

Agenda Item 13

Monthly Planning Appeals Performance Update – February 2013

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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 28 February 2013, while Table B does the same for the current business plan year, ie. 1 April 2012 to 28 February 2013.

Table A. BV204 Rolling annual performance (to 28 February 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	17	(40%)	4 (50%)	13 (38%)
Dismissed	25	60%	4 (50%)	21 (62%)
<i>Total BV204 appeals</i>	42		8	34

Table B. BV204: Current Business plan year performance (1 April to 28 February 2013)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	16	(41%)	4(50%)	12 (39%)
Dismissed	15	59%	4 (50%)	19 (61%)
<i>Total BV204 appeals</i>	39		8	31

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 28 February 2013

	Appeals	Percentage performance
Allowed	20	(41%)
Dismissed	29	59%
All appeals decided	49	
Withdrawn	0	

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 February 2013.
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 February 2013. 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 1/2/13 and 28/2/13**

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, ASP- Appeal allowed in part AWD - Appeal withdrawn, DIS - Dismissed

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDE	WARD	ADDRESS	DESCRIPTION
12/00994/FUL	12/00032/REFUSE	DEL	REF	ALWCST	01/02/2013	HEAD	Store Adjacent 79 St Leonard's Road Oxford Oxfordshire	Demolition of garage/store building and erection of two storey house (3 bedroom).
12/01774/FUL	12/00042/REFUSE	DEL	REF	DIS	01/02/2013	HHLNOR	28 Foxwell Drive Oxford Oxfordshire OX3 9QD	Erection of two storey side extension to form new 2 bedroom dwelling. Provision of private amenity space and car parking.
12/00683/VAR	12/00044/REFUSE	DELCOM	PER	ASP	07/02/2013	STMARY	The Carling Academy At Oxford 190 - 194 Cowley Road Oxford Oxfordshire OX4 1UE	Application to vary condition 2 of planning permission 05/01355/VAR 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)
12/00821/FUL	12/00031/REFUSE	DEL	REF	ALC	11/02/2013	MARST	54 William Street Oxford Oxfordshire OX3 0ER	Demolition of existing building. Erection of 1x4 bed dwelling
11/03005/FUL	12/00039/REFUSE	COMM	REF	DIS	12/02/2013	JEROSN	Innovation House Mill Street Oxford Oxfordshire OX2 0XJ	Change of use from office (class B1a) to student accommodation, together with alterations to the building facade, changes to the car parking arrangements, landscaping and the provision of 100 covered cycle stands. (Amended plans)
11/03335/FUL	12/00025/REFUSE	DEL	REF	DIS	13/02/2013	SUMMTN	Grove House Club Grove Street Oxford Oxfordshire OX2 7JT	Retention of 3 storey building to former Grove House Club and conversion to 1x4 bedroom house. Erection of detached 4 bedroom house.
12/01457/VAR	12/00041/COND	DEL	PER	DIS	13/02/2013	SUMMTN	Grove House Club Grove Street Oxford Oxfordshire OX2 7JT	Deletion of conditions 8, 9 and 10 to planning permission 12/00872/FUL (use as 1 x 4-bed dwelling), relating to use of roof terrace, ground contamination and residents parking permits respectively.

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DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDE	WARD	ADDRESS	DESCRIPTION
12/00876/FUL	12/00037/REFUSE	DELCOM	PER	ALWCST	18/02/2013	SUMMTN	241 Banbury Road Oxford Oxfordshire OX2 7HN	New first floor rear 2 bedroom apartment with separate ground floor entrance

Total Decided: 8

Enforcement Appeals Decided between 1/2/13 and 28/2/13

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDE	ADDRESS	WARD	DESCRIPTION
12//0039/4/ENF	12/00043/ENFORC	DIS	25/02/2013	34 Mill Lane, Marston Oxford Oxfordshire OX3 0QA	MARST	Appeal against alleged unauthorised subdivision.

Total Decided: 1

TABLE E**Appeals received between 1/2/13 and 28/2/13**

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	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD	DESCRIPTION
12/01608/VAR	13/00004/COND	DELCOM	PER	W	77-77a Sandfield Road Headington Oxford OX3 7RW	HEAD	Application to remove conditions 7, 11, 15, 18 and 19 from planning permission 12/00077/FUL (for 2 bed
12/02105/FUL	13/00005/REFUSE	DEL	REF	W	3 David Nicholls Close Oxford Oxfordshire OX4 4QX	LITTM	Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans)
Total							2

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