

Name of meeting: PLANNING SUB-COMMITTEE (*Heavy Woollen*)

Date: 23rd June 2022

Title of report: A Review of Planning Appeal Decision (*January 2021 – December 2021*)

Purpose of report: To inform Members of planning appeal decisions received throughout the district in 2021.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Not Applicable
Is it also signed off by the Service Director for Finance?	Not Applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not Applicable
Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? Yes. There no GDPR implications.

1. Purpose of report

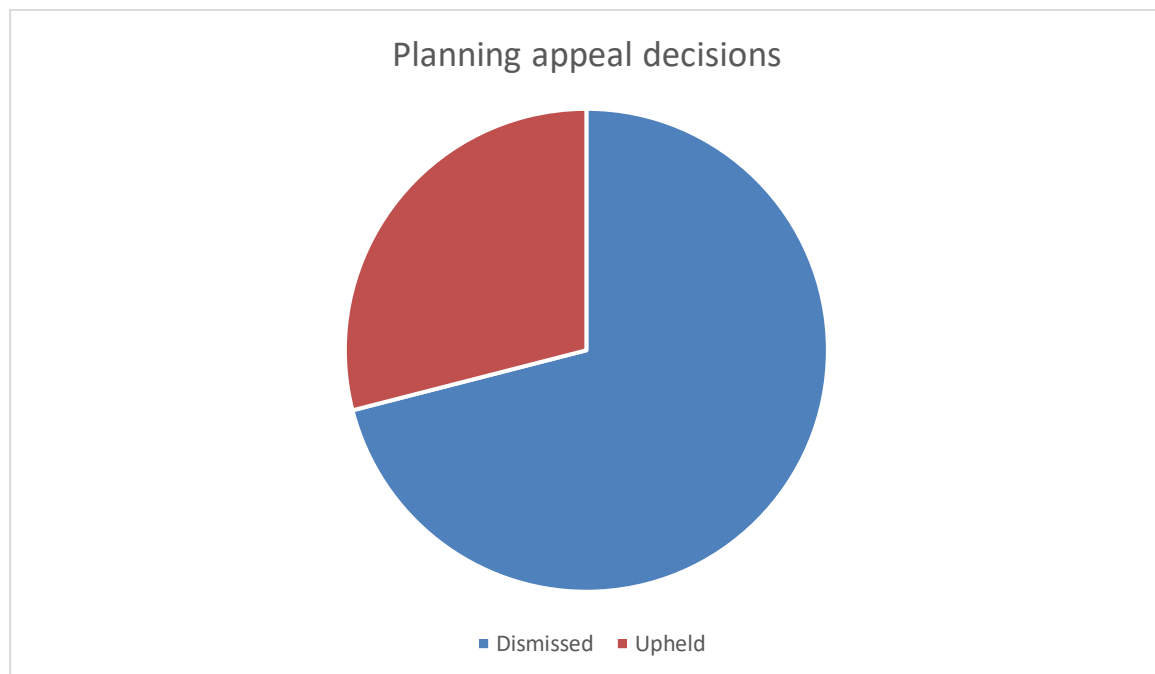
1.1 For information purposes

2. Key Points

Planning Appeals

2.1 Between January 2021 and December 2021, the council have received 31 planning appeal decisions in the electoral wards within the Heavy Woollen Sub-Committee area of the district. Of these, 71% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.

2.2. Figure 1 below shows a breakdown of planning application appeals (including tree works, certificate of lawfulness and prior notification applications) whether dismissed or upheld.



Trees appeals

2.3 Of the 31 planning appeals, there were no tree works applications.

Application for award for costs

2.4 One application for an award of costs was lodged against the council. However, this was subsequently refused.

Delegated and Committee Decisions

2.5 Of the 31 appeals, 1 application was appealed against non-determination. 25 decisions were determined under delegated powers. Of these, 19 were

dismissed (76%). 5 applications were determined by the Planning Committee, whereby 4 were dismissed (80%). The 1 application in which was upheld, was contrary to officer recommendation.

