

Report of the Chief Executive

APPEAL DECISIONS1. Purpose of report

The Committee is asked to note the report which outlines the position with regard to recent planning appeal decisions and why the recent success rate of appeal dismissals has dropped below the usual level.

2. Background

In a report to Jobs and Economy Committee on 18 November 2021 it was noted that the percentages of appeals allowed against authority decision to refuse planning permission (Delegated or Committee Decisions) was set on a concerning trend. In 2019/20 35.3% of appeals were allowed, and in 2020/1 this had reduced to 27.8% (and of these decisions 50% were Committee overturns in both years).

However, the quarterly figures for this year show that in quarter 1 it had increased to 42.9% and in quarter 2 it was still quite high at 30%. Table 1 in the appendix shows that to date, this calendar year there have only been three appeals allowed (with a percentage of 23%).

At the time of writing this report there are seven appeals awaiting a decision. These are outlined in the appendix, with a summary of the refusal reason. There is also one appeal 21/00092/FUL, Kings Carpets Beeston for nine apartments (character and parking) with the Planning Inspectorate for determination.

3. Financial implications

Any applicant can ask for their reasonable costs to be paid for the planning process, known as 'cost appeals' if they believe the Council has acted unfairly in the planning process. Costs awarded against the Council are rare, but do pose a financial risk.

Recommendation

The Committee is asked to NOTE the report.

Background papers

Nil.

APPENDIX

At the time of writing this report we have seven appeals awaiting decision. These are outlined below, with the summary of refusal reason in brackets:

- 19/00605/FUL* – 42 Derby Road – Four Dwellings (design and out of character)
- 20/00272/FUL- Land Adjacent 313 Nottingham Road, Toton – C/U Static Homes / Caravans (flood risk and design out of keeping with the area.
- 20/00667/FUL*- 28 Park Road – two dwellings (overdevelopment, amenity)
- 21/0005/FUL 42 Greenhills Road - dwelling (character and intensive)
- 21/00268/PNH- 1 Cloisters, Beeston - house extension (too big)
- 21/00182/FUL* - 29 Rivergreen Crescent – Large extension (scale and character)
- 21/00049/FUL* – Babbington Hall – five dwellings (Character and Green Belt)

*= committee overturns.

It is considered that whilst the trend was worrying, based on the figures for the calendar year, there is a possibility that the figure will improve. However, of the eight appeals outstanding, it is the opinion of officers that some will receive planning permission and be allowed.

Table 1: Appeals determined between 1/1/21 and 23/11/21.

| Appeals 2021 | | | | | |
|---------------------|--------------|---|-----------------|------------------|-------------------------|
| Appeal Reference No | DC Reference | Address | Appeal Decision | Date of Decision | Committee or Delegated? |
| 21/00004/APLWR | 20/00183/OUT | 84 Cow Lane Bramcote Nottinghamshire NG9 3BB | ALLOW | 26/05/2021 | DEL |
| 21/00005/APLWR | 20/00538/FUL | 232 Queens Road Beeston Nottinghamshire NG9 2BN | ALLOW | 25/05/2021 | COM |
| 20/00017/APLWR | 20/00020/FUL | 84 Abbey Road Beeston Nottinghamshire NG9 2HP | DISMIS | 28/01/2021 | DEL |
| 21/00002/APHAS | 19/00689/FUL | 102 Ewe Lamb Lane Bramcote Nottinghamshire NG9 3JW | DISMIS | 04/03/2021 | DEL |
| 21/00007/APLWR | 20/00154/FUL | 21 Barratt Lane Attenborough Nottinghamshire NG9 6AD | DISMIS | 14/06/2021 | DEL |

| Appeals 2021 | | | | | |
|---------------------|--------------|--|-----------------|------------------|-------------------------|
| Appeal Reference No | DC Reference | Address | Appeal Decision | Date of Decision | Committee or Delegated? |
| 21/00003/APLPI | 19/00465/FUL | Bramcote Ridge Open Space Sandgate Beeston Nottinghamshire | DISMIS | 03/08/2021 | COM |
| 21/00008/APLWR | 20/00444/FUL | Land Adjacent 39 Northern Drive Trowell Nottinghamshire NG9 3QN | DISMIS | 02/06/2021 | DEL |
| 20/00019/APLWR | 20/00178/FUL | Land To The Rear Of 53 & 55 Kimberley Road Nuthall Nottinghamshire NG16 1DA | DISMIS | 15/04/2021 | DEL |
| 20/00020/APLWR | 20/00043/FUL | 3 Swingate Kimberley Nottinghamshire NG16 2PG | DISMIS | 03/03/2021 | COM |
| 21/00011/APHAS | 21/00048/FUL | 12 Leamington Drive Chilwell Nottinghamshire NG9 5LJ | DISMIS | 21/07/2021 | DEL |
| 21/00012/APHAS | 20/00603/FUL | 34 Sandy Lane Bramcote Nottinghamshire NG9 3GS | ALLOW | 21/06/2021 | DEL |
| 21/00001/APLWR | 19/00791/FUL | 116 Marlborough Road Beeston Nottinghamshire NG9 2HN | DISMIS | 20/04/2021 | DEL |
| 21/00014/APLWR | 20/00856/ADV | Advertising Right Adjacent Horse And Jockey Horse And Jockey 20 Nottingham Road Stapleford Nottinghamshire | DISMIS | 03/09/2021 | COM |

Table 2: Appeal figures for financial years 2005/6 to 2020/21.

| Year | Appeals allowed | Appeals allowed in part | Appeals dismissed | Total | Proportion dismissed |
|-------------------------------|-----------------|-------------------------|-------------------|------------|----------------------|
| 2005/06 | 5 | 1 | 13 | 19 | 68% |
| 2006/07 | 9 | 0 | 16 | 25 | 64% |
| 2007/08 | 4 | 0 | 19 | 23 | 83% |
| 2008/09 | 7 | 1 | 16 | 24 | 67% |
| 2009/10 | 6 | 1 | 13 | 20 | 65% |
| 2010/11 | 4 | 0 | 16 | 20 | 80% |
| 2011/12 | 5 | 0 | 13 | 18 | 72% |
| 2012/13 | 3 | 0 | 12 | 15 | 80% |
| 2013/14 | 6 | 0 | 14 | 20 | 70% |
| 2014/15 | 2 | 0 | 11 | 13 | 85% |
| 2015/16 | 9 | 0 | 8 | 17 | 47% |
| 2016/17 | 4 | 2 | 11 | 17 | 65% |
| 2017/18 | 2 | 0 | 4 | 6 | 67% |
| 2018/19 | 4 | 0 | 8 | 12 | 67% |
| 2019/20 | 8 | 0 | 12 | 20 | 60% |
| 2020/21 | 5 | 0 | 13 | 18 | 72% |
| Total 2005-2020/21 | 83 | 5 | 199 | 287 | 69% |