

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**CORPORATE SERVICES  
SCRUTINY COMMITTEE**

**30 January 2014**

**REPORT OF:  
DIRECTOR OF  
REGENERATION AND PLANNING**

<b>Agenda item No. 5</b>
<b>Planning Appeals Statistics</b>

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**1.0 PURPOSE OF THE REPORT**

1.1 This report is intended to provide Members of the Corporate Services Scrutiny Committee with information the Council's performance in planning appeals.

**2.0 RECOMMENDATIONS**

It is recommended that Members:

- 2.1 Note the content of this report
- 2.2 Scrutinise and comment on this report

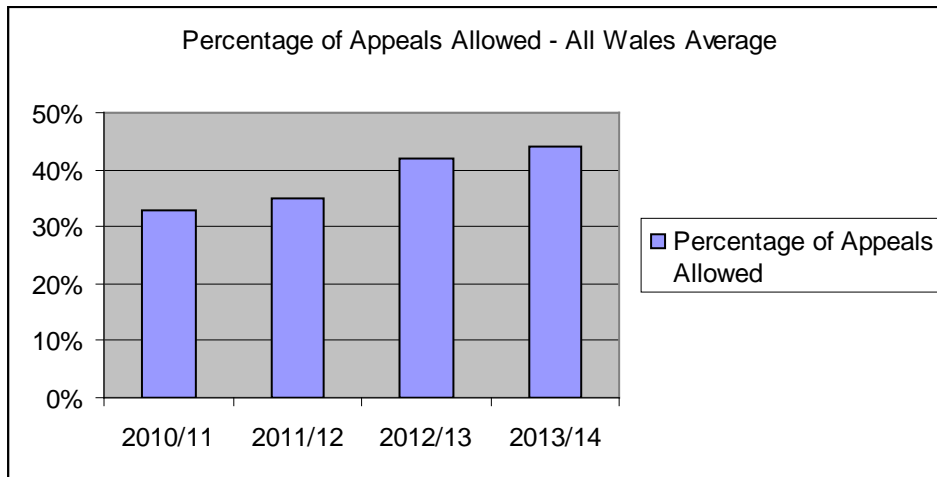
**3.0 BACKGROUND**

3.1 At the Corporate Services Scrutiny Committee held on 10 December 2013, Members received a report on Council Performance (Exception Report) for 2013 - Quarter 2. Having considered information relating to the Council's performance in respect of planning appeals and discussed how this related to decisions taken contrary to officer recommendation, Members resolved to receive a report from the Director of Regeneration and Planning at the next scheduled meeting of the Committee to consider the trends in relation to decisions taken against officer recommendation.

#### 4.0 NATIONAL CONTEXT

4.1 The national average for successfully defending appeals has been relatively consistent at 66%. In other words, Councils, on average win two thirds of appeals and lose one third. However, in recent years statistics show that the Planning Inspectorate in Wales has been gradually allowing more appeals, as can be seen in Table 1 below.

