

Appendix 1

Title	Development Management Performance
Purpose of the report	The purpose of this report is to advise the Members of the Planning Development Management (PDM) performance over the past year.
Report Author	Esmé Spinks, Planning Development Manager
Recommendations	It is recommended that the Environment and Sustainability Committee notes the report.
Executive Summary	<p>Successive governments have assessed Local Planning Authorities (LPA) performance on the speed and quality with which they determine planning applications. The Government has introduced tough measures for LPAs which fail to perform. Over the years, Spelthorne's performance has surpassed the Government's performance targets. However, there is a risk that the Council's performance in respect of the quality of major developments may come under greater scrutiny and could result in Government sanctions.</p> <p>Government policy announcements have aimed to boost the supply of housing, enable homes to be built faster and encourage higher housing densities within urban locations. These have been encapsulated in the National Planning Policy Framework, July 2021 where a presumption in favour of sustainable development lies at its heart.</p> <p>At present the LPA does not have the required five year supply of housing (it currently stands at 3.53 years) which has triggered a presumption in favour of sustainable development. In addition, the Housing Delivery Test, which compares the number of new homes delivered over the previous three years with the authority's housing requirement, is currently 69%. As this is less than the required 75%, the NPPF's presumption in favour of sustainable development is also triggered for Spelthorne.</p> <p>An up to date development plan gives greater certainty to all those involved in the development process and the local community. Decisions based on an up to date plan and supplementary guidance which are consistent with the NPPF are more easily defended at appeal. It is important to ensure that reasons for refusal can be defended on appeal without the risk of an award of costs against the Council. Robust decision making helps to ensure that the risk of the Council being "designated" based on appeals is minimised.</p>

	<p>Any request for an application to be called into the Planning Committee should only be made if there is a ‘material planning concern’ as set out in the Council’s Planning Code, 2021.</p> <p>DM Officers are working within a culture of continuous performance throughout the DM process. Further investment in IT software and hardware has been implemented to assist with performance management and the Council’s agile working policy and this is a necessary continuing process.</p> <p>In March 2020, following the Covid 19 lockdown, the Planning DM service was transferred remotely. The Planning DM officers successfully met this huge challenge, have continued to do so and have also exceeded all government performance targets.</p> <p>Following the May elections, planning training has taken place on decision making, appeals and costs, Green Belt and Planning Enforcement and further training is planned.</p> <p>Presentations have been undertaken by developers prior to the submission of their planning applications and will continue to do so. These measures will assist with the quality of decision making. Officers have also attended some on-line training courses as part of their continuous professional development.</p> <p>The Government has recently announced a raft of proposed planning changes relating to amended permitted development rights, an increase and amendments to the planning fees (from April 2024) and amended performance targets to follow.</p> <p>Given all the circumstances over which the LPA has no direct control and an increase in workload, the PDM service has continue to perform to a high standard.</p>
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1. Purpose

- 1.1 To advise Members on Planning Development Management (PDM) performance over the past year.

2. Background

- 2.1 Successive governments have sought to streamline the planning process by setting targets nationally for the speed that Local Planning Authorities (LPAs) determine planning applications. In the late 1990s and 2000s, financial incentives were paid to LPAs who met targets. More recently, the government introduced a “designation regime” by measuring performance based on the speed and quality of decisions for major development over a

rolling 2-year period. This was subsequently expanded to also include non-major developments. The emphasis is on identifying persistent poor performers, designating them as under performers and then intervening. The Government recently increased the performance targets and introduced a housing delivery test in 2018 which required Spelthorne to produce an action plan. The housing delivery action plan identifies actions to address under delivery against the housing requirement in the Borough. The plan looks at the reasons for under delivery and the steps to be taken to drive up housing delivery. In Spelthorne's case, this is set against of increasing workloads.

