

Arun District Council

REPORT TO:	Planning Committee 19 February 2025
SUBJECT:	Appeals Performance & Cost 2024
LEAD OFFICER:	Neil Crowther
LEAD MEMBER:	Cllr Simon McDougall
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The recommendations support: <ul style="list-style-type: none">• Improving the Wellbeing of Arun.• Delivering the right homes in the right places	
DIRECTORATE POLICY CONTEXT: The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.	
FINANCIAL SUMMARY: Financial implications are highlighted in the report.	

1. PURPOSE OF REPORT

- 1.1. The report outlines the Council's performance at appeal during 2024 and outlines the costs associated with those appeals.

2. RECOMMENDATIONS

- 2.1 To note the Appeals Performance & Costs for 2024.

2. EXECUTIVE SUMMARY

- 2.1. Appeals performance for 2024 is set out in the report.

3. DETAIL

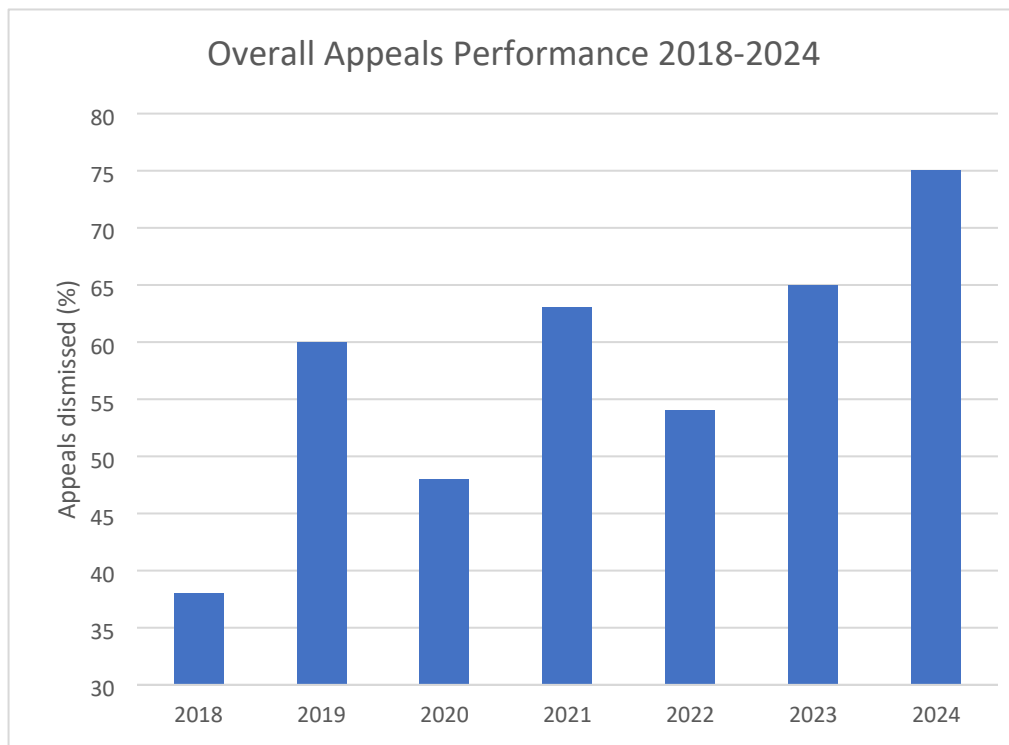
- 4.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2024 in respect of appeals. One of the indicators in the planning department's Business Plan aims for 70% of all appeals to be dismissed.
- 4.2 On 14 February 2024, a report to Committee reported appeal performance for the 2023 calendar year. Below is a summary of the Council's performance over that period:
 - 48 appeals were determined in 2023, an increase of 9 over that determined in 2022.

- Of these, 31 were dismissed representing a success rate for the Council of 65% of all appeals dismissed. That equated to an 11% increase in success rate over 2022.
- Of all planning appeal decisions in 2024, 69% were made in accordance with the recommendation of officers.

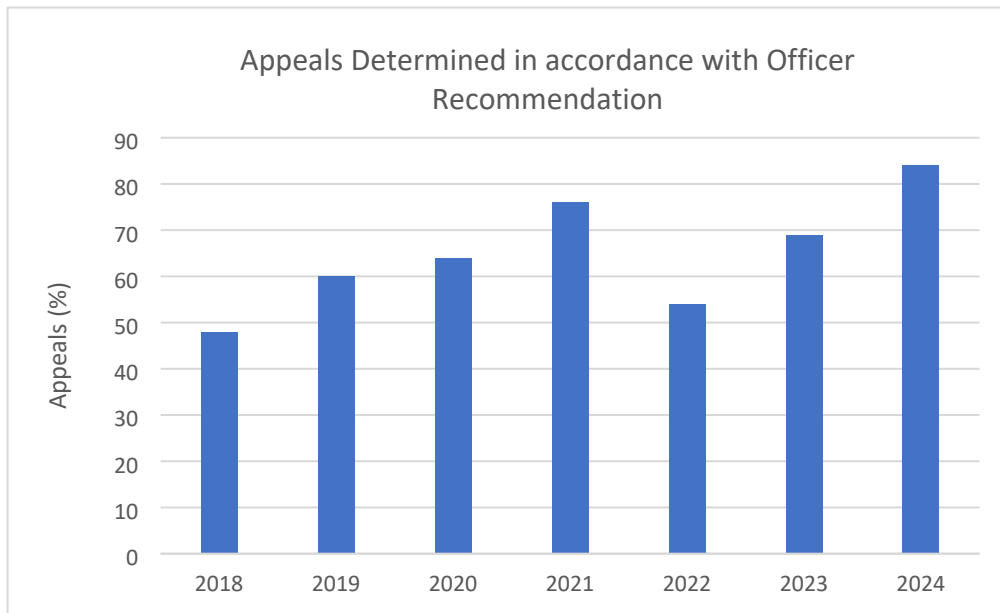
4.3 Appeals performance is a good indication of the quality of decision making at the Council.

