

2. ANNUAL REPORT ON PLANNING APPEALS 2006/07 (A.1536/BHP/NAW)

Purpose of Report

This report summarises the work done on appeals between 1 April 2006 and 31 March 2007.

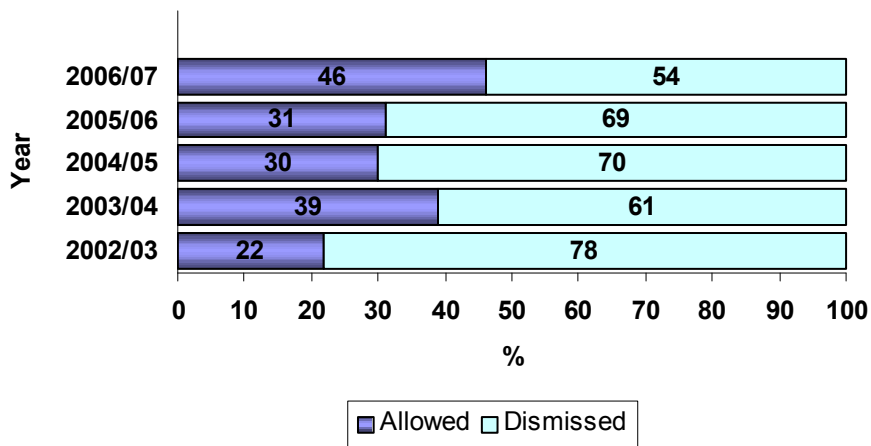
Statistics

During the year action was taken on 96 appeals. 42 were in hand at the start of the year and 54 were received during the year. 52 decisions were received during the year and 10 appeals were withdrawn. 33 cases were still in hand at the end of the year.

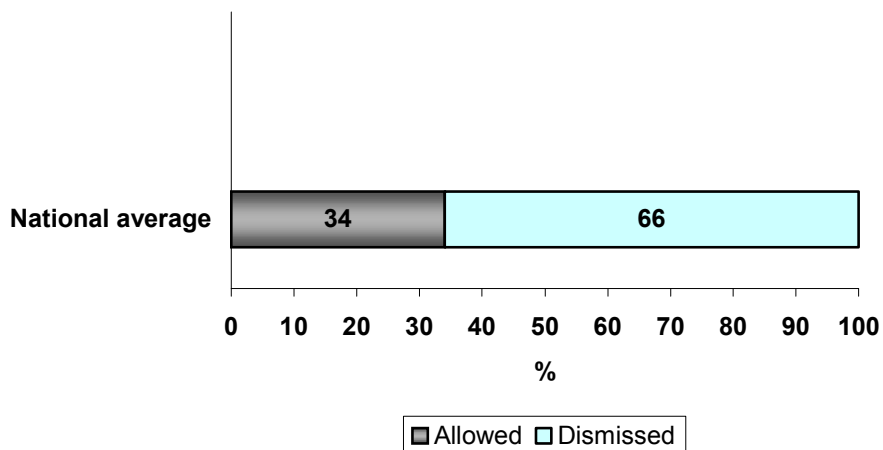
Results

The chart below shows the outcome of appeals over the last five years. It shows that the percentage of appeals allowed in the year 2006/07, ie 46%, is higher than the previous 4 years and well above the national average.

Percentage of appeals allowed/dismissed



National average



Government Standards for Good Practice

Government guidance indicates that for good practice the percentage of appeals allowed should be lower than 40%. The national average for 2006/07 is 34.37%.

