



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 15 JUNE 2017

WARDS AFFECTED: ALL WARDS

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### PLANNING APPEALS UPDATE

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#### 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 Scrutiny note 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 60% of all appeals should be dismissed. The table below shows the last two financial years.

Year	No of Appeals	Appeals Dismissed (%)
2016/2017	37	81%
2015/2016	27	78%

- 3.2 The appeal decisions set out in Appendix 1 shows that since the last report in October 2016 there has been 15 appeals decided. Of these 4 were allowed, 10 dismissed and 1 withdrawn by the applicant. This results in a success rate of 73% of all appeals lodged.
- 3.3 The appeal progress report at Appendix 2 includes current progress on outstanding appeals for members' information. Members are asked to note the contents of the report and also that on most of the appeals the Council is awaiting the Inspector's decision including a decision of Good Friday and Land adjacent to Hissar House Farm. Updates will be provided to Planning Committee and direct to Ward Members when they are received.
- 3.4 The dual appeal at Beech Drive by J H Hallam and Sons for up to 49 dwellings was withdrawn by the applicant prior to the Public Inquiry. The Council has submitted a

cost claim against the appellant due to the late withdrawal of the appeal and the abortive work carried out by the Council, the Council's appointed consultants and the Council's appointed barrister. The Council are currently waiting to hear from the Inspectorate as to whether the Council have been successful in receiving either a partial or full award of costs

- 3.5 A cost claim against the Council has also been submitted to the Planning Inspectorate in relation to the Klondike public inquiry both in relation to the Enforcement Notice and the Planning Appeal. The Council are waiting to hear from the Planning Inspector as to whether they will grant the Appellant an award of costs against the Council.

- 3.6 There are currently no outstanding public inquiries nor any appeals relating to the refusal of large housing developments lodged with the Council which can be seen as a testament to the success of the adopted Site Allocations and Development Management Policies DPD and the improved working practices between members and officers..

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 Not exempt

5. FINANCIAL IMPLICATIONS [TF]

- 5.1 The outcome cost claim submitted by the council in relation to Beech Drive is unknown.

- 5.2 The outcome cost claim in relation to Klondyke is unknown.

- 5.3 The costs relating to the current appeals included in appendix 2 are to be met from existing resources.

6. LEGAL IMPLICATIONS [AR]

- 6.1 None

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.

## 10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 The report provides an update to Scrutiny 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

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

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