ALL APPEALS

4.4 A total of 33 appeals were determined in 2024, a decrease of 15 from 2023 and 6 less than 2022. In 2024 there were 2 in appeals that were withdrawn, therefore are excluded from the statistics of this report which relate to the 33 determined. Of these appeals, 25 were dismissed representing a success rate for the Council of **75%** of all appeals dismissed. That equates to a 10% increase in success rate from 2023.



4.5 In 2018, appeal decisions in accordance with the officer recommendation was only 48%. The performance over recent years is shown in the table below.



4.6 There were 5 appeals arising from a decision at Planning Committee to refuse permission contrary to the recommendation of officers in 2024 (an increase from 3 in 2023), 2 of these appeals were allowed and 3 were dismissed. Representing a 60% success rate for overturned applications.

WRITTEN REPRESENTATIONS

4.7 31 appeals were determined by written representations in 2024. 23 of these appeals were dismissed, 1 was part allowed. This equates to a success rate of 74% being dismissed – an increase in performance of 7% compared to 2023.

INFORMAL HEARINGS

4.8 During 2024 there were two Informal Hearings.

- Y/68/23/PL (Land West of Drove Lane, Main Road, Yapton)
- Y/31/23/PL (Little Meadow, Bilsham Road, Yapton)

4.9 Officers defended these appeals, and both were dismissed. Application Y/31/23/PL was dismissed despite officers having originally recommended the application for approval. The Committee had refused the application partly on grounds that the proximity to the nearby industrial/commercial estate would create unacceptable living conditions to future occupiers. The Inspector found that the noise assessment mitigation would require future homeowners to have their windows closed which would not be acceptable. The noise survey had also been carried out when the site was not operating to full capacity. In addition, HGVs would pass by the fronts of the dwellings and cause disturbance.

4.10 An application for costs was made for one of the two appeals decided by informal hearing (Y/68/23/PL) but this was refused.

PUBLIC INQUIRIES

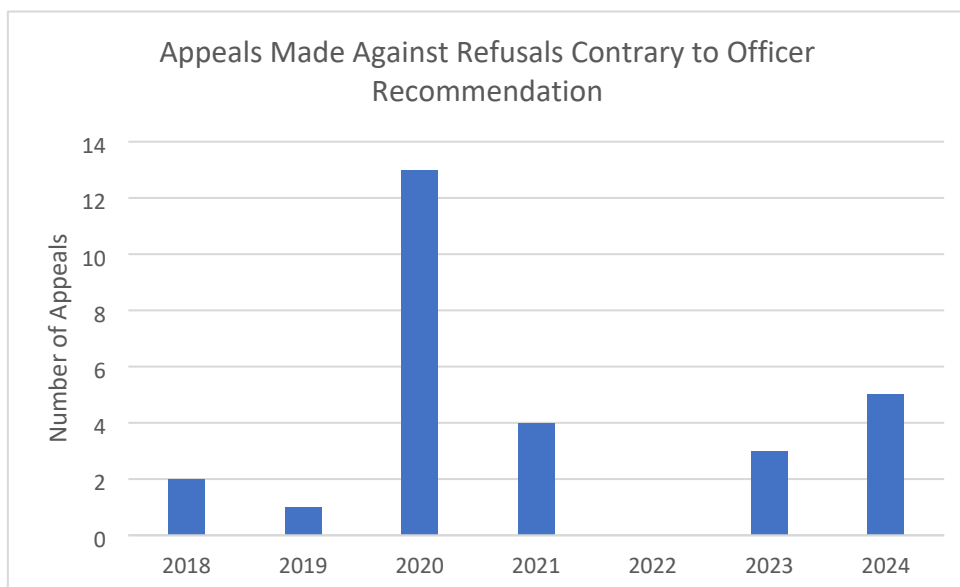
4.11 During 2024, there was no appeals decided by public inquiry.

