



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 23 NOVEMBER 2017

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 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 show that since the last report in May 2017 there have been 16 appeals decided. Of these, 2 were allowed, 13 dismissed and 1 withdrawn by the applicant. This results in a success rate of 82% 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3.4 The dual appeal at Beech Drive by J H Hallam and Sons for up to 49 dwellings was withdrawn by the applicant prior to the Public Inquiry.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 has been awarded a partial award of costs and is seeking around £25,000 to cover the Council's costs. Negotiation is ongoing and the final agreed figure will be reported in the next update.

- 3.5 A cost claim against the Council was submitted for Klondyke and the appellant was awarded a partial award of costs against the Council. The costs have been agreed between both parties and the Council has paid £9,108 in final settlement. The costs have been paid from the existing appeals budget as money had been set aside in this financial year to cover these costs.
- 3.6 A partial award of costs has been awarded to the Appellant in relation to 16/00944/FUL at Upper Grange Farm which is included in Appendix 1. The award of costs is against the imposition of the second reason for refusal which was considered to be unjustified. The appeal was still dismissed as the principal first reason for refusal was considered to be sound. The costs will therefore be minimal and not more than £1,500. Negotiations are currently ongoing and the final figure will be reported in the next update.
- 3.7 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 [TP]
- 5.1 The Budget for 2017/18 relating to Development Control Appeals is £45,000 against actual spend of £14,102.
6. LEGAL IMPLICATIONS [AR]
- 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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