

## DEVELOPMENT CONTROL: HALF ANNUAL REPORT

Report By: Head of Planning Services

### Wards Affected

County-wide

### Purpose

1. To inform members about Development Control performance in the first six months of 2007/08.

### Financial Implications

2. None.

### Background

3. The purpose of this report is to set out a summary of the Development Control Team's achievements in the first half of 2007/08, i.e. the period from April to September 2007. This report is intended for use as a reference document to inform Members of current trends in Development Control.

This report is quite different from the Annual Monitoring Report which is prepared by the Forward Planning Team as a statutory requirement under the new regulations for the Local Development Framework.

### Principal Outputs

These are grouped under four headings:

- A. Pre-application Enquiries
- B. Planning Decisions made
- C. Appeals
- D. Enforcement

#### A. Pre-application Enquiries

4. The Team deals with over 2,000 pre-application enquiries annually. Some of the enquiries are relatively trivial but some took nearly as long as a planning application itself to deal with. Where there has been a formal exchange of correspondence the details are recorded on the MVM database. In the first six months of 2007/08 the Team has dealt with over 1,200 enquiries which have been recorded on the MVM database. Additionally, over 800 email enquiries have been made to the [planningenquiries@herefordshire.gov.uk](mailto:planningenquiries@herefordshire.gov.uk) email address. These were previously dealt with by the Planning Receptionists at Blueschool House, but they are now dealt with by planning officers in the "Back office".

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Further information about this report is available from Peter Yates, Development Control Manager on 1782

**B. Planning Decisions Made**

5. The most important Development Control outputs are the BVPI indicators. These feed directly into the departmental and directorate Service Plans and count towards the Council's CPA rating. The most significant for performance monitoring is BV 109, the speed of processing planning applications.
6. The out-turn figures for 2005/06 , 2006/07 and the first 6 months of 2007/08 are as follows:

<b>Table 1</b>				
<b>BVPI 109 – Speed of Processing Planning Applications</b>				
<b>BV 109 figures</b>	<b>Target</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08 (first 6 months)</b>
Major applications %age determined in 13 weeks	60%	61%	75%	61%
Minor applications %age determined in 8 weeks	65%	74%	83%	80%
Other applications %age determined in 8 weeks	80%	82%	91%	91%

7. All three targets continue to be achieved, however, there have been a lot of major applications to deal with as a result of Unitary Development Plan allocations coming forward. These all involve complex negotiations for Section 106 agreements and that has had the effect of making the target for major applications more difficult to achieve. Additionally, the elections in May resulted in many applications being held up until the programme of Committees resumed in June.
8. Since the last report on these figures (to the Planning Committee in April) the final year's award of Planning Delivery Grant was announced. Herefordshire Council was awarded £176,228 in respect of its Development Control performance in the 9 months to March 2007. Planning Delivery Grant is not being continued this year in the same form.
9. On Friday 12<sup>th</sup> October 2007 the Government announced its proposals for a new set of National Indicators to replace the Best Value Performance Indicators with effect from April 2008. BVPI 109 is due to be continued in the form of NI 157. Consequently there will be a continuing need to maintain and monitor performance against this indicator.

**Delegation**

10. In 2005/06 88% of planning applications were determined under delegated powers. In 2006/07 that figure remained stable at 88%. In the first six months of 2007/08 it has risen slightly to 89%.

**Recommendations**

11. Planning Committees do not always follow recommendations. In work with other local planning authorities the Audit Commission has used two thresholds of concern; both measuring the number of applications determined contrary to Officer's

recommendation as a percentage of decisions on all applications (delegated and committee):

Upper threshold 2%

Lower threshold 0.5%

Performance outside these two thresholds would be a matter of concern.

12. In 2005/06 the percentage of overturned recommendations for all committees together was 1.2%, i.e. more-or-less midway between the two concern thresholds. In 2006/07 this figure increased to 2.1%. In the first six months of 2007/08 this figure has risen further still to 2.6% and now should be considered as a matter of concern. Further monitoring of this trend is anticipated with the Chairmen’s Group.

**C. Appeals**

13. The Authority’s success rate with planning appeals is a national Best Value Performance Indicator although the target level is set locally and the national BVPI is concerned only with appeals against refusals of planning permission. There are a variety of other appeal types as seen below. This indicator is due to be dropped in the forthcoming National Indicator set.

Year	Appeals allowed	Total Appeals determined	%age allowed
2005/06	28	104	27%
2006/07	22	102	22%
2007/08 (first 6 months)	11	36	31%

14. The national Average performance against this BVPI has remained steady at around 33%.
15. The highly successful two previous years are not currently being replicated in 2007/08 so far. One possible reason for this is the relatively high level of appeals against refusals which were contrary to officers’ recommendation. Of the 11 upheld appeals in 2007/08 five of them concerned refusals in this category.
16. In accordance with BV 204 the above data concerns only appeals against refusals of planning permission. There are various other types of appeal decisions which are also key Outputs for the Team. One of the most significant is Enforcement Appeals – this too is a very important quality outcome. In this area the Council has been much more successful so far, with 9 enforcement appeals being determined and all dismissed – a 100% success rate so far.
17. By comparison the most recent published national figures are:

Year	%age appeals upheld
2003/04	35%
2004/05	45%
2005/06	45%

In this context the Enforcement Appeals performance can be seen to be exemplary.

18. Eight other appeals have been determined in 2006/07 so far as follows

Type	Number	Upheld/Dismissed
Appeal against Hedgerow Protection Notice	3	3 dismissed
Agricultural Notification	1	1 dismissed
Advertisement appeals	3	2 upheld/ 1 dismissed
Appeals Against Refusal of Lawful Development Certificates	2	1 upheld/1 dismissed

19. If all appeal types are considered together the overall success rate is 14 appeals upheld out of 53 in total, i.e. a creditably low figure of 26%.
20. There has been no awards of costs either in favour of the council or against in respect of planning appeals in 2007/08 so far.

**D. Enforcement**

21. There are no national Best Value Performance Indicators for planning enforcement. A new Planning Enforcement Policy has been brought into operation which includes a requirement for reporting on Enforcement activity to this Committee. Since April 2006 enforcement activity has been monitored on a monthly basis and the tables below set out the results for the first six months of 2007/08.
22. In the first six months of 2006/07 a total of 366 new enforcement enquiries have been received and 342 cases have been closed.

No apparent breach (not development)	63
No apparent breach (permitted development)	44
Not expedient to enforce	48
Compliance achieved through negotiation	91
Planning permission granted	46
Passed on to other Service Areas	5
Total cases closed	297

Planning Contravention Notices	46
Breach of Condition Notices	6
Enforcement Notices	16
Section 215 Notices	0
Stop Notices	0
Prosecutions	1
Listed Buildings: Planning Contravention Notice	
Listed Buildings: Enforcement Notice	1

15. All the Area Sub Committees have commented on the number of retrospective planning applications being submitted. Accordingly, since April 2006 a specific check has been kept on these. In the period April to September 2007 a total of 95 retrospective planning applications have been received as a result of enforcement

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action. These applications have, between them, generated £28,095 in planning application fee income. Whilst the number of applications may seem quite high, it may be of interest to note that the planning system has always allowed for retrospective applications and, indeed, good enforcement practice specifically affords developers the opportunity to remedy a breach of control by applying for permission. It is, perhaps, worth noting that retrospective applications have a lower success rate than other planning applications: only around 75% of retrospective planning applications are approved, compared with 83% for all applications.

## **RECOMMENDATION**

**THAT;**

**The report be noted, subject to any comments Members may wish to make to the Cabinet Member, Environment.**