

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 26 AUGUST 2002**

**REPORT ON: PLANNING APPEALS PERFORMANCE 2000/2001 AND 2001/2002**

**REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION**

**REPORT NO: 574-2002**

**1 PURPOSE OF REPORT**

1.1 To advise the Committee of the Council's planning appeals performance for the year

**2 RECOMMENDATIONS**

2.1 That the Committee notes the contents of the report.

**3 FINANCIAL IMPLICATIONS**

3.1 The costs of conducting these appeals have been met from the Planning and Transportation revenue budget for the respective year.

**4 LOCAL AGENDA 21 IMPLICATIONS**

4.1 There are no Local Agenda 21 implications arising directly from the content of this report. However, in determining all planning applications the Council has regard to Local Agenda 21 implications as a material consideration.

**5 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 There are no equal opportunities implications arising directly from the content of this report.

**6 BACKGROUND**

6.1 The Council reports annually to the Accounts Commission for Scotland on its planning appeals performance. The Performance Indicator target is included in the Planning and Transportation's Annual Service Plan.

6.2 Reference is made to the Minutes of the Development Quality Committee of 26 June 2000 and to Report 424/2000 when appeals performance was last reported to Committee. The purpose of this report is to comment on the nature of the detail of the Council's appeals performance during the years 2000/2001 and 2001/2002 compared to the previous two years and to inform Committee of the nature of outstanding appeals.

6.3 The attached table indicates the following patterns of performance:

- a Relatively low numbers of appeals were lodged in 2000/2001 and 2001/2002, with the vast majority being determined by the written representations route as opposed to public inquiry. However, the pattern so far for 2002/2003 indicates a significant increase in appeals. Eight have already been determined since April and a further 16 are outstanding. Members may wish to note that of these, six of these appeals relate to applications refused contrary to recommendation. One public inquiry was

held in February 2002 (Linlathen Roadside Services) and another is programmed for October 2002 (B & Q Warehouse, South Road).

- b In terms of decisions by the Reporter the balance in favour of dismissals, as opposed to the grant of planning permission which were held up to 1999/2000 appears to be returning in 2002/2003 after a more equal pattern in the intervening years.
- c The Council refuses only on average between 7% - 8% of applications determined.

6.4 In conclusion, it is considered that the Council's appeal performance is statistically satisfactory and that this displays a high level of consistency in decision making. In addition, and with reference to the content of appeal decisions and the conclusions expressed by Reporters, the availability of a relevant and relatively recently adopted Local Plan together with the effective discharge of all material considerations contributes greatly towards our appeal performance.

## **7 CONSULTATIONS**

7.1 The Chief Executive, Director of Finance, Director of Support Services and Director of Corporate Planning have been consulted and are in agreement with the contents of this report.

## **8 BACKGROUND PAPERS**

- 8.1 Statutory Appeals Register 1999-2000.
- 8.2 Individual appeals reports to Development Quality Committee.

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Mike Galloway  
Director of Planning & Transportation

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Ian Mudie  
Building Quality Manager

19 August 2002

IGSM/IAR/KM

Dundee City Council  
Tayside House  
Dundee

**APPEALS PERFORMANCE SUMMARY 1999/2000-2002/2003**

	1999/2000		2000/2001		2001/2002		2002/2003	
Total Applications Determined								
Householder	278		262		266		83	
Non Householder	540		456		393		111	
Total	<b>818</b>		<b>718</b>		<b>659</b>		<b>194*</b>	
Total Appeals Determined	17		12		11		8(2)	
Total Appeals Withdrawn/Invalid	5		3		-		-	
Total Appeals Pending	-		-		-		16(6)	
Determined by Written Presentation	16		12		11		7	
Public Inquiry	1		-		-		1	
	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld
Residential/Householder	8	-	5	2(1)	2	3	5	-
Leisure/Commercial/Retail	5(2)	2(2)	1	3(1)	1	3(2)	2	-
Industrial	-	-	-	-	-	-	-	-
Advertisements	2	-	-	-	2	-	-	-
Telecommunications	-	-	1	-	-	-	-	1(1)
<b>Total</b>	<b>15</b>	<b>2</b>	<b>7</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>1(1)</b>

Excludes Enforcement Appeals

\*April – June 2002

( ) Committee decision to refuse contrary to officer recommendation

Sources: Planning and Transportation Department Records and Statutory Appeals Registers 1999-2002