- 2.6 Having compared the above data with that from 2020, it has been noted that there has been a reduction in the number of appeals dismissed from 77% to 71%. Whilst this shows a decrease since last year, this percentage is still significantly above the national statistics, which will be outlined in more detail below.

Appendix 1 provides a list of relevant appeals.

Council's appeal performance in relation to Central Government Standards: Criteria for designation (revised 2020)

- 2.7 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities' performance on the 'quality' of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is 'designated' as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 2.8 The criteria for designation, as revised in December 2020, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2 year period] being overturned at appeal.
- 2.9 To note, the latest published performance tables from the Department for Levelling Up, Housing and Communities and formally Ministry of Housing, Communities and Local Government (September 2020) provides statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of September 2020, a total of 1.8% of decisions on Major applications were overturned at appeal (nationally). Within Kirklees for the same period, 2 decisions on Major applications were overturned on appeal, out of a total of 150 applications. This equates to 1.3% of all decisions at appeal.
- 3.0 The corresponding information for non-major applications was a total of 1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 19 decisions on non-major applications were overturned on appeal, out of a total of 3,908 applications. This equates to 0.5% of all decisions at appeal.

Compliance

- 4.0 Between January 2021 and December 2021, Planning Enforcement have also served 93 enforcement notices. A breakdown of these can be found in table 1 below.
- 4.1 For members to note, between January – December 2020, 142 notices were served.

Type of Notice	No. served
Enforcement Notice	20
Breach of Condition Notice	8
Planning Contravention Notice	56
Temporary Stop Notice	4
Stop Notice	1
Other	4
Total	93

- 5. Implications for the Council**
Not applicable
- 6. Next steps and timelines**
Not applicable
- 7. Officer recommendations and reasons**
To note
- 8. Cabinet Portfolio Holder's recommendations**
Not applicable
- 9. Contact officer**
Julia Steadman – Group Leader for Development Management
- 10. Background Papers and History of Decisions**
Not applicable.
- 11. Service Director responsible**
David Shepherd – Strategic Director for Growth and Regeneration

Appendix 1 – List of planning appeals including tree works decided between January and December 2021 (Heavy Woollen Area)

1. 2020/91953 4, Co-operative Street, Chickenley, Dewsbury, WF12 8QA - Erection of first floor side extension – Officer decision – Appeal dismissed.
2. 2020/92980 51, Bywell Road, Dewsbury, WF12 7LH - Change of use to mixed use dwelling and ice cream/dessert takeaway including outdoor seating area – Officer decision – Appeal dismissed.
3. 2020/90932 Adj, 135, Latham Lane, Gomersal, Cleckheaton, BD19 4AP - Erection of detached dwelling – Officer decision – Appeal dismissed.
4. 2020/92856 286, Cliffe Lane, Gomersal, Cleckheaton, BD19 4RZ - Erection of front and rear dormers and alterations – Officer decision – Appeal dismissed.
5. 2020/93078 3, Bradbury Street, Ravensthorpe, Dewsbury, WF13 3AU - Change of use of dwelling ground floor to hot food takeaway and first floor storage and installation of shop front – Officer decision – Appeal dismissed.
6. 2020/93889 51, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of external decking and stairs – Officer decision – Appeal dismissed.
7. 2020/93890 53, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of raised decking – Officer decision – Appeal dismissed.
8. 2019/94133 Telecommunication Mast 28529, Adj Highfield Farm, Jagger Lane, Emley Moor, HD8 9TF - Demolition of existing mast, change of use and extension to existing building to form a residential dwelling, erection of detached garage and associated access works – Officer decision – Appeal dismissed.
9. 2020/90125 adj, 1, The Copse, Scholes, Cleckheaton, BD19 6NE - Erection of detached dwelling (within a Conservation Area) – Officer decision – Appeal dismissed.
10. 2020/90501 Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU - Change of Use and alterations to convert trade counter retail unit to function room and store – Committee decision – Appeal dismissed.
11. 2021/90834 3, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA - Prior approval for enlargement of dwellinghouse by erection of additional storey – Officer decision – Appeal dismissed.
12. 2020/91200 167, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of two storey side extension and front and rear dormer windows and increase roof height – Officer decision – Appeal dismissed.
13. 2021/91892 31, Hare Park Avenue, Hightown, Liversedge, WF15 8DN - Erection of fence and gates to the front – Officer decision – Appeal dismissed.
14. 2020/91111 Land Adj, 4, Springwell View, Birstall, Batley, WF17 0DN - Demolition of existing garage and erection of detached dwelling – Officer decision – Appeal dismissed.
15. 2021/90302 1, Penn Drive, Hightown, Liversedge, WF15 8DB - Erection of first floor extensions and alterations to form first floor accommodation – Committee decision – Appeal dismissed.
16. 2021/90564 land at, April Court, Roberttown, Liversedge, WF15 7RB - Erection of one detached dwelling and erection of detached domestic garage – Officer decision – Appeal dismissed.
17. 2021/91691 2, Jagger Lane, Emley Moor, Huddersfield, HD8 9SY - Erection of first floor rear extension – Officer decision – Appeal dismissed.