3. Designation Regime

3.1 Local Planning Authorities are provided with statutory time limits within which planning applications should be determined. These time limits are a way to evaluate a LPA's performance and can lead to a Council losing its power to determine planning applications within its jurisdiction if too many applications are determined outside these statutory time limits. The time limits are known as determination periods and are set at 13 weeks for Major Planning applications (16 weeks where subject to Environmental Impact Assessment) and 8 weeks for other planning applications defined as "Minor" and "Other".

3.2 Major development is defined as:

Major – 10 or more residential units, dwellings on a site with an area of 0.5 hectares or more, 1,000 sq. m or more of new commercial floorspace or sites with an area of more than 1 hectare.

Minor – Up to 9 residential units, up to 999 sq. m of new floorspace, and changes of use, and

Others – mainly householder schemes.

3.3 The Government introduced a 'Designation' regime in 2013 which has since been expanded. This measures the performance of LPAs over a rolling two year continuous period. The performance of LPAs is assessed separately against:

- The **speed** of determining applications for **major** development
- The **quality** of decisions made by the authority on applications for **major** development;
- The **speed** of determining applications for **non-major** development;
- The **quality** of decisions made by the authority on applications for **non-major** development.

- 3.4 The Secretary of State will decide once a year whether any “designation” should be made or lifted. If a LPA is at risk of designation for one or more categories, the Department for Levelling Up, Housing and Communities (DLUHC) will write to the LPA requesting any data corrections or exceptional circumstances that would make a “designation” unreasonable. Where an authority is “designated”, applicants have an option to ask the Planning Inspectorate as opposed to the LPA to determine any applications within the designated category(ies) (major, non-major or both) for which the authority has been “designated”. The exception is where an authority is designated for non-major development, householder applications and retrospective applications. Applicants will not be able to submit these applications to the Planning Inspectorate as these are best dealt with locally. Soon after a designation is made, the LPA is expected to prepare an “action plan” addressing areas of weakness that contributed to its under-performance. Appendix 1 contains a flow chart setting out the designation process. The consequences for an LPA to be designated for ‘major’ applications is that developers will be able to by-pass the LPA on large schemes and apply directly to the Planning Inspectorate. There will also be a significant loss for the LPA in income from planning application fees and pre-application advice.
- 3.5 The following table provides an overview of the thresholds and assessment periods for 2020 - 2022 and details of Spelthorne’s performance. The speed of determination is referred to in para.3.1 and the threshold is expressed as a minimum. The quality measures the total number of decisions overturned at appeal as a % of the total decisions made. The threshold of 10% is expressed as a maximum. The lower the figure, the better the performance.

Table 1

Measure and type of Application	2019-2021 Threshold and assessment period	Spelthorne’s Performance 2021	2020-2022 Threshold and assessment period	Spelthorne’s Performance 2022
Speed of Major Development	60% (min) (October 2019 to September 2021)	98% N.B. The higher the % the better	60% (min) (October 2020 to September 2022)	98% N.B. The higher the % the better
Quality of Major Development	10% (max) (April 2019 to March 2021)*	2.33% N.B. The lower the % the better	10% (max) (April 2020 to March 2022)*	4.65% N.B. The lower the % the better
Speed of Non-Major Development	70% (min) (October 2019 to September 2021)	96% N.B. The higher the % the better	70% (min) (October 2020 to September 2022)	96% N.B. The higher the % the better

Quality of Non-Major Development	10% (April 2019 to March 2021)*	1.25% N.B. The lower the % the better	10% (April 2020 to March 2022)*	1.13% N.B. The lower the better
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* an additional 9 months is given to 31 December to allow for the receipt of appeal decisions

Spelthorne has met and exceeded all four targets for the threshold periods.