PERFORMANCE OF PLANNING COMMITTEE

4.12 During 2024, there were 5 appeal decisions made on decisions taken contrary to the recommendation of officers. These were as follows, as well as commentary on the issues raised at Committee and the Inspector's response:

- Y/31/23/PL – The Committee refused based on the position outside the built-up area boundary, unacceptable living conditions for future occupiers, and harm to designated and non-designated heritage assets. The Inspector disagreed on the harm to the heritage assets but upheld the other issues and dismissed the appeal.
- Y/1/24/PL – The Committee refused based on adverse effect on the character and appearance of the Conservation Area and adverse effects on the setting of Stakers Farm listed building. The Inspector agreed on both counts and dismissed the appeal.
- LU/305/23/PL – The Committee refused based on the additional bulk and height, with harm to the Conservation Area. The Inspector disagreed and found that there would be less than substantial harm to the Conservation Area due to the extent of contemporary dwellings nearby and allowed the appeal in accordance with the officer's original recommendation.
- P/80/23/PL - The Committee refused based on the location of the mobile homes outside the built-up area boundary causing harm to the character of the area. The Inspector agreed that harm would be caused and dismissed the appeal.
- BR/168/23/PL – The Committee refused based on the proliferation and over concentration of HMOs in the area and excessive parking demands causing harm to the local amenity. The Inspector disagreed that there was an overconcentration of HMOs causing detrimental impact on the character of the area. The Inspector found that the shortfall of parking would be minimal and would not result in harm. The appeal was allowed, in accordance with the officer's original recommendation.

4.13 The table below shows appeals workload as a result of decisions taken contrary to the recommendation of officers in recent years. The number during 2020 was due to a significant increase in decision taken contrary to the officer recommendation after the local elections in May 2019.



MAJOR PROPOSALS

4.14 During 2024, there were four appeals classified as a ‘major’ scheme. These appeals were:

Y/68/23/PL	Land west of Drove Lane	20 dwellings
BN/119/22/OUT	Land adjacent to Highfield House	19 dwellings
BR/294/21/PL	2-10 The Hatters Inn	43 flats
WA/87/22/PL	Brookview Nursery	7 class E flexible office/workshop units

4.15 One of these appeals was part allowed (WA/87/22/PL), all others were dismissed.

COSTS

4.16 Appeals performance is an indicator of the quality of decision making at the Council. The Council’s ability to impose reasons for refusal that are reasonable and can be robustly defended is an important aspect of all decisions and one that is tested at appeal.

4.17 The costs of defending appeals is set out in the table below. Significant officer time is also required for managing appeals workloads (even in instances where consultants are used). However, the Committee will note that no costs were awarded against the Council during 2024 and the only entry in the table below relates to a claim for costs made by ADC against an appellant.

Site	Decision	Costs Awarded (£)	Consultant Costs (£)	Overall Cost (£)
BR/294/21/PL	Allowed	Allowed in full (claim made by ADC)	N/A	£516 awarded to ADC

- 4.18 This related to a claim made on the basis that the appellant had only just agreed to a s106 on a resubmission application which included affordable housing and had promised to then withdraw the previous appeal. Instead, some 2-3 months later, the appellant advised the appeal would proceed on grounds of affordable housing and viability.
- 4.19 The Inspector agreed with the council's case and concluded that the appellant acted unreasonably by failing to engage with the Council at the appropriate time over viability and the proportion of affordable housing in the scheme.

SUMMARY OF ISSUES

- 4.20 Attached to this report is a summary of appeal decisions received in the 2024 period. The schedule for all appeals determined in 2024 highlights the issues raised by Inspectors when making decisions. Where the Inspector has disagreed with the Council's decision to refuse and granted permission, the areas of disagreement are as follows:
- In 3 cases the Inspector did not agree with the Council's position on adverse effects on the character and appearance.
 - In 1 case the Inspector did not agree with the Council's position on adverse impact on living conditions of neighbours as regards noise and disturbance.
 - In 1 case the Inspector did not agree with the Council's position on adverse impact on living conditions of neighbours as regards to outlook.
 - In 1 case the Inspector did not agree with the Council on flooding issues.
 - In 1 case the Inspector did not agree with the Council's position on requirement for affordable housing provision.
 - In 1 case the Inspector did not agree with the Council's position on availability of on-street parking.

CONCLUSIONS

- 4.21 When compared to 2023, there has been a 10% increase in the overall success rate in terms of the Council's ability to defend appeals. In winning 75% of all appeals the corporate target of winning 70% of appeals has been exceeded.
- 4.22 Decisions made in accordance with the recommendation of officers was 84% in 2024, an increase of 15% from 2023.
- 4.23 This report will form the basis of informal discussions between officers and members and these discussions will consider what further training may be required for members and officers.

5 CONSULTATION

- 5.1 None

6 OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 N/A

7 COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 None

8 RISK ASSESSMENT CONSIDERATIONS

8.1 N/A

9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 None

10 HUMAN RESOURCES IMPACT

10.1 N/A

11 HEALTH & SAFETY IMPACT

11.1 N/A

12 PROPERTY & ESTATES IMPACT

12.1 None

13 EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 N/A

14 CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 N/A

15 CRIME AND DISORDER REDUCTION IMPACT

15.1 N/A

16 HUMAN RIGHTS IMPACT

16.1 N/A

17 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 N/A

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BACKGROUND DOCUMENTS: