

Agenda Item 9

Monthly Planning Appeals Performance Update – October 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 October 2012, while Table B does the same for the current business plan year, ie. 1 April 2012 to 31 October 2012.

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

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	10	(30%)	2 (40%)	8 (29%)
Dismissed	23	70%	3 (60%)	20 (71%)
<i>Total BV204 appeals</i>	33		5	28

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

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	6	(30%)	1 (25%)	5 (31%)
Dismissed	14	70%	3 (75%)	11 (69%)
<i>Total BV204 appeals</i>	20		4	16

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 October 2012

	Appeals	Percentage performance
Allowed	13	(33%)
Dismissed	26	67%
All appeals decided	39	
Withdrawn	1	

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 October 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 October 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 1/10/12 And 31/10/12

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
12/00743/EXT	12/00020/NONDET	COMM		ALC	03/10/2012	LITTM	Land To The Rear Of 1 Oxford Road Littlemore	Application to extend the time limit on planning permission 08/02702/FUL for "Proposed 3 storey building containing three houses (1x4 and 2x3 bed) and 3 flats (3x2 bed), new vehicular access to Dudgeon Drive and pedestrian access to Oxford Road. Provision of 9 parking spaces, cycle and bin store."
12/01437/FUL	12/00033/REFUSE	DEL	REF	DIS	26/10/2012	HINKPK	81 Wytham Street Oxford Oxfordshire OX1 4TN	Erection of single storey side extension and single storey rear extension.

Total Decided: 2

TABLE E Appeals Received Between 1/10/12 And 31/10/12

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
12/00683/VAR 05/01355/VAR to	12/00044/REFUSE	DELCOM	PER	W	The Carling Academy At Oxford 190 - 194 Cowley Road Oxford Oxfordshire OX4 1UE	STMARY	Application to vary condition 2 of planning permission to enable the premises to be open between the hours of 18:00 - 02:00 Mondays to Thursdays; 18:00 - 04:00 on Fridays and Saturdays; 12:00 - 00:00 on Sundays; 12:00 - 04:00 on Sundays prior to Bank Holidays; and on 30th April each year to be open until 06:00 the following day (May Day)
12/01457/VAR	12/00041/COND	DEL	PER	W	Grove House Club Grove Street	SUMMTN	Deletion of conditions 8, 9 and 10 to planning (use as 1 x 4-bed dwelling), relating to use of roof terrace, ground and permission 12/00872/FUL contamination residents parking permits respectively.
12/01774/FUL	12/00042/REFUSE	DEL	REF	W	28 Foxwell Drive Oxford	HHLNOR	Erection of two storey side extension to form new 2 bedroom dwelling. Provision of private amenity space and car parking.

Enforcement Appeals Received Between 1/10/12 And 31/10/12

TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

EN CASE NO.	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
12/00394/ENF	12/00043/ENFORC	P	34 Mill Lane Marston Oxford Oxfordshire OX3 0QA	MARST	Appeal against alleged unauthorised subdivision.

Total Received: 1