3.6 The 'Quality of Major Development' threshold is monitored particularly closely. This is because of the relative few major applications which Spelthorne receives compared with other applications. The details of these for the last three years are set out in tables 2 a, b and c below:

Table 2 a - 2021

Total no of majors determined	Nos of appeals allowed	Details of appeals allowed	Quality of Majors
43	1	18/01426/RVC - Replace wall on housing development with fence. Halliford Studios Limited Manygate Lane Shepperton	2.33%

Table 2 b - 2022

Total no of majors determined	Nos of appeals allowed	Details of appeals allowed	Quality of Majors
43	2	20/01199/FUL 206 dwellings The Old Telephone Exchange/Masonic Lodge, Elmsleigh Road, Staines 20/00123/OUT 31 dwellings Bugle Nurseries, Upper Halliford Road	4.65%

It is clear from the above information that the performance on the quality of majors is sound.

3.7 However, although not yet finalised, it is important to look forward and consider the likely quality of majors result in 2023 (which will be known in full by January 2024 concerning applications determined between April 2021 to March 2023 with an additional 9 months given to allow for the receipt of appeal decisions to the end of December 2023. The results so far are:

Table 2 c - 2023

Total no of majors determined	Nos of appeals allowed	Details of appeals dismissed	Details of appeal allowed	Appeals outstanding	Quality of Majors
58	1	20/01506/FUL – Ex Serviceman’s Club, Sunbury 20/01112/FUL Phase 1C, Charter Square, High Street, Staines 21/01772/FUL Debenhams, High St., Staines	20/01100/FUL The Old Telephone Exchange, Staines	22/00210/FUL – 47 one bed care home 280-284 Staines Road East – 22/00483/OUT 31 dwellings Land at Manor Farm, Charlton Road, Shepperton	Between 1.72% – 5.17% depending on the outcome of the two outstanding appeals.

If the two outstanding appeals are both allowed, the performance figure will be 5.17% for 2023. This is within the current thresholds. However, it is relevant to note that the assessments run for two years and therefore if the appeals are allowed, they would also be included in the 2024 figures. Therefore, there is remains a risk of performance, in terms of the ‘quality of major applications’, exceeding the ‘Designation’ threshold of 10% in 2024 and the consequences outlined in para 3.4 above.

Annual Performance

3.8 In terms of the 8 week and 13 week speed performance outlined in para. 3.2 above, Spelthorne performance for decisions made in 2019 – 2022 is set out in table 3 below:

Table 3

	<u>Majors</u>			<u>Minors</u>			<u>Others</u>			<u>Total Nos.</u>
	Total	On Target (13 weeks)	% on Target	Total	On Target (8 weeks)	% on Target	Total	On Target (8 weeks)	% on Target	
2019	25	25	100%	199	175	88%	562	530	94%	786
2020	14	14	100%	148	126	85%	514	478	93%	676
2021	28	27	96%	189	174	92%	603	592	98%	820
2022	29	29	100%	137	128	93%	591	578	98%	757

Over the past four years, the number of planning applications determined has increased in the ‘majors’ and ‘other’ (with the exception of 2021) categories and in the ‘Minor’ category from 2019. Overall, there has been an increase in the total received in 2022 compared with the previous years (with the exception of 2021) whilst performance has far exceeded the government targets. All planning applications are submitted to PDM and the fluctuation in numbers received each year is normally a reflection of outside factors, e.g., Covid 19 in 2020.

- 3.9 During the four years; 2019 - 2022, the following decisions (table 4 below) were made on other types of applications which are not included in statutory performance targets but, nonetheless, represent a significant workload for the PDM service.

