

PLANNING COMMITTEE

18 MAY 2016

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPEALS 2015/16

This report contains an update on the results of planning appeals in the financial year 1st April 2015 to 31st March 2016. The annex to this covering report contains more details.

In 2015/16, 83 planning appeals were lodged and 72 appeal decisions were received. Of the 72 planning appeals determined in 2015/16, 37 were dismissed, 34 were allowed and 1 was a 'split decision' (part allowed and part dismissed). This represents a 52% success rate overall for the Council. For appeals against enforcement notices and tree preservation orders, the Council has a 100% success rate with all 7 decisions being dismissal.

For appeals against planning decisions made by Officers under delegated powers, 63 decisions were issued, of which 33 were dismissed, 29 allowed and 1 split – a success rate for the Council of 54%. For appeals against planning decisions made by the Planning Committee, 9 decisions were issued of which 4 were dismissed and 5 allowed – a success rate for the Council of 44%. From Committee decisions where the Officer recommendation was overturned, the appeal decisions were 3 dismissed and 2 allowed – a success rate of 60% for the Council.

The Council's performance on appeal has worsened in 2015/16 from the previous year 2014/15 when where 65% of all appeals were dismissed. This reflects the increase in number of applications resulting from an improvement in economic conditions combined with the Local Plan being out of date and the Council not being able to identify sufficient land for housing, as required by the National Planning Policy Framework. A significant number of appeals in 2015/16 relate to residential developments located outside of the Local Plan's settlement development boundaries.

Notable appeal wins include the two major residential schemes:

- 14/00995/OUT – Land off Harwich Road, Little Oakley – 60 dwellings.
- 15/00928/OUT – Land east of Halstead Road, Kirby le Soken – 75 dwellings.

In these cases, the Planning Inspector gave full weight to the Council's Local Green Gap policies in deciding to dismiss the proposals.

Notable appeal losses however also include some major residential schemes such as:

- 14/01371/OUT – Land north of Tokely Road, Frating – 49 dwellings.
- 15/00675/OUT – Land off Clacton Road, Elmstead Market – 32 dwellings.
- 14/00771/FUL – 407 Main Road, Harwich – 24 dwellings.
- 14/00929/FUL – 824 St. John's Road, Clacton – 14 dwellings
- 14/00953/FUL – 17&19 Harold Road, Frinton – 13 dwellings

The two largest schemes (in Frating and Elmstead Market) were located outside of settlement development boundaries and were allowed by the Planning Inspector on the basis that the adverse impacts would not significant and demonstrably outweigh the need for housing. These

appeal decisions emphasise the importance of having an up to date Local Plan and being able to identify a five year supply of deliverable housing sites, in line with government requirements.

Over the coming financial year, the Council can expect further decisions on a significant number of major residential schemes with all of the following proposals all now the subject of an appeal:

- 14/01823/OUT – Land south of Cockaynes Lane, Alresford – 145 dwellings (Public Inquiry took place in February 2016 and decision expected 1 June 2016).
- 15/01234/OUT – Land east of Halstead Road, Kirby Cross (Public Inquiry scheduled for 5th – 8th July 2016).
- 15/00761/OUT – Land south of Long Road and East of Clacton Road, Mistley – 300 dwellings and employment land (Public Inquiry scheduled for 19th – 22nd July 2016).
- 14/01750/OUT – Land at Station Field, Plough Road, Great Bentley – 150 dwellings and employment land (Public Inquiry scheduled for 9th – 11th August 2016).
- 11/00328/FUL, 11/00329/FUL, 11/00330/FUL, 11/00331/FUL, 11/00332/FUL, 11/00333/FUL, St. Osyth Priory – 142 dwellings to enable restoration of the Priory (Public Inquiry scheduled for 15th November to 2nd December 2016).
- Land north of Rush Green Road, Clacton – 240 dwellings (Public Inquiry scheduled for 13th – 16th December 2016).
- Land adjacent to Two Villages School, Mayes Lane, Ramsey – 71 dwellings (Hearing dates yet to be confirmed).

For Public Inquiries in particular, the cost of instructing Barristers, employing specialist witnesses and commissioning other technical work can be very high. There is also a risk of costs being awarded against the Council if it is judged to have acted unreasonably in coming to decisions or in dealing with the appeal. Dealing with appeals also has a significant impact on staff resources as Officers compile the case and necessary evidence whilst dealing with the associated requirements for s106 agreements, planning conditions and other administrative processes. The costs associated with appeals again emphasise the importance of getting a new Local Plan in place as soon as possible.

Recommendation: That the Planning Committee notes the content of this report and information contained within its annex.