

**Report To:** Planning Committee  
**Date of Meeting:** 18<sup>th</sup> June 2014  
**Report By:** Head of Planning and Public Protection  
**Report Author:** Development Manager  
**Title:** Planning Appeal Analysis 2013/14

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**1. What is the report about?**

The report provides a detailed analysis of all the planning appeal decisions which have been made from April 2013 to date.

**2. What is the reason for making this report?**

To provide information regarding the performance of the Local Planning Authority in planning appeals so that Members can scrutinise the individual cases.

**3. What are the Recommendations?**

That Member's note the contents of the report and raise any issues on particular cases with the Officers outside of Planning Committee.

**4. Report details.**

**Background**

A Planning appeal can be lodged as a result of Denbighshire County Council, as Local Planning Authority, refusing a planning application. Such a refusal decision can be made by Planning Committee or by Officers under the provisions of our adopted Scheme of Delegation. The current Scheme of Delegation is attached at **Appendix 1**.

Planning appeals can be heard using one of three methods. These are set out below:-

- **Written Representation** – Exchange of statements between the Council and appellant through the Planning Inspectorate. Usually straightforward and quick with minimal cost involved to either party.
- **Informal Hearing** – Exchange of statements between the Council and appellant with a round table discussion with the Planning Inspector arranged over 1 day. Both sides may apply for costs and involves added Officer/ Member time of attending a day long hearing.
- **Public Inquiry** – Exchange of statements and proofs of evidence between the Council and appellants with a formal Inquiry arranged by the Planning Inspectorate. Legal representation is required for Inquiries as cross-examination of evidence takes place. Can be costly due to legal involvement and the fact the appeals can run into 3 or 4 days.

More recently Denbighshire County Council has been involved in a **Householder Appeal Service**. This process has been set up to speed up the hearing of more simple household extension type appeal cases. There is no exchange of statements in this process but the Inspectorate make a determination based on the submitted planning application and any other relevant documents such as our Committee or Delegated Officer report.

Clearly the Council would seek to defend any refusal decision it gives and hope that the Planning Inspectorate **dismiss** the appellants appeal. Sometimes however, for a variety of reasons, the Planning Inspectorate **allow** an appeal. It is important, therefore, that we are able to analyse these appeal decisions to see whether there are any lessons to be learnt by Officers, Members and other key parties such as Town and Community Council's in the appeal process.

The Council cannot predict how many planning appeals will be lodged over the course of a year as the decision whether to appeal always lies with the applicant.

The Council should always try to ensure that any refusal decision it makes on a planning application is robust and evidence based. To this end attempts have been made to minimise the risk for possible perverse decisions being made by the Council. Better Officer/Member communication during the planning application process, planning related training for Members and Town/Community Council's and a co-ordinated Planning Appeals process have served the Council well in avoiding the risks of costs being awarded against the Council. However, within a democratic process there is always some risk that decisions are made by the Planning Inspectorate contrary to the views of the Council.

### **Appeals Analysis 2013/14**

**Appendix 2** to the document gives a breakdown of all of the 18 no. appeal decisions the Council has had since April 2013 to date. Some key figures from that analysis are bullet pointed below the table.

Officers should highlight that those appeals dealt with prior to June 2013 would have had regard to the old Unitary Development Plan. From June 2013 onwards decisions have been made having regard to the new Local Development Plan.

The information contained in the appendix merely points out the relevant data but does not analyse the decisions. Officer will always try to bring specific reports back to Planning Committee should an appeal decision be received which highlights some key Policy areas of interest. In addition Officers will periodically provide Member training events which analyse appeal decisions, Policy interpretations and trends in more detail.