Table 4

Application Type	Total No. Determined			
	2019	2020	2021	2022
Certificate of Lawful Development (Proposed)	157	153	237	172
Certificate of Lawful Development (Existing)	14	6	11	7
Prior Notifications	98	93	152	112
Discharge of Conditions	115	80	91	153
Amended Applications	34	37	42	33
Consultations from adjoining Boroughs	22	29	14	28
SCC Applications	12	19	13	9
SCC Discharge of Conditions	5	2	4	7
TPO Applications	79	66	78	68

Application Type	Total No. Determined			
	2019	2020	2021	2022
TCA Applications (Trees in Conservation Areas)	27	37	37	42
Telecom applications	3	7	16	18
New TPOs	2	4	6*	8**
TOTAL	566	529	695	649

* TPO making moved from Strategic Planning to Planning Development Management for a temporary time period

** In the 6 months to June 2023, 7 TPOs have been made

The data shows that there has been a significant increase in the total number determined since 2019. Over the four years; there was a 14.7% increase from 2019 to 2022 and 22.7% increase from 2020 to 2022 and only a slight reduction (6.6%) from 2021 to 2022.

3.10 A combination of the data in tables 3 and 4 provides the total number of planning decisions for the last three years. The figures are:

2019 – 1352
2020 – 1205
2021 – 1515
2022 - 1406

Therefore in 2022 a total of 1406 planning decisions were made by the LPA compared with 1515 in 2021, 1205 in 2020 and 1,352 in 2019.

3.11 The LPA also deals with several other matters involving appeals, planning enforcement and enquiries. A summary of the last four years plus the first half of 2023 is contained in table 5 below.

Table 5

	2019	2020	2021	2022	2023 (Jan to June)*
Planning Appeals	35	32	36	66	18
Enforcement Appeals	8	6	1	1	2
Planning Enquiries (meetings/written response)	351	288	365	310	155
No. of representations on planning applications received	1809	2404	1791	2366	1247

Planning Enforcement Cases	365	345	396	246	160
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* Six months data

3.12 The assessment of the quality of decision making by LPA's is measured by the proportion of decisions on applications that are subsequently overturned at appeal. The assessment for 2022 is based on planning applications decided between April 2020 to March 2022. A period of 9 months is given following the end of the assessment period (31 March) to allow time for an appeal to be lodged and decided.

3.13 The appeals relating to Spelthorne for the two year period to December 2022 are attached as Appendix 3. Also attached as Appendix 4, are the appeal decisions relating to enforcement cases. It should be noted that the latter are not currently used by Government to measure the Council's performance. In summary:

There were 116 appeal decisions received:

5 Enforcement appeals

111 Planning appeals

Of these appeals:

- 83 Planning appeals were dismissed
- 5 Planning Enforcement appeals were dismissed and the enforcement notice upheld.
- 0 Enforcement notice was quashed on appeal
- 26 Planning appeals were allowed, and
- 1 Planning appeals was lapsed
- 1 Planning appeal was withdrawn

3.14 The appeal performance overall for these latest stats in 2022 show that 75.8% of appeals were dismissed which compares with 80%, 75% and 69% for the three previous years. It should be noted, however, that the latest set of statistics were measured in a slightly different way to previous years. Nonetheless, it represents a consistent pattern of sound decision making.

Planning Committee Overturns

3.15 Between January 2021 to December 2022, 9 planning applications were recommended for approval by Planning Officers but overturned and refused by the Planning Committee. This compares with 9 and 11 in the previous two years report last year. Of these 11:

- Three were allowed on appeal,
- Two appeals were dismissed
- Three applications were not appealed
- One proposal cannot be appealed as it was a Council application.

These are summarised in the following table:

Table 6

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
20/00736/F UL	96 Cavendish Road, Sunbury on Thames, TW16 7PL	Erection of a two storey detached building comprising 2 x 1 bedroom flats	Approve	Refused 03/03/21	Appeal allowed
21/00134/F UL	115 Feltham Hill Road & Land at the rear of 113-127 Feltham Hill Road, Ashford.	Proposed redevelopment of site for the erection of 5 no residential units, following demolition of existing buildings.	Approve	Refused 26/05/21	Appeal allowed
21/00010/F UL	Renshaw Industrial Estate, Mill Mead, Staines-upon-Thames,	Demolition of existing industrial buildings and redevelopment to provide 2 new buildings (5-13 storeys) comprising 397 build-to-rent residential apartments (Use Class C3) including affordable housing, ancillary residential areas (flexible gym, activity space, concierge and residents lounge), landscaping, children's play area and car and cycle parking.	Approve	Refused 27/07/21	Appeal withdrawn following approval of amended scheme.
20/01112/F UL	Phase 1C Charter Square, High Street, Staines-upon-Thames	Redevelopment of the site to provide 64 new residential units (Use Class C3) with flexible commercial, business and service floorspace (Use Class E) and drinking establishment floorspace (Sui Generis) at ground floor, rooftop amenity space; landscaping and enhancements to the central public square, associated highway	Approve	Refused 27/07/21	Appeal dismissed

