



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 10 JULY 2018

WARDS AFFECTED: ALL WARDS

PLANNING APPEALS UPDATE

Report of Director (Environment and Planning)

1. 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 December 2017 there have been 16 appeals decided. Of these, 3 were allowed and 13 dismissed. 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- 3.4 The dual appeal at Beech Drive by J H Hallam and Sons for up to 49 dwellings was withdrawn by the applicant prior to the Public Inquiry.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.

- 3.6 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. A decision is expected in August and members will be made aware of the decision when received.
4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES
- 4.1 Not exempt
5. FINANCIAL IMPLICATIONS [DW]
- 5.1 In 2017/18 the council spent £20,610 against a budget of £45,000. For 2018-19 the budget is £49,000 and the current spend to date is £43,000.
- 5.2 Any income arising from the cost claim for the abortive appeal will be receipted as income and will form part of the general fund balance.
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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