



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Committee

11th October 2016

WARDS AFFECTED: ALL WARDS']

APPEALS PROGRESS REPORT

Report of Chief Planning and Development Officer

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

- 2.1 Members of the Planning Committee are asked to:

- 1) Note the progress of current appeals, attached at Appendix 1
- 2) Endorse the Statement of Case for the latest planning appeal ref 16/00311/OUT at Beech Drive Thornton, attached at Appendix 2

3. BACKGROUND TO THE REPORT

- 3.1 The appeal progress report set out at Appendix 1 includes current progress on outstanding appeals and is for member's information. Members are asked to note the contents of the report.
- 3.2 With regard to Appendix 2, there are two existing, conjoined planning appeals that are scheduled to be heard by way of Public Inquiry in March 2017. The second appeal is against the Council's refusal of application 16/00311/OUT on 1 June 2016. In the stages of preparation for the Inquiry for this appeal the Council is required to submit its Statement of Case for 16/00311/OUT (48 houses) to the Planning Inspectorate, providing sufficient details of the case that the Council will make for all participants to understand the case that will be made at the Inquiry. The Statement of Case for 14/01274/OUT (49 houses) has already been submitted to the Planning Inspectorate. There are further stages in the appeal process, leading up to the Inquiry itself. This includes the submission of Proofs of Evidence by relevant witnesses in advance of the start of the Inquiry. The Inquiry is scheduled to start on 14th March 2017.
- 3.3 Given the now conjoined nature of the appeals and the change in circumstances since the decision on the first application in 2015, more particularly the change in the planning policy context since the planning application decision in June 2016 following

the adoption of the Site Allocations and Development Management Policies Development Plan Document in July 2016, it is considered appropriate that the Council's Statement of Case is presented to the Planning Committee for endorsement before it is submitted to the Planning Inspectorate. Effectively, policies that previously formed part of the Development Plan and listed in the reason for refusal have been deleted. The draft Statement of Case at Appendix 2 is also written to clarify and explain in more detail the reason for refusal of 16/00311/FUL as stated in the Decision Notice dated 1 June 2016.

3.4 The deadline for the submission of the Statement of Case to the Planning Inspectorate has been extended to take account of the October meeting of the Planning Committee.

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

4.1 The report is to be heard in open session.

5. FINANCIAL IMPLICATIONS [TF]

5.1 The inquiry for this appeal is due to commence in the financial year 2017 – 2018 and has an anticipated cost of £25,000 in total, of which a cost of £7,726 has been incurred to date. The remaining cost will be factored into the budget setting process and funded from the appeals reserve. This budget will be approved by council.

6. LEGAL IMPLICATIONS [MR]

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.

8. CONSULTATION

8.1 None

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 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner

Financial implications for the Council in defending appeals.	Take into account the risk of refusing applications and the likely success of an appeal	Nic Thomas
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10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 The report provides an update to Planning Committee 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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