Table 1

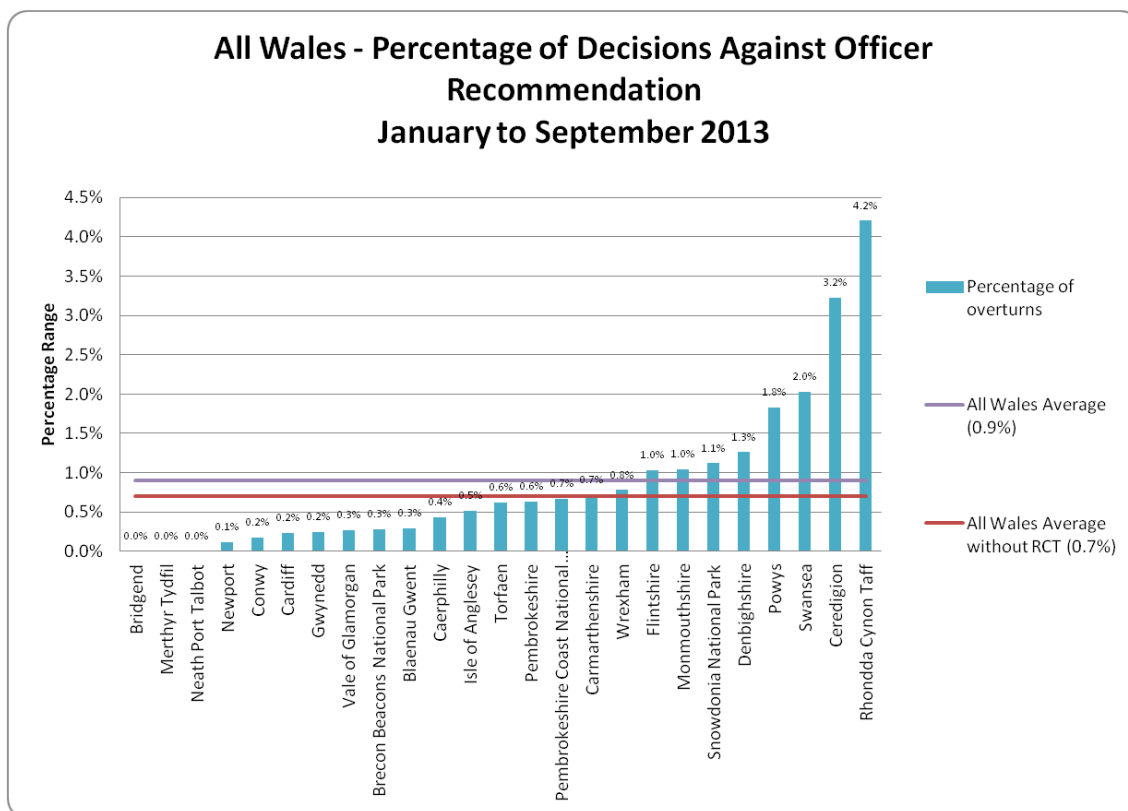


4.2 This trend is reflected in the Council's own appeals performance as is shown in section 5.2 below

4.3 In 2013, Welsh Government started collecting information on the number of planning decisions made by Councils that are contrary to officer recommendation. It is useful to consider this information as section 5.3 below shows how this can have an impact on the Council's overall appeals performance.

4.4 In the national context this Council makes more decisions contrary to officer recommendation than other Councils in Wales. Table 2 below shows how the number of decisions made contrary to recommendation (approvals and refusals) compares to all other Councils in Wales and the national average.

Table 2



## 5.0 THE RHONDDA CYNON TAFF CONTEXT

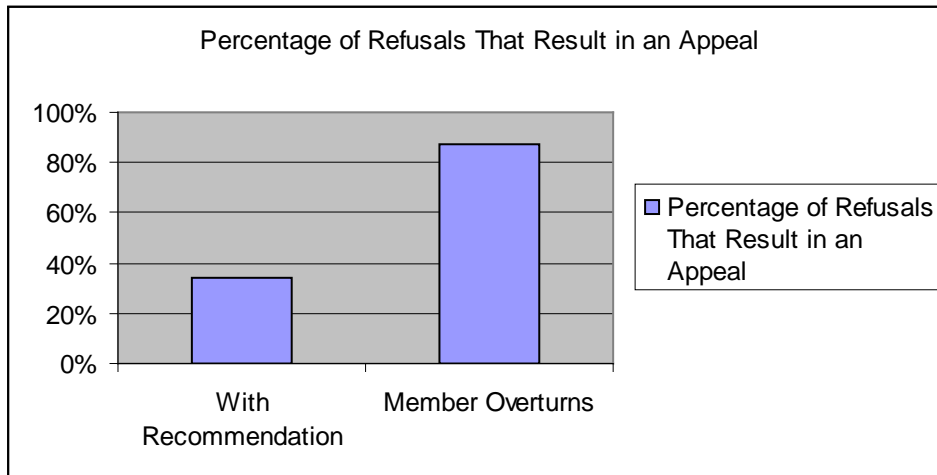
5.1 The information in this section relates primarily to planning application decisions made by the Council in the calendar year 2013 and appeal decisions made by the Planning Inspectorate in 2013 relating to planning applications in Rhondda Cynon Taf.<sup>1</sup>

5.2 The Council's own appeals performance has followed a similar trend as the national figures with the amount of appeals being allowed rising year on year from 20% in 2010/11 to 52% for the current financial year. The 52% of appeals that were allowed (i.e. the Council lost the appeal) in 2013 is worse than the national average of 44%.

<sup>1</sup> some of the appeal decisions made in 2013 relate to decisions made by the Council in the previous year(s). Some of the refusals made by the Council in 2013 are yet to be appealed or have outstanding appeals pending. The analysis therefore just gives an indication of the relationship between how decisions are made and the implications for appeals.

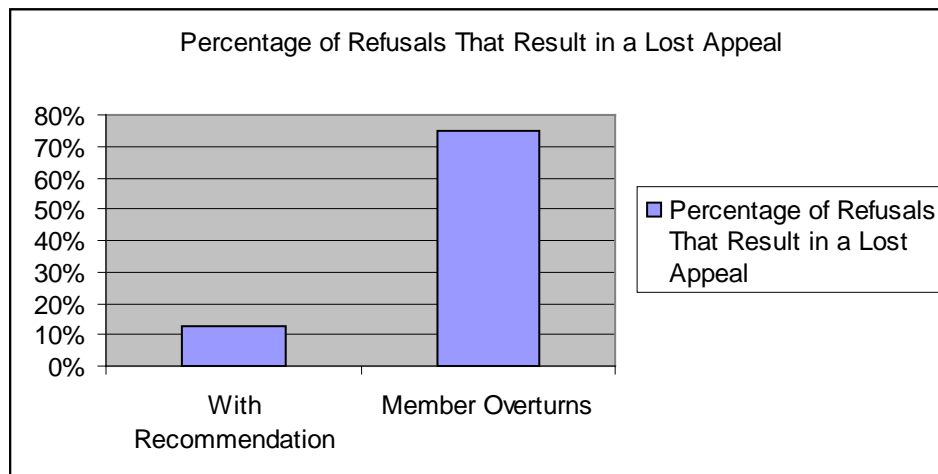
- 5.3 Looking at our 2013 performance in more detail, the Council refused 105 planning applications in 2013. Of those 105, 89 were refused in accordance with officer recommendation (both under delegated powers and at Committee) and 16 were applications recommended for approval but refused by Members at Committee.
- 5.4 In 2013 the Planning Inspectorate made 45 appeal decisions relating to applications refused by Rhondda Cynon Taf CBC. Of those decisions 31 were appeals against refusals made in accordance with recommendation and 14 were refusals resulting from Member overturns.
- 5.5 On average, 34% of refusals made in accordance with recommendation end up in an appeal compared to 87% of refusals contrary to recommendation being appealed. (see Table 3 below) Statistically there is a far greater probability that a refusal contrary to recommendation will end up at appeal. (These figures are slightly different from those quoted in the minutes of the 10 December meeting as they relate to information collected over a different period)

