

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 25 APRIL 2005**

**REPORT ON: PLANNING APPEALS PERFORMANCE 2003/2004 & 2004/2005**

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

**REPORT NO: 210-2005**

**1 PURPOSE OF REPORT**

1.1 To advise the Committee of the Council's planning appeals performance for the years 2003/2004 and 2004/2005.

**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 27 May 2003 and to Report 319/2003 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 2002/2003 and 2004/2005 compared to previous performance and to inform Committee of the number of outstanding appeals.

6.3 The attached table indicates the following patterns of performance:

- a Relatively low numbers of appeals were lodged in 2003/2004 and 2004/2005 compared to 2002/2003 with the vast majority being determined by the written representations route as opposed to public inquiry. Members may wish to note that in the past two years there has been a considerable reduction in the number of appeals lodged against applications which Committee had refused contrary to recommendation.
- b The five withdrawn appeals (2004/2005) relate to the superstore appeals which involved the Department in a considerable amount of preparation which deflected from casework duties.
- c In terms of decisions by the Reporter the balance between dismissals and the granting of planning permission remains relatively even, and consistent with the pattern established in

recent years. However, a particularly favourable proportion of dismissals was experienced in 2003/2004.

- d During 2003/2004 the Council refused 6.8% of applications determined and in 2004/2005 7.7%. These are consistent with previous trends.
- e Information in relation to appeals against enforcement notices and amenity notices are contained in a report elsewhere on the agenda.

## 7 DEPARTMENTAL SERVICE PLAN: KEY PERFORMANCE MEASURES AND TARGETS

- 7.1 The appeals performance outlined in this report has been compared to the baseline and target performance results outlined in the Departmental Service Plan as follows:

Key Performance Results	Baseline*	Target	2003/2004	2004/2005
No. appeals determined	25	25	16	16
% appeals dismissed as % of all applications decided	1.8%	1.8%	1.4	0.9%
% dismissed as % of all appeals determined	52%	75%	75%	50%

\*Actual 2002/2003

## 8 CONCLUSIONS

- 8.1 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. Multiple public inquiries and the associated preparation work impose their own additional burdens. It should be noted that, nonetheless, the Council has been able to maintain a satisfactory level of statistical performance in its development quality responsibilities and a consistently high quality level of service to its stakeholders. A separate report on these issues is contained elsewhere on the agenda.

## 9 CONSULTATIONS

- 9.1 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.

## 10 BACKGROUND PAPERS

- 10.1 Statutory Appeals Register.
- 10.2 Individual appeals reports to Development Quality Committee.
- 10.3 Planning and Transportatin Department Service Plan 2004-2007.

---

Mike Galloway  
Director of Planning & Transportation

---

Ian Mudie  
Head of Planning



## APPEALS PERFORMANCE SUMMARY 2000 - 2003

	2001/2002		2002/2003		2003/2004		2004/2005	
Total Applications Determined								
Householder	266		327		323		434	
Non Householder	393		410		534		469	
Total	<b>658</b>		<b>727+10.5%</b>		<b>857+18%</b>		<b>907+6%</b>	
Total Appeals Determined	11		25		16		16	
Total Appeals Withdrawn/Invalid	-		1		-		5	
Total Appeals Pending	-		-		-		4 (2)	
Determined by Written Presentation	11		23		15		16	
Public Inquiry	-		2		1		0	
	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld	Dismissed	Upheld
Residential/Householder	2	3	6	5(3)	9	1	6	3(1)
Leisure/Commercial/Retail	1	3(2)	5(1)	4(3)	0	1	1	3(1)
Industrial	-	-	-	-	1	0	0	0
Advertisements	2	-	2	2	2	0	1	2
Telecommunications	-	-	-	1(1)	0	2	0	0
<b>Total</b>	<b>5</b>	<b>6</b>	<b>13(1)</b>	<b>12(7)</b>	<b>12(0)</b>	<b>4(0)</b>	<b>8</b>	<b>8(2)</b>

Excludes Enforcement Appeals

( ) Committee decision to refuse contrary to officer recommendation

Years relate to end March-beginning April

Excludes Enforcement and Amenity Notice Appeals.

Sources: Planning and Transportation Department Records and Statutory Appeals Registers 2000-2003