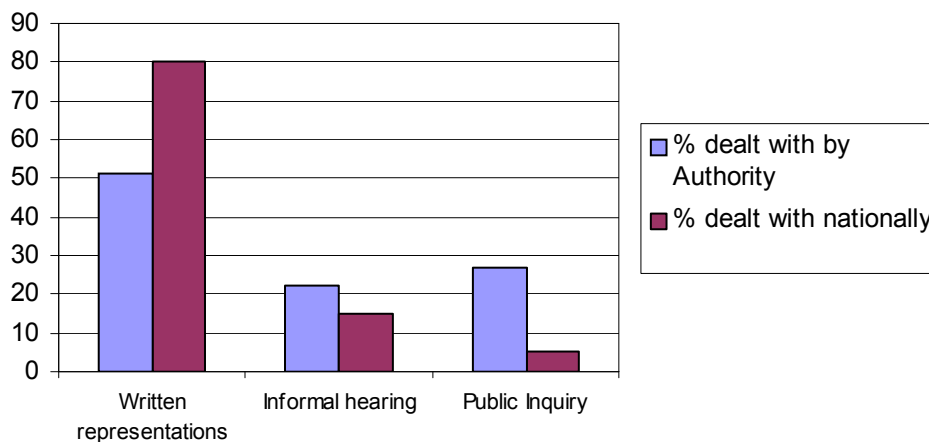
Enforcement Appeals

19 of the appeals handled during the year involved enforcement issues. These included a number of complex minerals and waste cases, such as Backdale, Smalldale, Highfields Farm and Moss Rake West, which have used a significant amount of resources. Of the 4 appeals determined (all relating to one site, Tor Farmhouse) 2 were in the Authority's favour and 2 were allowed. However, these 2 appeals were against enforcement notices served in the alternative because of legal complexities. A third enforcement appeal covering the whole site was dismissed because the Inspector considered the site to be a single planning unit. 15 had yet to be decided at the end of the year.

Handling of Appeals

Of the 96 appeals handled during the year 26 were under the public inquiry procedure, 21 were under the hearings procedure and 49 were under the written representations procedure. The graph below shows the comparison between the percentage of appeals dealt with by procedure, by the Authority and nationally.

Method of appeal



This shows that nationally 80% of appeals were dealt with under the written representations procedure, compared to only 51% by the Authority. The number of appeals dealt with by the hearing or inquiry procedure being considerably higher for the Authority, with 22% by informal hearing and 27% by the inquiry procedure, compared with 15% and 5% respectively on a national level. During the year 5 public inquiries and 16 hearings were held.

Appeals allowed

Each appeal decision, whether allowed or dismissed, has been reported to Committee during the year. The 24 cases in which the Authority's view was overturned on appeal are detailed below.

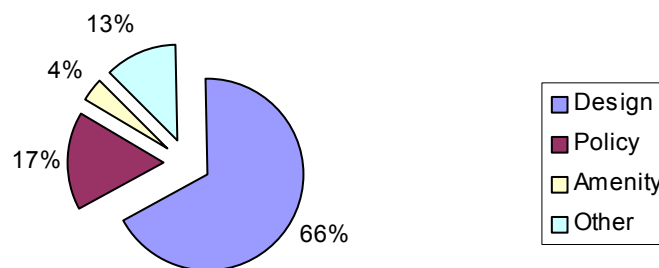
Site	Development	Mode of appeal	Delegated/committee	Main issue
Westover, Sheffield Road, Hathersage	Appeal against conditions 1 and 2 on consent for shower room for disabled person and garden room requiring level access	Written representations	Planning 23/9/05	Design
Bertin Cottage, Little Hucklow	First floor extension over existing extension to dwelling	Written representations	Delegated decision	Design
Field No 4098, land between Grindlow and Foolow, Grindlow	Proposed agricultural fodder and implement replacement building	Written representations	Delegated decision	Design
Ridgefield, Monyash Road, Bakewell	Conversion of existing garage to holiday let	Written representations	Delegated decision	Policy – conversion of outbuildings
Crossroads Farm, Blackwell	Erection of agricultural dwelling	Informal hearing	Planning 21/1/05	Policy – agricultural need
Beristall Dale Farm, Pott Shrigley	Removal of condition to allow continued use of agricultural building for the breeding of dogs without compliance with condition to demolish building when no longer required for agricultural use	Informal hearing	Delegated decision	Design & Policy
Holmcroft, Over Lane, Baslow	Alterations and extension to dwelling	Written representations	Planning 20/1/2006	Design
31 Paddock Lane, Kettlethulme	Provision of ground floor bay window	Written representations	Delegated decision	Design
Highfield, Wensley Road, Winster	Alterations, porch and loft conversion	Written representations	Delegated decision	Design
Mosley House Farm Barn, Chinley	Change of use of barn to 2 holiday cottages	Written representations	Planning 15/08/05	Policy – affordable housing

