1 April to 31 May 2012)

| B. | Council performance | | Appeals arising from Committee refusal | Appeals arising from delegated refusal |
|----------------------------|---------------------|-------|--|--|
| | No. | % | No. | No. |
| Allowed | 2 | (67%) | 1 (100%) | 1 (50%) |
| Dismissed | 1 | 33% | 0 (0%) | 1 (50%) |
| <i>Total BV204 appeals</i> | 3 | | 1 | 2 |

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 31 May 2012

| | Appeals | Percentage performance |
|---------------------|---------|------------------------|
| Allowed | 14 | (34%) |
| Dismissed | 27 | 66% |
| All appeals decided | 41 | |
| Withdrawn | 4 | |

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during May 2012.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during May 2012. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D

Appeals Decided Between 1/5/12 And 31/5/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed
without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

| DC CASE NO. | AP CASE NO. | DECTYPE: | RECM: | APP DEC | DECIDED | WARD: | ADDRESS | DESCRIPTION |
|--------------|-----------------|----------|-------|---------|------------|--------|---|--|
| 11/02662/FUL | 12/00008/REFUSE | DEL | REF | DIS | 18/05/2012 | JEROSN | 28 Victor Street Oxford Oxfordshire OX2 6BT | Proposed replacement windows |
| 10/02605/FUL | 11/00035/REFUSE | COMM | PER | ALC | 22/05/2012 | SUMMTN | Hernes House Residential Home 3 Hernes Crescent Oxford Oxfordshire OX2 7PS | Demolition of Hernes House and erection of 9 dwellings (5 x 4-bedroom and 4 x 5-bedroom). Provision of 18 car parking spaces, private amenity space and landscaping. (Amended plans) (Amended description) |

Total Decided: 2

TABLE E Appeals Received Between 1/5/12 And 31/5/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
 RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P -
 Public Inquiry, H - Householder

| DC CASE NO. | AP CASE NO. | DEC TYPE | RECM | TYPE | ADDRESS | WARD: | DESCRIPTION |
|--------------|-----------------|----------|------|------|--|--------|---|
| 11/01040/FUL | 12/00014/REFUSE | COMM | PER | P | St Clements Car Park And Public Convenience St Clement's Street Oxford Oxfordshire | STCLEM | Demolition of public toilets. Redevelopment of St Clements car park to provide student accommodation (140 bedrooms) and ancillary facilities over 3 blocks. Replacement car park (74 spaces), public toilets and landscaping and ancillary works. (Amended Plans, Additional Information) |
| 11/01044/CAC | 12/00015/REFUSE | COMM | PER | P | St Clements Car Park And Public Convenience St Clement's Street Oxford Oxfordshire | STCLEM | Demolition of public toilets. |
| 11/02278/FUL | 12/00013/REFUSE | DEL | REF | W | 29 Balfour Road Oxford Oxfordshire OX4 6AE | BBLEYS | Erection of 3 bedroom end of terrace house. Provision of 2 car parking spaces to frontage. |

Total Received: 3