

Report to Area Plans Sub-Committee D



**Epping Forest
District Council**

Date of meeting: 14 June 2006.

Subject: Probity in Planning – Appeal Decisions, October 2005 to March 2006.

Officer contact for further information: Barry Land (01992 – 56 4110).

Democratic Services Officer: Adrian Hendry (01992 – 56 4246).

Recommendation:

That the Planning Appeal Decisions for the period October 2005 to March 2006 be noted.

Background:

1. In compliance with the recommendation of the District Auditor, this report advises the decision-making committees 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 October 2005 and March 2006, the Council received 53 decisions on appeals – 49 planning appeals and 4 enforcement appeals. Of the 49 planning appeals, 12 were allowed (24%) and of the 4 enforcement appeals, 1 was allowed (25%) – a combined total of 24% of the Council's decisions overturned.

4. This means that for the year April 2005 to March 2006 as a whole, the number of planning appeals allowed was 22 from 103 decisions – 21%, and the number of enforcement appeals allowed was 3.5 from 11 decisions - 31%, a combined total of decisions overturned being 22%, exceeding both the national average and our local target.

Planning Appeals:

5. Of those 12 planning appeals allowed, 4 were allowed following decisions by committee to refuse contrary to officer's recommendation. Those 4 were:

(i) EPF/1588/05 – Two storey side extension and first floor extensions to convert bungalow to a house at Whipsiderry, Bournebridge Lane, Stapleford Abbots (Area Committee C 16/11/05);

(ii) EPF/174/05 – Erection of one detached and one pair of semi-detached houses at 57, Morgan Crescent, Theydon Bois (Area Committee B 06/04/05);

(iii) EPF/0001/04 – Outline application for residential development at Theydon Bois Youth Centre, Loughton Lane, Theydon Bois (Area Committee B 21/07/04); and

(iv) EPF/942/05 – Erection of 3 bungalows at Land rear of 150A, Honey lane, Waltham Abbey (Area Committee D 03/08/05).

6. To complete the picture, officers were successful in sustaining a committee decision to refuse, when officers had recommended granting permission, in seven cases – nos. 17, 26, 27, 28, 29, 32 & 44 on the attached list.

Costs:

7. No awards of costs were made in this six-month period, either for or against the Council.

Conclusions:

8. The Council's performance for this six-month period and the year as a whole continues to be a reflection of the quality of decision-making by both officers and members at committee, once again exceeding the performance indicator target and the national average.

9. 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.