Cliff View, Thornhill, Bamford	LDC for existing use as dwelling	Informal hearing	Planning 18/01/06	Other – legal interpretation
White House, Wardlow	Extension to side of property	Written representations	Delegated decision	Design
Willow Cottage, Newhaven, Hartington Nether Quarter	Double garage/store and attached stable block	Written representations	Planning 16/12/05	Amenity & landscape impact
Ridge View, Froggatt Edge, Calver	Ground floor and hipped roof extension	Written representations	Delegated decision	Design
Old Hall Croft, 11 White Edge Drive, Baslow	First floor extension	Written representations	Delegated decision	Design
Bankhouse Farm, Bank Side, Brightholmlee, Bradfield	Retention of new conservatory, timber stable block and ménage (only appeal re stable allowed)	Written representations	Delegated decision	Design
Applegate House, Church Lane, Bakewell	Steel railing fence	Informal hearing	Delegated decision	Design
The Barn, Dale End, Biggin, Hartington Nether Quarter	Conversion of outbuilding to form residential accommodation	Informal hearing	Delegated decision	Policy – ancillary dwellings
Middle Cottage, Little Hucklow	Installation of 3 solar collectors to roof	Written representations	Delegated decision	Design
Alpenrose, Sherwood Road, Tideswell	Appeal against conditions 2 and 3 of consent for erection of PVCU conservatory to replace existing to the rear of the property	Written representations	Delegated decision	Design
Victoria Cottage, School Lane, Baslow	Alterations to existing dwelling to provide first floor accommodation	Written representations	Delegated decision	Design
Farriers, The Green, Stanton in the Peak	First floor extension	Written representations	Delegated decision	Design

The remaining two appeals allowed were in relation to the appeals at Tor Farmhouse, Middleton where enforcement notices were served in the alternative and two of those notices were quashed because the Inspector considered the site to be a single planning unit. These appeals were dealt with by public inquiry.	Other – legal technicality
---	----------------------------

In the 'Design' category the Inspector generally considered both detailed design and the visual impact on the locality. As the chart below shows, two-thirds of allowed appeals were in this category.

Appeals allowed by main issue



Costs Awarded

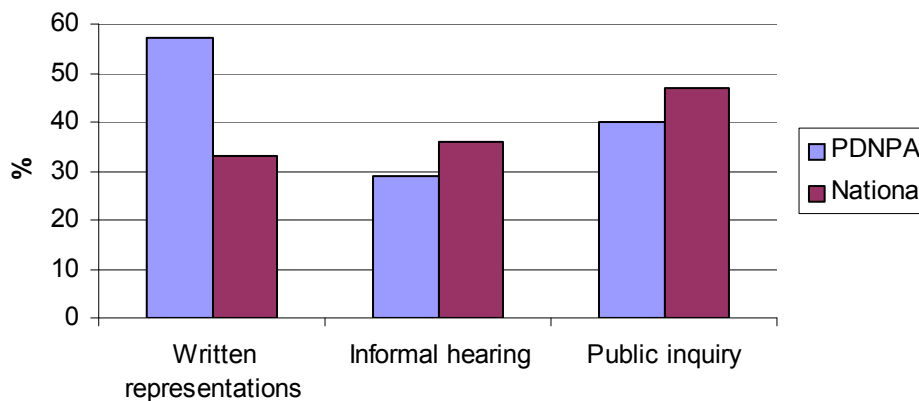
No costs have been awarded for or against the Authority this year.

Comment

The number of appeals received this year has been consistent with previous years with 3.8% of all applications being appealed.

Of the 24 appeals allowed 17 (71%) were dealt with by written representations, 5 (21%) by informal hearing and 2 (8%) by public inquiry. The table below shows that the percentage of the Authority's appeals allowed by procedure is different to those nationally, with 57% of appeals dealt with by written representations being allowed compared to 33% nationally. The Authority achieved better results in the percentage of appeals allowed which were dealt with by informal hearings, at only 29% allowed, and public inquiry, with 40% allowed, both lower than the national averages of 36% of informal hearings allowed and 47% of public inquiries.

Percentage of appeals allowed by procedure compared to the national figures



During 2006/7 89.8% of all applications were determined under delegated powers. Of the 52 appeals decided 40 (77%) related to applications determined under delegated powers and 19 (48%) of these were allowed.

The remaining 12 (23%) appeals decided related to applications determined at Planning Committee and 5 (42%) of these were allowed. Of the 5 allowed appeals from the decision of Planning Committee, 2 were determined contrary to officer recommendation.

Conclusion

The percentage of appeals allowed in 2006/7 was significantly greater than in the previous four years and higher than the national average. However, a large proportion of allowed appeals related to matters of planning judgement on the visual effect of a proposal. The Authority's Building Design Guide has now been adopted, and this should provide officers with assistance on design matters in future at appeal. The Authority's success rate for appeals dealt with by written representations was worse than those dealt with at hearings and inquiries, and the implications of this will be considered. The Authority has had to deal with an unusually large number of public inquiries and hearings and this has had a significant impact on resources.

Human Rights

The appeals procedure helps to safeguard human rights.

RECOMMENDATION:

That the report be noted.

List of Background Papers (not previously published)

Appeal statistics