



**PLANNING COMMITTEE**

**7 November 2024**

<b>REPORT TITLE</b>	<b>DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE PLANNING APPEALS</b>
<b>REPORT OF</b>	<b>DIRECTOR OF REGENERATION AND PLACE</b>

**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 2024-2025 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 <i>(National average 24.9%)</i> <i>(Regional average 26.5%)</i>	33.3% 12 decisions out of 36 <i>(National average 25.6%)</i> <i>(Regional average 29.8%)</i>	19.6% 9 decisions out of 46 <i>(National average 29%)</i> <i>(Regional average 31.2%)</i>	34.3% 12 decisions out of 35 <i>(National average 28.8%)</i> <i>(Regional average 31.4%)</i>	28.9% 13 decisions out of 45 <i>(National statistics not yet released)</i> <i>(Regional statistics not yet released)</i>

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.

### 2024-2025 Quarterly Reporting

#### 3.5 **Q1 2024-25 (April to June 2024)**

4 Allowed out of a total of 13 decisions (30.7% allowed)

The appeals allowed within this quarter were:

- **APP/23/01355** – Westcliff 63 Barnston Road, Barnston CH60 2SS – Two Storey dwelling
- **APPH/23/01427** – 3 Weymoor Close Spital, CH63 9HG – Proposed two storey/first floor front extension (amended description)

- **APPH/23/00438** – 17 Marfords Avenue, Bromborough CH63 0JH – Two storey extension to front and side of house with single storey extension to rear.
- **APP/22/01656** – Land adjacent to Oak Cottage, Noctorum Road, Prenton CH43 9UQ – The erection of a semi-detached villa on land adjacent to Oak Cottage with associated parking provision and access (2no dwellings)

### 3.6 **Q2 2024-25 (July to September 2024)**

2 appeals allowed out of a total of 17 decisions (11.7% allowed)

The appeals allowed within this quarter were:

- **APPH/23/01329** – 3 Kilburn Avenue, Eastham CH62 8BQ – Two storey side and single storey rear extensions including render of dwelling.
- **AGNX/23/01085** – Parcel of land off Cottage Lane, Gayton – Conversion of Barn into dwelling house as per application drawings which confirms location of building on site and adequacy of natural light provision to each habitable room.

3.7 Across the two quarters above, the combined average equates to 20% of appeals allowed (6 out of 30), which is below national and regional averages.

3.8 The Council received the appeal decision for Noctorum Field public Inquiry (planning application reference OUT/23/00478- Birkenhead School Sports Ground Noctorum Road, Noctorum) on 16<sup>th</sup> August 2024. The appeal was dismissed.

## 4.0 **FINANCIAL IMPLICATIONS**

4.1 Whilst there are no direct implications from the report., the appeals it refers to can be expensive when defending decisions at appeal, especially when the Council must put together an external team to defend a case when dealing with member overturns from planning committee. There is also the potential for an award of costs both 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 the Legal Services, particularly in respect of instruction for barristers when undertaking Public Inquiries and sometimes Hearings. Planning decisions are also subject to legal proceedings (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 Wirral 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**

<b>Council Meeting</b>	<b>Date</b>
<b>Planning Committee</b>	<b>10 February 2022</b>
<b>Planning Committee</b>	<b>13 October 2022</b>
<b>Planning Committee</b>	<b>9 February 2023</b>
<b>Planning Committee</b>	<b>17 August 2023</b>
<b>Planning Committee</b>	<b>18 April 2024</b>