- 18.2021/91721 Land at, Cobden Close, Batley, WF17 5QN - Erection of detached dwelling – Officer decision – Appeal dismissed.
- 19.2021/91354 land at, Old White Lee Colliery, Leeds Road, Heckmondwike, WF16 9BH - Demolition of existing buildings, erection of 5 dwellings, formation of access and associated works – Committee decision – Appeal dismissed.
- 20.2020/91747 Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB - Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units – Committee decision – Appeal dismissed.
- 21.2021/91921 2, Doctor Lane, Shelley, Huddersfield, HD8 8HQ - Erection of detached potting shed/home office and associated works – Officer decision – Appeal dismissed.
- 22.2021/92876 8, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EN - Erection of two storey side extension (Within a Conservation Area) – Officer decision – Appeal dismissed.
- 23.2020/92666 2, Scout Hill Terrace, Dewsbury, WF13 3RE - Erection of single storey front extension – Non determination – Appeal upheld.
- 24.2020/93834 rear of, 11 & 12, Clarence Terrace, Savile Town, Dewsbury, WF12 9JZ - Erection of detached garage and store – Officer decision – Appeal upheld.
- 25.2020/93432 Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ - Outline application for erection of residential development – Officer decision – Appeal upheld.
- 26.2020/94272 7-8, Park Gate, Skelmanthorpe, Huddersfield, HD8 9BB - Certificate of Lawfulness for existing use of land at 7-8 Park Gate as domestic curtilage – Officer decision – Appeal upheld.
- 27.2021/91036 Five Miles, 330, Barnsley Road, Flockton, Huddersfield, WF4 4AT -Certificate of lawfulness for proposed erection of detached swimming pool building – Officer decision – Appeal upheld.
- 28.2021/91118 land at former, 750, Bradford Road, Batley, WF17 8NL - Erection of car showroom/office and MOT testing station – Officer decision – Appeal upheld.
- 29.2020/92470 3, Chestnut Meadows, Mirfield, WF14 0HH - Certificate of lawfulness for existing outbuilding – Officer decision – Appeal upheld.
- 30.2019/91467 land south of, Granny Lane, Mirfield - Erection of 67 dwellings with associated access and parking – Committee decision (contrary to Officer recommendation) – Appeal upheld (Costs application refused).
- 31.2020/93607 181, Leeds Road, Heckmondwike, WF16 9BY - Erection of detached double garage with store below and new boundary wall and fence – Officer decision – Part upheld/part dismissed.