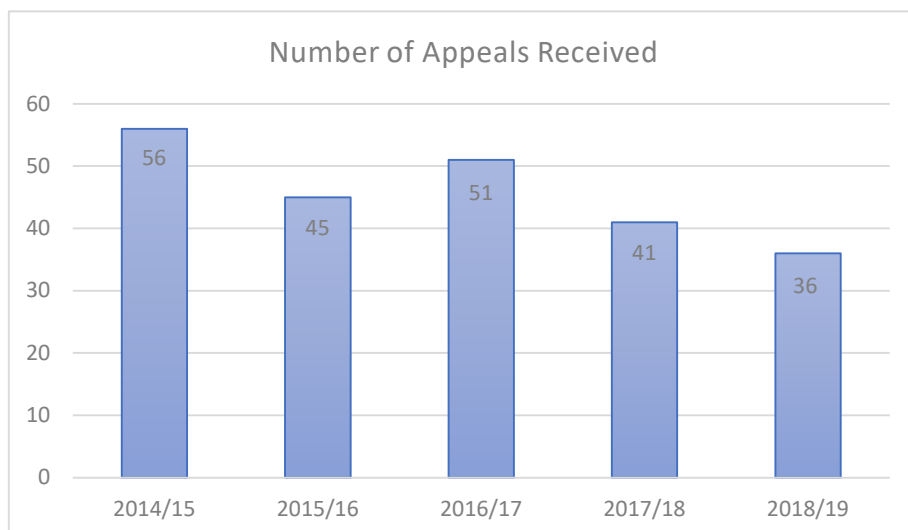


APPEALS END OF YEAR REPORT – 1 April 2018 to 31 March 2019

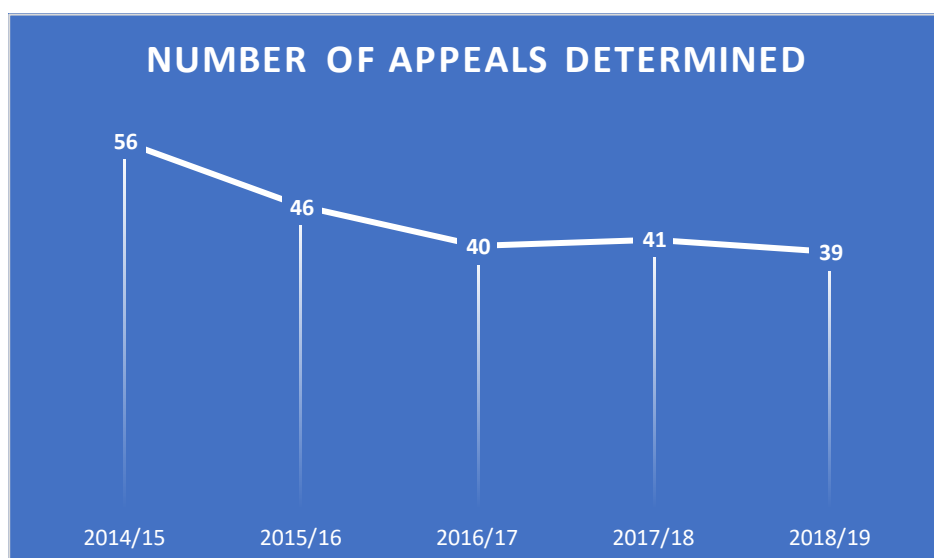
Appeals Received

During 2018/19 there were 36 appeals lodged. The number of appeals lodged in recent years is relatively low compared to peaks of 76 in 2012/13 and 106 in 2011/12. This is broadly consistent with the reduction in both the number of applications determined and the percentage of those applications being refused over the past few years.¹



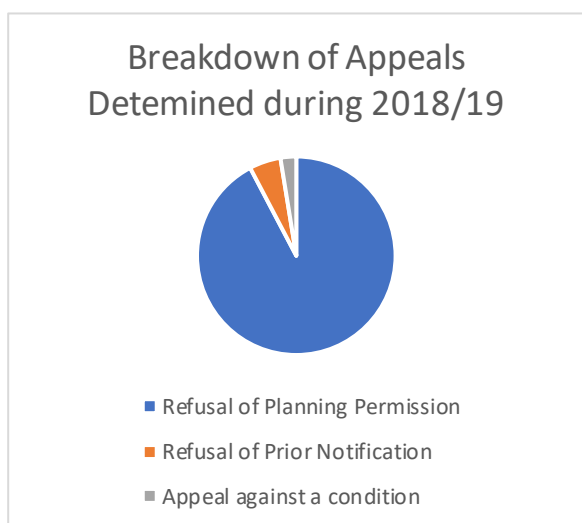
Appeals determined – All Appeals 2018/19

During 2018/19, 39 appeal decisions were issued by the planning inspectorate. The graph below indicates the number of appeal decisions issued in recent years.