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
		works, and other ancillary and enabling works.			
19/01211/F UL	Benwell House, Green Street, Sunbury on Thames	Erection of 5 storey residential block to provide 39 units, with a mix of 12 x 1-bed, 24 x 2-bed and 3 x 3-bed units together with associated parking, landscape and access.	Approve	Refused 13/10/21	N/A Council application
20/001199/ FUL	Old Telephone Exchange, Masonic Lodge and adjoining land, Elmsleigh Road, Staines-upon-Thames.	Demolition of the former Masonic Hall and redevelopment of site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works.	Approve	Refused 23/06/21	Allowed on appeal 17/01/21
19/01567/F UL	Florida Court Station Approach Staines-upon-Thames	Erection of an additional floor to create 7 x 1 bedroom units and 2 x 2 bedroom units and the creation of 2 additional car parking spaces.	Approve	Refused 10/11/21	No appeal
21/00614/O UT	36 - 38 Minsterley Avenue Shepperton	Outline planning permission with appearance and landscaping reserved for the erection of 5 detached dwellings, comprising 4 x 4 bedroom dwellings and 1 x 5 bedroom dwelling, with associated parking and amenity space following the demolition of 36 Minsterley Avenue.	Approve	Refused 10/11/21	Appeal dismissed
22/01707/F UL	31 Worple Road, Staines-upon-Thames T	Erection of a single storey rear infill extension and change of use of existing	Approve	Refused 19/10/22	No appeal

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
		dwelling (C3) to 7 bedroom House of Multiple Occupancy (HMO) (Sui Generis) with shared kitchen and dining room, associated parking and amenity space.			

3.16 The Planning Enforcement function falls under the Planning DM service. The table below (no. 7) sets out statistics of workload for the last five years.

Table 7

Enforcement Case Types & Notices	2019 (Jan to Dec)	2020 (Jan to Dec)	2021 (Jan to Dec)	2022 (Jan to Dec)	2023 (Jan to June)*
BCN - Breach of Condition Notices	2	0	1	0	0
PLNCON - Breach of Planning Conditions	53	38	41	47	32
COURTB & BUSRES - Change of Use from Residential to Business	18	15	24	5	19
COU - Change of Use (Other)	41	34	35	28	19
CONSRV - Conservation Area	1	0	1	1	1
ENF - Enforcement Notices	7	3	1	4	1
HMO - Houses in Multiple Occupancy	30	18	24	6	5
LBCOM - Listed Buildings	5	2	2	0	1
MISC - Miscellaneous	27	29	40	13	12
HIGHH – High Hedges	n/a	n/a	1	0	0
PCN - Planning Contravention Notice	9	4	5	5	0
S215 – Untidy Land	5	3	7	4	1
STOP - Stop Notices	1	0	0	1	0
TCAEN - Unauthorised Work to Trees in a Conservation Area	1	2	0	0	0
TEMP - Temporary Stop Notices	3	2	0	1	0
TPO - Tree Preservation Orders	8	7	16	8	0
UNADV - Unauthorised Adverts	15	6	10	6	8
UNDEV - Unauthorised Development	153	172	188	111	57

