

Rother District Council

Report to: Planning Committee

Date: 12 October 2023

Title: Performance Report for Development Management

Report of: Kemi Erifevieme, Development Manager

Ward(s): All

Purpose of Report: To update the Planning Committee

Officer

Recommendation(s): It be **RESOLVED**: That the report be noted.

Purpose

1. This report sets out the team performance for Development Management as an informative to the Planning Committee. The report will set out performance on planning application decisions and targets in-line with central Government set performance targets (PS1 and PS2). It will also aim to provide a benchmark of the department's performance against similar local planning authorities.
2. The report also covers appeals performance in addition to Enforcement report on caseload.
3. Finally, at the end of the report there is a summary of appeals allowed by the Planning Inspectorate (PINs) and what the Inspector concluded in allowing the appeal.
4. Government targets as set is as follow:

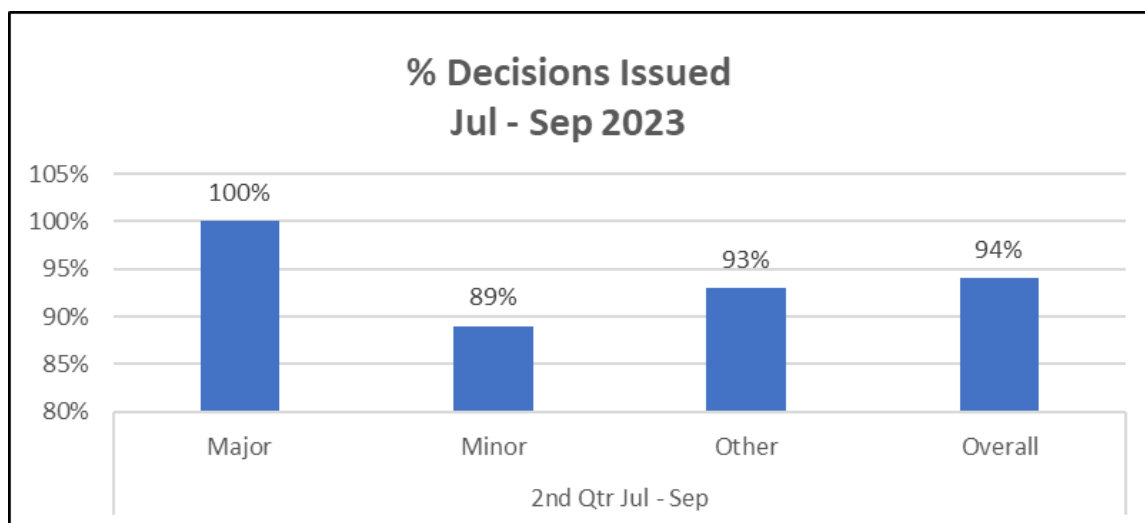
For applications for major development: less than 60% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the Applicant.

For applications for non-major development: less than 70% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the Applicant.

The **threshold** for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10%** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

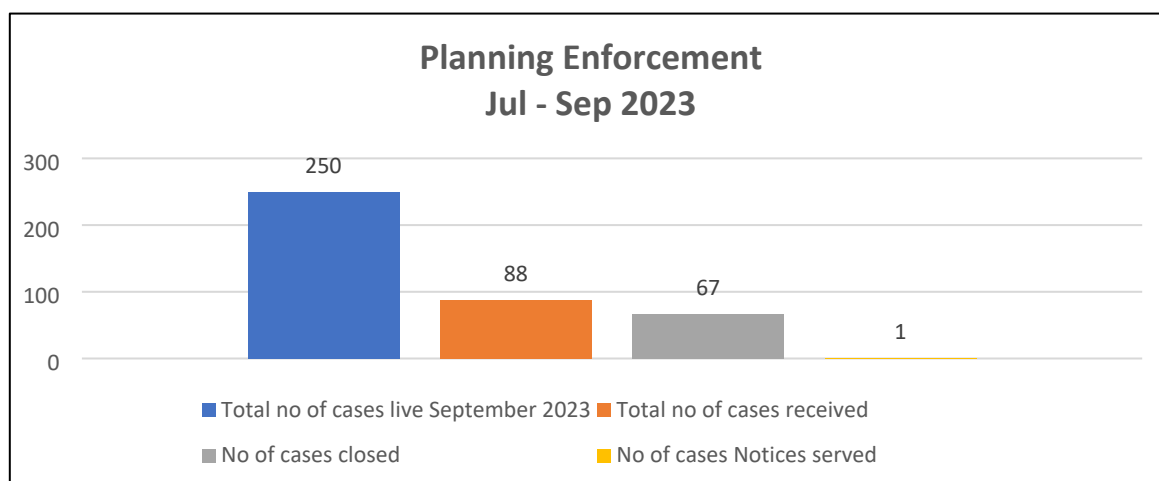
Planning Decisions July – September 2023

5. The Council's performance for the second quarter July – September 2023



Enforcement: July – September 2023

6. This table provides the figures for enforcement on hold, being investigated and those where Enforcement Notices have been served.