¹ In 2018/19, xx decisions were issued, xx of which were refused (xx%)
 In 2017/18, 1220 decisions were issued, 109 of which were refused (8.9%)
 In 2016/17, 1408 decisions were issued, 116 of which were refused (8.2%)
 In 2015/16, 1285 decisions were issued, 101 of which were refused (7.9%)
 In 2014/15, 1294 decisions were issued, 120 of which were refused (9.2%)

Breakdown of appeals determined 2018/2019



Appeal Type	Number and %
Refusal of planning permission	36 (92.3%)
Refusal of prior notification	2 (5.1%) ²
Appeal against a condition	1 (2.6%)
Non-determination	0
Lawful development certificate	0
Refusal of advert consent	0

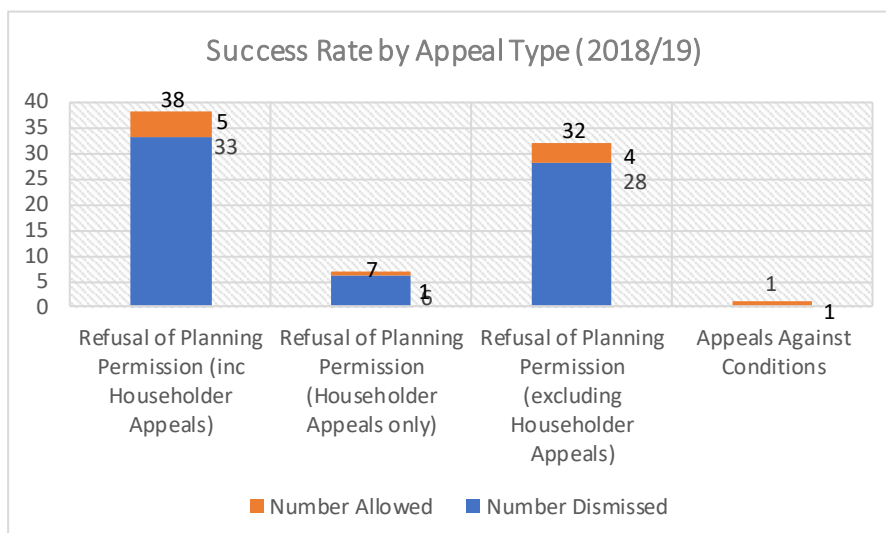
Householder Appeal Service (HAS) and Commercial Appeals Service (CAS)

The fast track Householder Appeal Service was introduced in April 2009 to speed up the decision-making process for cases concerning extension and alteration of existing dwellings. The number of appeals following this process has been fairly low in recent years, with a total of 7 householder appeal decisions issued in 2018/19 (falling from a peak of 28 in 2010/11).

The Planning Inspectorate extended the expedited written representations procedure to:

- (i) appeals against refusal of express consent to display an advertisement and
- (ii) appeals against refusal of planning permission for minor commercial (shop front) development in October 2013, although no such appeals were received or determined in 2018/19.

Success Rate for Each Type of Appeal (decisions issued during 2018/19):



² Prior notification appeals are included within the refusal of planning permission for the purposes of calculating numbers and percentages within this report.

Success Rate by Appeal Type (2018/19):

	Refusal of Planning Permission (inc Householder Appeals)	Refusal of Planning Permission (Householder Appeals only)	Refusal of Planning Permission (excl Householder Appeals)	Appeals against condition(s)
Total Number	38	7	32	1
Number dismissed	33	6	28	0
Percentage dismissed	86.8%	85.7%	87.5%	0%
Number Allowed	5	1	4	1
Percentage Allowed	13.2%	14.3%	12.5%	100%

Appeal Procedure

All of the 39 appeals determined in 2018/19 followed the written representations procedure (or fast-tracked written representations procedure in the case of householder appeals). It is usual for the vast majority of cases to be dealt with under written representations. In 2017/18 one case (Red Funnel) followed the inquiry procedure and in 2016/2017, four cases (which were all linked Enforcement Notice appeals) were the subject of an inquiry.

