

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 24 MAY 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL
AND ECONOMIC REGENERATION

4. APPEALS

ANNUAL REPORT FOR FINANCIAL YEAR 2006/2007 : PLANNING AND
ENFORCEMENT APPEALS

Background

1. The purpose of this report is to advise Members of the Council's performance in respect of all appeals dealt with in relation to planning and enforcement during the course of the last financial year.
2. In addition, for information purposes, a schedule of all appeal decisions received, is provided as an Appendix A to the report.

Appeal statistics: Appeals Received

3. Between April 1 2006 and 31 March 2007, the department received a total of **82** appeals, of which **75** related to planning appeals made primarily under Section 78 of the Town and Country Planning Act 1990, **6** were appeals against the service of Enforcement Notices (Section 174), and **1** related to a High Hedge Notice.
4. As shown in Table 1 below, the number of appeals has reduced from last years record high, mainly due to a significant drop in enforcement appeals (down from 29 to just 6). The number of planning appeals, however, has remained high.

| APPEALS RECEIVED | 2004/2005 | | | 2005/2006 | | | 2006/2007 | | |
|--------------------------------|-----------|-----------|-----------|-----------|-----------|------------|-----------|----------|-----------|
| | Plan | Enf | Total | Plan | Enf | Total | Plan | Enf | Total |
| Written Reps | 39 | 8 | 47 | 61 | 20 | 81 | 55 | 4 | 59 |
| Hearings | 18 | 3 | 21 | 16 | 2 | 18 | 17 | 2 | 19 |
| Public Inquiry | 2 | 4 | 6 | 3 | 7 | 10 | 3 | 0 | 3 |
| No. of Appeals received | 59 | 15 | 74 | 80 | 29 | 109 | 75 | 7 | 82 |

Table 1: Breakdown of Appeals Received, including comparison with last two years.

5. Although the number of appeals has decreased, it is notable that the number of hearings has remained proportionally high, albeit the majority of appeals remain determined under written representations.

Appeal Statistics: Appeal Decisions

6. The Welsh Assembly Government has a nationally-set **Core Indicator** for Appeals (Indicator ref. **PLA03**) which aims to "measure the quality of the local authority's decision making in relation to both planning applications and enforcement issues".
7. The core indicators require the following figures to be produced:-
- a) The number of appeals that were determined during the year, and
 - b) The percentage of these determined appeals that upheld the authority's decision in relation to:
 - i) Planning application decisions.
 - ii) Enforcement Notices.
8. In respect of the first figure, during the last financial year, **87** appeals were determined, with **64** relating to Planning Application decisions (including advertisements, Lawful Use, Conservation Area Consent etc.) and **23** to Enforcement Appeals.
9. In addition, there were a total of 10 appeals in which the appeal was not determined by an Inspector, either as a result of the withdrawal of the appeal by the appellant, the withdrawal of an Enforcement Notice by the Council, or as a result of the appeal being declared invalid.
10. The statistical breakdown of appeal decisions received is given below in Table 2.

| | | Determined Appeals | | |
|---------------------|----|--------------------|-----------------|-------|
| | | Dismissed | Allowed | Total |
| Planning Appeals | WR | 38 | 10 ¹ | 48 |
| | H | 10 | 4 | 14 |
| | PI | 2 | - | 2 |
| Total | | 50 (78%) | 14 (22%) | 64 |
| Enforcement Appeals | WR | 11 | 7 | 18 |
| | H | 1 | 1 | 2 |
| | PI | 1 | 2 | 3 |
| Total | | 13 (56.5%) | 10 (43.5%) | 23 |

¹ Includes Split Decision on Oakways Farm

Table 2: Breakdown of Appeal Decisions by appeal method.

* Includes all determined appeals where the decision of the Council was 'upheld' (e.g. where an Enforcement appeal succeeds in part, but the Notice is upheld) in accordance with guidance for National Core Indicators.

11. The above table thus indicates that, for the Core Indicators set nationally, the percentage of determined appeals that upheld the authority's decision was:
 - i) **78.1%** in respect of planning application decisions; and
 - ii) **56.5%** in respect of Enforcement Appeals.
12. In comparison with the last two years (82% and 82.5%), the results for planning appeals has fallen marginally. The figure of 78%, however, remains in excess of the national average over the last few years, and moreover has been attained at a time when the number of appeal decisions and appeals received has been at its highest.
13. While the enforcement figure is notably lower than last year, such statistics have inevitably been skewed by the decisions in respect of the garden extensions in Llanmaes (6 separate Notices) which were allowed at appeal. These decisions are, however, the subject of an outstanding challenge in the Courts. Discounting these sites, the overall figure for the year would be 76%.

| Year | Received | Withdrawn | Decided | Allowed |
|-------------|----------|-----------|---------|-----------|
| 2001-2002 | 708 | 92 | 601 | 246 (41%) |
| 2002-2003 | 755 | 57 | 705 | 267 (38%) |
| 2003-2004 | 858 | 50 | 703 | 256 (36%) |
| 2004 - 2005 | 1,013 | 61 | 900 | 303 (34%) |
| 2005-2006 | 1,132 | 106 | 992 | 310 (31%) |

Table 3: Planning Inspectorate Statistics for Planning Appeal decisions in Wales for last five financial years

14. As can be seen from Table 3 above, the performance of the Vale of Glamorgan Council continues to compare very favourably to the recent trend in Wales over the last five years, even though the number of appeals allowed has itself decreased year-on-year nationally to its present level of 31%.
15. For Members information, a list of all appeal decisions received, divided by appeal method, is attached as Appendix A to this report.

Appeal Statistics: Costs Decisions

16. During the course of the last financial year, the Council has made one application for an award of costs against appellants, which related to the following site:

| | | |
|----------------|--------------------------------------|---|
| 2006/00376/FUL | Brooklands, Brook Lane, St. Nicholas | East wing extensions to dining room and bedroom |
|----------------|--------------------------------------|---|

17. Regrettably, despite the proposal being markedly similar to an earlier refusal for the same site, the costs application was dismissed.
18. No applications for costs have been made against the Council during the last financial year.

Comment

19. Faced with a continuing high workload of planning appeals, the continued success of the team in maintaining a high degree of success has been highly satisfying. This is also testament to the quality of decisions made by the Council at both officer delegated level and Planning Committee. Recommendations for refusals continue to be rigorously checked for consistency to ensure that there is a sustainable chance of success at appeal.
20. As Members will be aware, the appeals procedure rules require that targets for submission of appeal documentation are met in time, with no opportunity for flexibility. In this respect, the section has ensured that 100% of statements, questionnaires and notifications have been submitted in accordance with procedural requirements, despite the continued high level of appeals received during the financial year.
21. Members will be aware that, during the course of the last financial year, the Appeals and Enforcement teams have been combined into a single team, led by one Principal Officer, with the applications function now being split into two area teams. The new area team approach and restructuring of the Development Control Group has recently commenced in the last 4 weeks.

Background Papers

Appeals Register, relevant appeal decision notices and application files.

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Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

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