



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 13 DECEMBER 2018

WARDS AFFECTED: ALL WARDS

PLANNING APPEALS UPDATE

Report of Director (Environment and Planning)

PURPOSE OF REPORT

- 1.1 To update members on the progress of current planning appeals.

2. RECOMMENDATION

- 2.1 That the Scrutiny Commission notes the report and the appeal decisions attached at appendix 1 and current appeals attached at appendix 2.

3. BACKGROUND TO THE REPORT

- 3.1 The performance indicator (PI) for appeals is that at least 60% of all appeals should be dismissed. The table below shows the last two financial years.

Year	No of Appeals	Appeals Dismissed (%)
2017/2018	23	78%
2016/2017	37	81%

- 3.2 The appeal decisions set out in appendix 1 show that since the last report in July 2018 there have been 18 appeals decided. Of these, 5 were allowed and 13 dismissed. This results in a success rate of 72% of all appeals lodged.

- 3.3 The appeal progress report at appendix 2 includes current progress on appeals for members' information. Members are asked to note the contents of the report.

- 3.4 A public inquiry relating to Land east of The Common, Barwell was held in response to the Council's refusal to grant planning permission for up to 185 dwellings in the open countryside. The inquiry lasted for 6 days beginning on the 12th June and closing on the 19th June. At Scrutiny in July it was reported that a decision was expected in August, a decision was received by the Council on the 20th July 2018. The main issues for this appeal were:

- The effect of the proposed development on the character and appearance of the area and on the Hinckley/Barwell/Earl Shilton Green Wedge;
 - whether there are any other material considerations, including the delivery of market and affordable housing in the context of the current housing land supply, that determine the development should be approved other than in accordance with the development plan.
- 3.5 The Inspector found that the proposed development would harm the character and appearance of the landscape resulting in a perception of the town extending south towards the A47, and an erosion of the Green Wedge and therefore failed to comply with SADMP Policy DM4 (Countryside) and Core Strategy Policy 6 (Green Wedge).
- 3.6 The inspector also rigorously questioned officers about delivery of housing and the Council's five year land supply. Due to the work conducted by the Major Projects Team in monitoring sites and working pro-actively with developers, notwithstanding the delays associated with the delivery of the Sustainable Urban Extensions (SUEs) the Council were able to defend its 5 year housing land supply and the inspector found that the Council can currently demonstrate a supply of housing land in excess of 5 years.
- 3.7 The inspector's report makes extensive commentary on the delivery of housing on several sites contained within the 5 year land supply, in some cases discounting projected supply of housing therefore reducing the councils overall land supply figure, although this currently remains in excess of 5 years. The inspector states that further challenging work may be needed on some sites, to ensure delivery. The full report can be found at appendix 3.
4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES
- 4.1 Not exempt
5. FINANCIAL IMPLICATIONS [CS]
- 5.1 In 2017/18, the council spent £20,610 against a budget of £45,000 on appeals. For 2018-19 the budget is £49,000. Due to the Public Inquiry at The Common the budget as at Month 8 has already been spent. Any additional budget requirement will need approval in accordance with financial procedure rules.
6. LEGAL IMPLICATIONS [MR]
- 6.1 None arising directly from this report.
7. CORPORATE PLAN IMPLICATIONS
- 7.1 The Council needs to manage its performance through its Performance Management Framework with regard to appeals and has performed above the adopted PI of 60%.
- 7.2 It also ensures that the Council is ensuring that it is meeting the priorities of the Corporate Plan particularly *Places – Creating clean and attractive places to live and work.*

8. CONSULTATION

8.1 None required

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 There are no risks arising from the recommendations in this report.

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 The report provides an update to the Scrutiny Commission of current appeal cases. The implications of these appeals are determined on a case by case basis and can affect the planning balance when considering individual planning applications affecting all sections of the community.

10.2 As this report does not propose any amendment to a service or Policy, an Equality Impact Assessment is not relevant.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Relevant Planning Applications documents available on the Council's Planning Portal

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