



PLANNING COMMITTEE

18 April 2024

REPORT TITLE	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS
REPORT OF	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service regarding planning appeals, including the percentage of the Council's decisions overturned on appeal by the Planning Inspectorate.

This matter affects all Wards within the Borough.

RECOMENDATION

Planning Committee is recommended to note and endorse this performance update report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 To enable Members to be updated on the performance of the Development Management Service regarding planning appeals, including the percentage of Council decisions overturned on appeal by the Planning Inspectorate.

2.0 OTHER OPTIONS CONSIDERED

2.1 As this report is for information no alternative options are recommended.

3.0 BACKGROUND INFORMATION

3.1 The Government has prescribed a Performance Indicator relating to appeals arising from the Council's refusal of planning permission. The Performance Indicator measures the Council's appeals performance in the form of the percentage of appeals allowed.

3.2 This indicator is concerned only with planning applications for which the Council has refused planning permission. It does not include planning appeals against conditions and non-determinations. Target setting for this indicator is at a local level and there is no prescribed national target. As a general comparison the national average for England for the number of appeals allowed over the previous five financial years stands at 27.6% of decisions, with the five-year average for Northwest England standing slightly higher, at 31% of appeal decisions allowed.

Commentary on Performance

3.3 Performance is reported for Members on a quarterly basis. The following table shows the data for the last five full performance years, with the quarterly data for year 2023-2024 reported thereafter.

Planning Appeals	2019/20 Year	2020/21 Year	2021/22 Year	2022/23 Year	2023/24 Year
Planning Appeals allowed as a percentage of appeals determined	32.4% 11 decisions out of 34 (National average 24.9%) (Regional average 26.5%)	33.3% 12 decisions out of 36 (National average 25.6%) (Regional average 29.8%)	19.6% 9 decisions out of 46 (National average 29%) (Regional average 31.2%)	34.3% 12 decisions out of 35 (National average 28.8%) (Regional average 31.4%)	28.9% 13 decisions out of 45 (National statistics not yet released) (Regional statistics not yet released)

3.4 Having regard to the above data, the rolling five-year average for appeals allowed stands at 29.1% (57 of 196 decisions), slightly higher than the national average, but below the regional average for Northwest England.

2023-2024 Quarterly Reporting

3.5 **Q1 2023-24 (April to June 2023)**

2 appeals were allowed within a total of 3 decisions (66.6% allowed)

The appeals allowed within this quarter were:

- **APP/20/00216** – 47 Argyle Street Birkenhead – To use site for pay and display/contract parking for a temporary period of 5 years with associated works including fencing and lighting/CCTV column (retrospective), and
- **APP/21/01853** – Merseyside Fire and Rescue Service, West Kirby Community Fire Station, The Concourse, Grange Road West Kirby – Demolition of buildings and erection of a residential development comprising 2 apartment buildings (C3 use) with associated access, refuse, car parking, landscaping, and other infrastructure.

3.6 **Q2 2023-24 (July to September 2023)**

3 appeals were allowed within a total of 19 decisions (15.8% allowed).

The appeals allowed within this quarter were:

- **OUT/22/00107** - Land South of Burnbrae, Lever Causeway, Storeton, CH63 6HT - Outline planning application with all matters reserved for the erection of a single new detached home and associated works;
- **OUT/22/01305** - Land Off Grange Road, West Kirby, Wirral - Outline planning application for 39 no. residential units with associated works (access to be considered and all other matters reserved); and
- **APPH/23/00468** - Tawnywood, 40 Column Road, Newton, Wirral, CH48 1LH - New detached garage.

3.7 **Q3 2023-24 (October to December 2023)**

2 appeals were allowed within a total of 6 decisions (33.3% allowed).

The appeals allowed within this quarter were:

- **APPH/22/01136** - 1 Malmesbury Close, Greasby, Wirral, CH49 2QP - Proposed first floor to existing converted attached garage to contain bedroom. New porch in place of existing and addition of small brick shed building attached to side of existing house; and
- **APP/22/01327** - 175 Heygarth Road, Eastham, Wirral, CH62 8AL – Erection of a detached house on side garden.

3.8 **Q4 2023-24 (January to March 2024)**

6 appeals were allowed within a total of 17 appeal decisions (35.3% allowed).

- **APP/21/02188** – Car Park, Cherry Tree Shopping Centre, 6-8 Cherry Square, Liscard, CH44 5XU - Retrospective permission sought for erection of 2 no. pole mounted ANPR and 1 no. wall/pole mounted ANPR cameras to the Car Parks. Replacement of existing 4 no. Pay and Display Machines;
- **APPH/23/00042** - 82 Hinderton Road, Tranmere, Birkenhead, Wirral, CH41 9AE - Lean-to at the rear of the property. Wooden build with glass windows;
- **LDP/22/01732** - 136 Prenton Hall Road, Prenton, Wirral, CH43 3BJ - Re-modelling and re-purposing of internal spaces only, principally, the creation of internal space from an attached garage into habitable room under the rules for permitted development;
- **ANTX/23/00211** - Arrowe Park Road Street Works Arrowe Park Road, Wirral, CH49 0UB - Application to determine if prior approval is required for a proposed 15-metre-high telecommunications mast with associated antenna and ground cabinets;
- **RVC/22/02223** - The Menage Mill Hill Road, Irby, Wirral, CH61 4XQ - Retrospective Application for Variation of Condition 2 of approved Planning Permission APP/20/00576 to enlarge the Approved Dwelling; and

- **APP/23/00225** - 38 Kingsland Road, Oxton, Wirral, CH42 9NW - Change of Use from five residential apartments (C3) to a House in Multiple Occupation HMO (Sui Generis).

4.0 FINANCIAL IMPLICATIONS

- 4.1 Whilst there are no direct implications from this report, the appeals it refers to can be expensive when defending decisions, especially when the Council must put together an external team to defend a case after member overturns from planning committee. There is also the potential for an award of costs against any party which is found to have acted unreasonably in its conduct of an appeal. There is therefore the potential for a costs award for and against the Council in appeal situations. These can involve significant sums.

5.0 LEGAL IMPLICATIONS

- 5.1 Whilst there are no direct legal implications associated with the report, appeals carry legal implications and officers work closely with Legal Services, particularly in respect of instruction for barristers when undertaking Public Inquiries and sometimes Hearings. Planning decisions may also be subject to legal proceedings in the form of judicial reviews.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There is a risk of government intervention if performance falls below that considered acceptable. This report seeks to monitor performance and manage the risk.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 This report is factual so there has been no consultation on its contents.

9.0 EQUALITY IMPLICATIONS

- 9.1 The Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are no direct community wealth implications arising from this report.

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APPENDICES

None

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee	17 August 2023
Planning Committee	09 February 2023
Planning Committee	13 October 2022
Planning Committee	10 February 2022
Planning Committee	14 October 2021
Planning Committee	15 July 2021