Table 3



- 5.6 Looking at the results of those appeals, only 13% of all refusals made in accordance with officer recommendation (both under delegated powers and at Committee) led to the Council losing the appeal, whereas 75% of refusals that were contrary to recommendation were lost at appeal (i.e. The appeal was allowed and planning permission granted).

Table 4



## 6.0 EMERGING THEMES

- 6.1 Of the appeals that resulted from delegated decisions, the vast majority relate to householder applications. Unsurprisingly therefore, the key themes in both allowed and dismissed appeals relate to the impact on next door neighbours and the design and appearance of the extension.
- 6.2 Of the appeals against refusals made under delegated powers, 18 were won by the Council and 11 were lost. 7 of those lost appeals were householder applications. A study of the householder appeal decisions reveals that the Planning Inspectorate appears to be becoming more relaxed about what can be developed at the rear of properties. They draw a distinction between the 'streetscene' at the front of properties which should be properly protected compared to the rear of properties which have a much more functional and patchwork appearance.
- 6.3 The Inspectors' conclusions appear to be aligning with the new Householder Permitted Development Rights which themselves give more weight to protecting the 'primary' frontage of houses with a relaxation of what can be done at the rear.
- 6.4 There is certainly room for improvement in householder appeals and measures have already been put in place to ensure that decisions take into account the current themes emerging from recent appeal decisions.
- 6.5 There were 2 appeals in 2013 that the Council won where officers had recommended approval but Members took a contrary view and refused the application. On both occasions the Inspector agreed with the conclusions of Members that the proposals (one advert and one

detached garage) would have an unacceptable impact on the living conditions of neighbours.

- 6.6 11 out of 12 of the appeals that the Council lost following Member overturns had a highway/parking reason for refusal that the Inspector disagreed with. Key themes arising in these decisions include the Inspector concluding that additional and indiscriminate on street parking would not lead to highway safety issues, that the availability of nearby car parks and public transport outweighed the need for higher levels of off street provision and that the traffic and parking levels associated with a previous use were material to the provision needed for the proposal.
- 6.7 The stance that Inspectors are taking sits within the national policy of aiming to reduce reliance on the private car. This is seen in paragraph 8.4.2 of Planning Policy Wales which states: *“Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past”*
- 6.8 In the one appeal that was not determined on highways grounds the Inspector felt that objectors’ fear of crime as a result of the proposed development was not so material as to warrant the refusal of planning permission.

## **7.0 CONCLUSIONS**

- 7.1 The statistics show that there is a high probability that appeals resulting from Member overturns will be allowed and that Rhondda Cynon Taf makes more decisions contrary to recommendation than the rest of Wales.
- 7.2 At the 10 December meeting one Member suggested that it might be useful to consider any trends post election, as the introduction of new Members could impact on decisions. Having investigated the ‘overturn’ figures from 2009 onwards, there is a noticeable spike in the number of overturns in 2012 (the year of the election) but on closer examination it appears that this is as much down to decisions made in the run up to the elections as it is to decisions made in the months immediately after.
- 7.3 There are key themes emerging from Inspectors decisions relating to highways reasons for refusals and the approach we take to house extensions. It is worth noting that the appeals that the Council won where Members had refused the application contrary to recommendation were based on subjective grounds such as impact on neighbours whereas the appeals that were lost following overturns were mainly dealing with highway safety and parking issues. This highlights the fact that it is often more difficult to successfully defend an appeal on technical grounds (such as highways or drainage) when there is no objection to the proposal from the relevant consultee.

- 7.4 All of these issues could be considered in more depth through a 'workshop' session prior to a future Development Control Committee in the form of one of our Member training events.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CORPORATE SERVICES SCRUTINY COMMITTEE**

**30 JANUARY 2014**

REPORT OF THE DIRECTOR OF REGENERATION AND PLANNING

Item: Planning Appeals Statistics

**Background Papers**

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