

<b>SCRUTINY COMMITTEE</b> <b>11 December 2006</b>
--

<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>  <b>9</b>
----------------------------------	--

**TITLE OF REPORT: QUESTION**

**The following question has been submitted by Councillor Paul Clark:-**

How many Planning Applications have been refused against officer advice in the last 5 years and of these how many have then gone on to appeal? Also, at the appeal, how many have the Council won and how many have we lost, broken down into costs awarded against us and costs not awarded?

In regard to those that have gone to appeal can you please detail who has defended the Council's position and how the appeal has been determined?

**The following response has been received from the Planning Control & Conservation Manager:**

Upon receipt of the request and in view of the limited time available in which to provide all the information requested, Councillor Clark agreed to the provision of three years information, subject to him being able to ask any supplementary questions.

The response is based on decisions made between the **1<sup>st</sup> September 2003 and 30<sup>th</sup> November 2006**.

- 1) How many planning applications have been refused against Officer advice in the last 3 years?

The reports to the Area Committees and minutes show that of the 70 decisions taken by all of the Area Committees during this period against Officer recommendation **40** applications were **refused** against Officer advice.

- 2) How many of these have gone on to appeal?

Of these 40 decisions, 25 appeals have been submitted to the Planning Inspectorate and are recorded on the appeals register.

Members will be aware that applicants have six months from the date of decision in which to submit on appeal. The number of appeals could increase by 2 if applicants should decide to pursue this course of action.

3) How many have the Council won, lost, broken down into costs awarded against us and costs not awarded?

12 Appeals have been allowed  
5 Appeals have been dismissed  
4 Appeals have been withdrawn  
4 Appeals await a decision  
---  
25

Two of these appeals have resulted in costs being awarded against the Council

Applications for costs have not been submitted in the remainder of the cases.

4) In regard to those that have gone to appeal, can you please detail who has defended the Council's position and how the appeal has been determined?

Of the 21 appeals determined to date or awaiting a decision, 18 have been defended by the Council's Planning Officers (written representation appeals). 10 appeals have been allowed, 5 dismissed with 3 decisions awaited.

One has yet to be determined as to whom will defend the decision.

In two cases, Members have supported their decisions at Public Inquiries. These appeals were allowed and costs awarded against the Council.

Mary Caldwell  
Planning Control & Conservation Manager

Back ground information:-

Reports and minutes of Area Sub-Committee meetings  
Application files  
Appeals register