Enforcement Case Types & Notices	2019 (Jan to Dec)	2020 (Jan to Dec)	2021 (Jan to Dec)	2022 (Jan to Dec)	2023 (Jan to June)*
UNOUT - Unauthorised Residential Use of Outbuilding	n/a	n/a	n/a	3	4
Uncategorised	13	6	0	3	0
Totals	379	335	396	246	160*

* Six months data

3.17 Overall there has been an increase in planning enforcement complaints by 24% from 2018 to 2021 and a drop in 2022. However the six months to June 2023 show a rise again and this is shown in greater detail in table 8 further below. The enforcement team is currently dealing with a number of complex enforcement cases and is currently operating with just two full time members of staff due to a vacancy in the team. A detailed report on planning enforcement policy was reported to the Neighbourhood Services Committee on 3 March 2022.

Government Papers

4.1 In December 2022, the government issued the Levelling Up and Regeneration Bill: reforms to national planning policy. The Bill is now at the report stage at the House of Lords before the third reading, after which it will undergo the stages of the Consideration of amendments and Royal Assent. It is expected to become law sometime in 2023. The Bill is huge and has undergone many changes since was first published. There will be a number of implications for PDM including changes to reflect the role of National Development Management Policies in decision-making, the introduction of Environmental Outcome Reports for assessing relevant development proposals, the importance of digital methods of community engagement, and to place greater emphasis on planning enforcement, with increased weight against intentional unauthorised development. Also referred to is the request for 'beauty' in developments, protecting the environment and tackling climate change. The Council is producing a Supplementary Planning Document on climate change which will have additional implications for planning applications.

4.2 The Environment Act 2021 introduced Biodiversity Net Gain for many planning applications. This will apply from November 2023 most major proposals and to small sites from April 2024. However, the technical details of how this will operate for LPAs is still awaited. Members will be updated on this in a separate training session once the details have been published.

4.3 Nevertheless, the Government's focus on the importance of housing delivery and growth remains. On a local scale, the Council's Housing Delivery Test

Action Plan was updated in 2021. Details of the Council’s Housing Delivery Test (HDT) is set out in table 8 below:

Table 8

Year	HDT Result	HDT Consequence
2020	60%	20% buffer
2021	50%	Action Plan + 20% Buffer + Presumption
2022	68%	Action Plan + 20% Buffer + Presumption

Spelthorne was required to produce a HDT Action Plan due to a consistent under delivery of housing when assessed against identified needs. The Action Plan was the Council’s response to the challenge set out in the NPPF to significantly boost the supply of homes. The Council’s HDT result for 2021 was issued and Spelthorne’s result was 69% which is an increase on previous years. The Action Plan was updated to reflect this. This means that 69% of its identified housing needs were delivered in the last three years and puts the Local Planning Authority (LPA) into the “Presumption” in favour of development category. It should be noted, however, that the LPA is already in this category as there is not a 5-year housing land supply, the current figure is 3.53 years. The consequences of the HDT and lack of a 5 year housing land supply is that the ‘tilted balance’ (which changes the ‘balancing exercise’ in favour of approve in many parts of the borough) is applied to the majority of residential development planning applications in Spelthorne. T

- 4.4 The HDT results for 2023 have not yet been issued by the government although it is expected they will be coming forward. Assuming the figures are based on the Housing Flows Reconciliation return officers are required to submit, the results for 2023 would be approximately 73%*. This is assuming there will be no changes to the ‘homes required’ as per the previous few years that were reduced to reflect the changes the pandemic had on the housing market.
- 4.5 The Government has recently announced a raft of proposed planning changes relating to amended permitted development rights, an increase and amendments to the planning fees (from April 2024) and amended performance targets to follow. The aims have been to ‘simplify’ the planning process (to provide additional housing) but the process has become increasingly complex. The increase in planning fees is to provide increased resilience to the PDM service.

