



PLANNING COMMITTEE

17 August 2023

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| 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 the number of appeals allowed is around 33% per year.

Commentary on Performance

3.3 Performance is reported for Members on a quarterly basis. The following table shows the data for the last four full performance years, together with the performance data for the first quarter of the current reporting year:

| Planning Appeals | 2019/20 Year | 2020/21 Year | 2021/22 Year | 2022/23 Year | 2023/24 Year to date (Q1) |
|--|--|---|---|--|---|
| Planning Appeals allowed as a percentage of appeals determined | 25% 9 appeals allowed out of 36 Appeals | 31% 11 appeals allowed out of 35 appeals | 20% 10 appeals allowed out of 50 appeals | 35% 9 appeals allowed out of 26 appeals | 66.6% 2 appeals allowed out of 3 appeals |

3.4 Within the fourth quarter 2022/23, there have been 2 appeals allowed from a total of 6 appeal decisions. The appeals allowed within this fourth quarter were:

- APP/22/00614 – 10 Rowton Close Oxton – extensions to side and rear of existing dwelling
- APP/22/00476 – 28 Birch Road Meols – Alterations to proposed rear extension.

3.5 Thus far within the first quarter 2023/24, there have been 2 appeals allowed from a total of 3 appeal decisions, due to the low number of appeals received during this quarter the percentage allowed is high. The appeals allowed within this first quarter were:

- 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.
- 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)

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