

## **Report to Area Plans Sub-Committee 'C'**

**Date of meeting: 14 December 2005.**



**Epping Forest  
District Council**

**Subject: Probity in Planning – Planning Appeal Decisions, April 2005 to September 2005.**

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### **Recommendation:**

**That the Planning Appeal Decisions for the period April 2005 to September 2005 be noted.**

### **Background:**

1. In compliance with the recommendation of the District Auditor, this report advises the decision-making committee of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
2. To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal with the national average of about 33%. (That BVPI was scrapped but recently replaced by one where the Council sets its own target – set this year at 25%.) In fact in recent years the Council has been more successful than the national average with only 31% overturned in 1999/00, 25% in 2000/01, 24% in 2001/02, 27% in 2002/03, 18% in 2003/04 and 29% in 2004/05.

### **Performance:**

3. Over the six-month period between April and Sept 2005, the Council received 61 decisions on appeals – 54 planning appeals and 7 enforcement appeals. Of the 54 planning appeals, 10 were allowed (19%) and of the 7 enforcement appeals, 2.5 were allowed – a combined total of 20% of the Council's decisions overturned.

### **Planning Appeals:**

4. Of those 10 planning appeals allowed, 2 were allowed following decisions by committee to refuse contrary to officer's recommendation. Those 2 were:
  - EPF/2041/04 – Two storey extensions at 67, Tycehurst Hill, Loughton (Area Committee A 02/02/05); and
  - EPF/2398/04 – Erection of 3 cottages at 109, Lindsey Street, Epping (Area Committee B 09/03/05).
5. To complete the picture, officers were successful in sustaining a committee decision to refuse, when officers had recommended granting permission, in two cases - nos.16 and 52 on the attached list.

**Costs:**

6. Costs were awarded in just 1 appeal. The enforcement appeal regarding the siting of a mobile home at Breach Barns Caravan Park introduced a number of issues that the Inspector considered were not entirely relevant to the case and which took up Inquiry time unnecessarily. He made an award of costs against the Council amounting to 2 hours of inquiry attendance and preparation time in favour of the appellants. However, he also ordered the appellants to pay to the Council the costs of 2 hours inquiry time, together with the cost of preparing evidence on affordable housing; and to pay to the Corporation of London their costs for 2 hours of their attendance time.

**Conclusions:**

7. The Council's performance for this six-month period was an improvement on last year and consistent with the previous year's exceptional performance and has once again exceeded the BVPI and the national average.
8. The decisions are listed in the Members Bulletin from time to time but a full list of decisions over this six-month period appears at Appendix 1.