*Approximate figure only

5 Implications, Risks and Actions for Spelthorne LPA

- 5.1 Following the Covid 19 lockdown, the Planning DM service was transferred remotely. This included processing all planning applications and appeals, enforcement action and undertaking pre-application advice remotely. In addition, there was a flurry of legislation changes which officers had to learn and implement, particularly relating to permitted development rights and the use classes order and temporary arrangements necessitated by the Covid 19 pandemic. The Planning DM officers have continued to successfully meet this huge challenge which has been exacerbated by an increased workload as highlighted above and have also exceeded all government performance targets.
- 5.2 The DM Service uses Idox Uniform for its computer software to manage the planning application process. It has invested in a software management package known as Idox Enterprise to act as a processing and management tool for officers. A large amount of technical work has been undertaken to improve the application process and management system and this is a continuous process. This work has enabled officers to work remotely in a paperless way of working. Enterprise was crucial in providing an efficient virtual way of working. More Enterprise improvements are underway as a continuing process to further enhance the process and improve efficiency.
- 5.3 Officers have attended several on-line training courses as part of their continuous professional development. This is an on-going requirement. In addition training has taken place for Members and more is planned for 2023 and into 2024.
- 5.4 The LPA has also met the quality targets for both major and non-major developments. However, the quality of major development is a target which officers are monitoring very closely because of the relatively few numbers of major applications the Council receives. There is a risk of performance, in terms of major applications, coming close to or possibly exceeding the 10% threshold because of the relatively low number of major applications received. In the two-year period April 2020 to March 2022, the Council determined 43 major planning applications, two of which were appealed against and both were allowed on appeal. This equates to a quality performance of 4.76%. For the next year, April 2021 to March 2023, two appeals are currently with the Planning Inspectorate. Whilst this would not take the performance close to the designation threshold of 10%, it is essential to note that the appeal decisions, if allowed, would also be included in the following year due to the two year assessment period used. Continuous monitoring against this criterion is essential.
- 5.5 Where an authority is “designated”, applicants may apply directly to the Planning Inspectorate for the category of applications (major, non-major or both) for which the authority has been “designated”. Where an authority is “designated”, applicants may apply directly to the Planning Inspectorate for the category of applications, for which the authority has been “designated (in this case ‘major’)”. If this was to occur, not only could the LPA lose control in

decision making of major planning proposals, the LPA would also not receive the pre-application advice fee and statutory planning application fee of the larger schemes which can be significant sums. In 2022/23, Planning DM received over £600,000 in income from planning application fees and pre-application advice given by officers. An additional potential implication could arise if new dwellings are not approved (if policy compliant). This would lead to a reduction in the New Homes Bonus (NHB) which is secured for every new home completed in the borough. The NHB for 2023/24 is £101,000. Continuous monitoring against this criterion to avoid a risk of designation and therefore LPA control is essential.

- 5.6 When refusing a planning application, it is imperative that the Council has sound reasons that are capable of being defended successfully at appeal. Failure to do so could expose the Council to an award of costs at appeal and the real risk of “designation”. The rigorous defence of appeals will continue to require appropriate resources.
- 5.7 An up to date development plan gives greater certainty to all those involved in the development process and the local community. Work is taking place on the replacement of the 2009 Local Plan and the Examination into the new plan has commenced. Planning decisions based on an up to date plan and supplementary guidance which is consistent with the NPPF, are more easily defended at appeal. This in turn ensures that the risk of designation based on appeal decisions is minimised.
- 5.8 DM Officers will continue to closely monitor committee overturns. The number of these has been relatively small and although the figure increased 2021, it slipped back slightly the following year. All Members have been advised of the requirements of the Planning Code which was revised in 2021 and in particular, the “call in” procedure. The guiding principle of a “call-in” is that there is a “material planning concern” in the application being considered by the Committee. The Planning Code was updated in 2021.
- 5.9 It is proposed to continue providing PDM performance reports in the future.

6 Recommendation

- 6.1 It is recommended that the Committee notes the contents of this report.