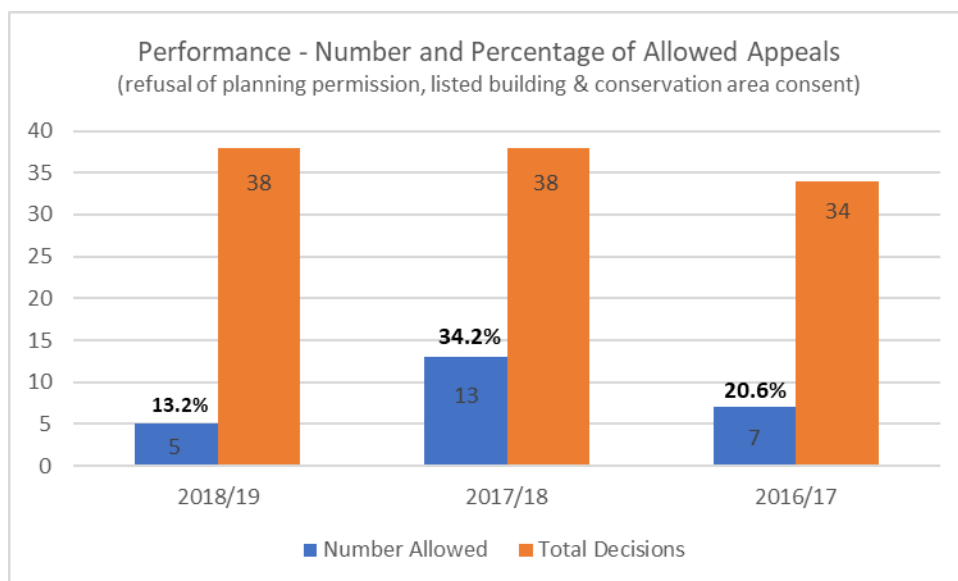
Performance

The Council's performance is measured as the percentage of appeals allowed against refusal of planning permission, listed building consent and conservation area consent (excluding enforcement, advert, conditions, non-determination, lawful development certificate etc). The target, indicating good performance, is a maximum of 30% of such appeals allowed.

In 2018/19 there were 38 decisions issued relating to appeals against the refusal of planning permission³, listed building consent and conservation area consent. Of these, 5 were allowed, which equates to 13.2%. This compares to 34.2% of such appeals (13/38) allowed in 2017/18 and 20.6% (7/34) of such appeals in 2016/17.

The percentage of appeals against the refusal of planning permission which were allowed during 2018/19 (13.2%) was significantly lower than the previous year and well within the target maximum for performance of 30% allowed.

³ Which includes 2 cases against the refusal of Prior Notification



Planning Appeal Decisions - Breakdown by Decision Level

During 2018/19, of the 38 appeal decisions issued (against the refusal of planning permission, listed building consent and conservation area consent), 2 related to applications which were refused by the planning committee. Details as follows:

Ref	Site Address	Proposal (summary)	Recommendation	Committee Decision	Appeal Outcome
P/00319/17	Ryde School, 7 Queens Road, Ryde, PO33 3BE	Construction of boarding house and netball courts	Approval	Refused	DISMISSED
P/00463/17	Land rear of 17 Noke Common and adjacent 10 Hogan, Road, Newport, PO30	Outline for 10 dwellings	Approval	Refused	ALLOWED

Enforcement Appeals

There were no appeal decisions relating to Enforcement notices issued in 2018/19.

Costs

Costs can be awarded against either party in any appeal, including those dealt with by written representations, and can also be initiated by an inspector where they have found unreasonable behaviour.

During 2018/19, there were 3 applications for costs against the Council, one of which was awarded in part. The Council did not make any applications for costs against appellants during that period. There were no costs awarded against either party which were initiated by the inspector during 2018/19.

Details of the costs applications received during 2017/18 are as follows:

Applications for Costs Against IWC during 2018/19			
IWC Reference	Site Address	Appeal Type and Procedure	Costs Decision and Date
P/00833/17	17 & 19 Priory Road, Newport, PO30 5JU	Refusal of planning permission WRITTEN REPRESENTATIONS	REFUSED 02 July 18
P/01219/17	r/o 1-3 Oakfield Road, Seaview, PO33 5AL	Refusal of planning permission WRITTEN REPRESENTATIONS	REFUSED 26 Oct 18
P/00760/18	Longwood Edge, Bonchurch Shute, Ventnor, PO38 1NX	Refusal of planning permission WRITTEN REPRESENTATIONS	AWARDED IN PART 21/02/2019

Applications made against the Council: 3
Awarded / Awarded in part: 1 (33.3%)

Conclusions

The number of appeals received and determined during 2018/19 was similar to the previous few years (39 in total, compared with 41 in 2017/18 and 40 in 2016/17. The overall percentage of planning appeals which were allowed (against the refusal of planning permission and conservation area & listed building consent – those upon which the LPA's performance is monitored) was 5/38 which equates to 13.2%. This is notably lower than the previous year (in which 13/38 of such appeals were allowed which equates to 34.2%) and well within the target maximum of 30% allowed.

There were no appeals against Enforcement Notices determined in 2018/19.

The number of costs applications appears to have fallen in recent years (from an average of 10 during the five year period after the facility to apply for costs was extended to written appeals in 2014). During 2018/19 there were 3 applications for costs made against the Council, one of which was awarded in part (settlement amount is awaiting agreement).