

# Planning and Transportation Commission

BV204 - % of appeals  
allowed against the  
authority's decision to  
refuse planning permission



- The Government set 30% target figure for appeals allowed against the Council's decision to refuse planning permission has historically been achieved as follows:

03/04	16%
04/05	26%
05/06	21%

- For the period 06/07 the figure rose to 39%
- The 18 planning appeals made during this period can be broken down as follows:
  - 6 allowed
  - 11 dismissed
  - 1 split decision

The split decision counts as allowed for statistical purposes therefore:

- **7/18 = 39%**

- Initially I must focussed on the split decision and find that the Inspector determining the appeal agreed with the Planning Officer that a first floor side extension was not acceptable. However he considered that permission could be granted for a rear conservatory also on the proposal as it was inconsequential development . We had no objection to the conservatory either but in allowing the conservatory the Inspector issued a split decision which for statistical proposes counts against us!
- Government advice in Circular 11/95 states that conditions modifying development cannot be imposed if it would make the development substantially different from that being proposed by the applicant.
- The scoring of split decisions in this way has been the subject of representation by the Planning Officer's Society to CLG demonstrating that it is not just of local concern
- If we remove the split decision from those allowed we have:  
**6/18 = 33%**

- One of those that were allowed was a Planning Committee decision overturning the officer recommendation. In allowing the appeal the Inspector concurred with your officer's advice concluding that the development would lead to beneficial redevelopment of the site and enhance the residential character of the area by removing a vacant printing works and thereby bringing considerable amenity benefits to local residents.
- If we remove this Committee decision from those allowed we have:  
**5/18 = 28%** which is below the 30% target figure
- I must include in this account one of those appeals that were allowed which involved the retention of a garage and retention of a dormer roof extension. We granted planning permission for the garage – it was an inconsequential development but refused the dormer by condition deleting it from the permission. In effect we issued a split decision. The Inspector allowed the subsequent appeal quoting Circular 11/95 saying that there were two components to the proposal and the dormer window formed a significant part of it. Bearing in mind the Circular he felt that the condition removing the dormer from the permission was ultra vires (unlawful) and hence allowed the appeal!!

- In **conclusion** I find that, split decisions, Committee refusals contrary to recommendation and curious inspector's decisions aside, the Planning Officer's are meeting the target despite seeing and increase in application numbers, complexity and general public interest.