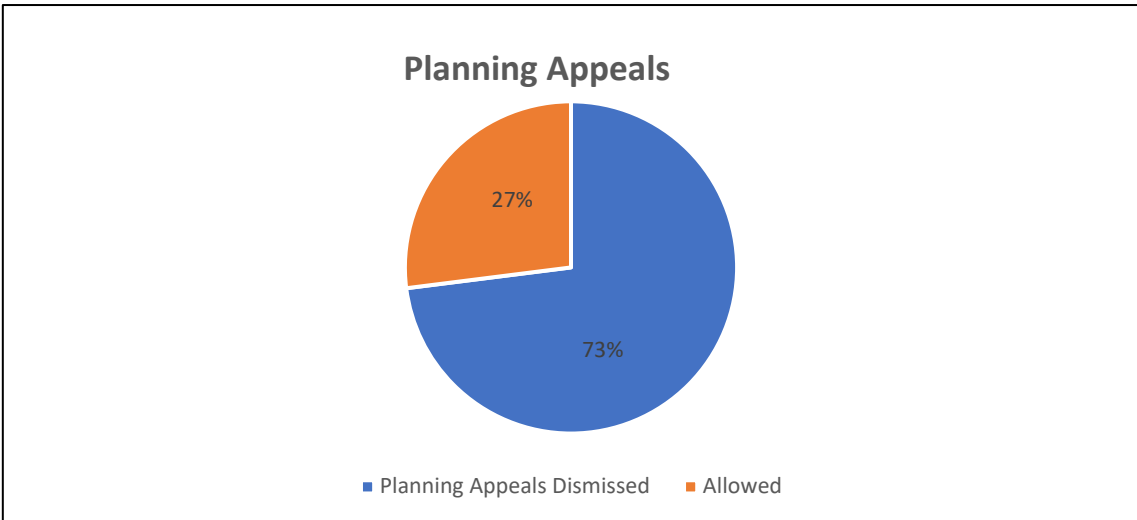


Appeals

7. Currently there are 58 appeals on hand. 28 appeals lodged but not started; 30 appeals have started (with timetable etc) and 30 are awaiting decisions.

July – September 2023

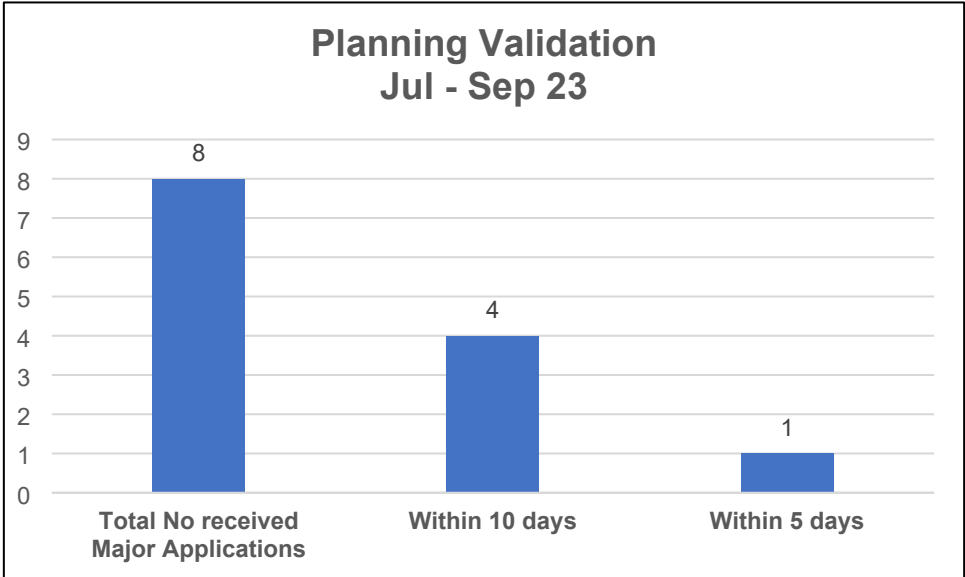
8. Seven were allowed which is a percentage of 27% and 19 were dismissed, 73%. The Council's record for allowed is therefore significantly below the Government's threshold.



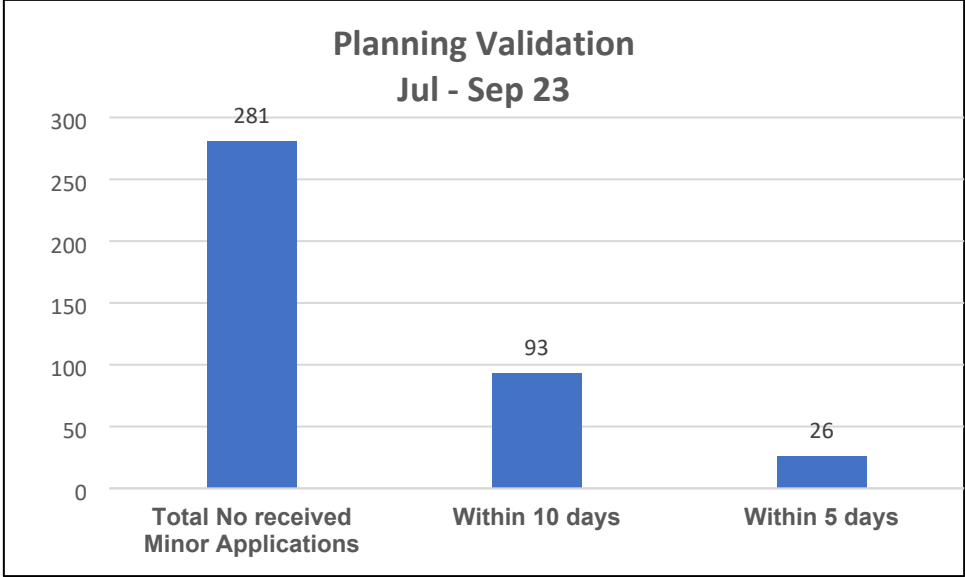
Validation

Planning Validation Qtr2

Major Applications



Minor Applications



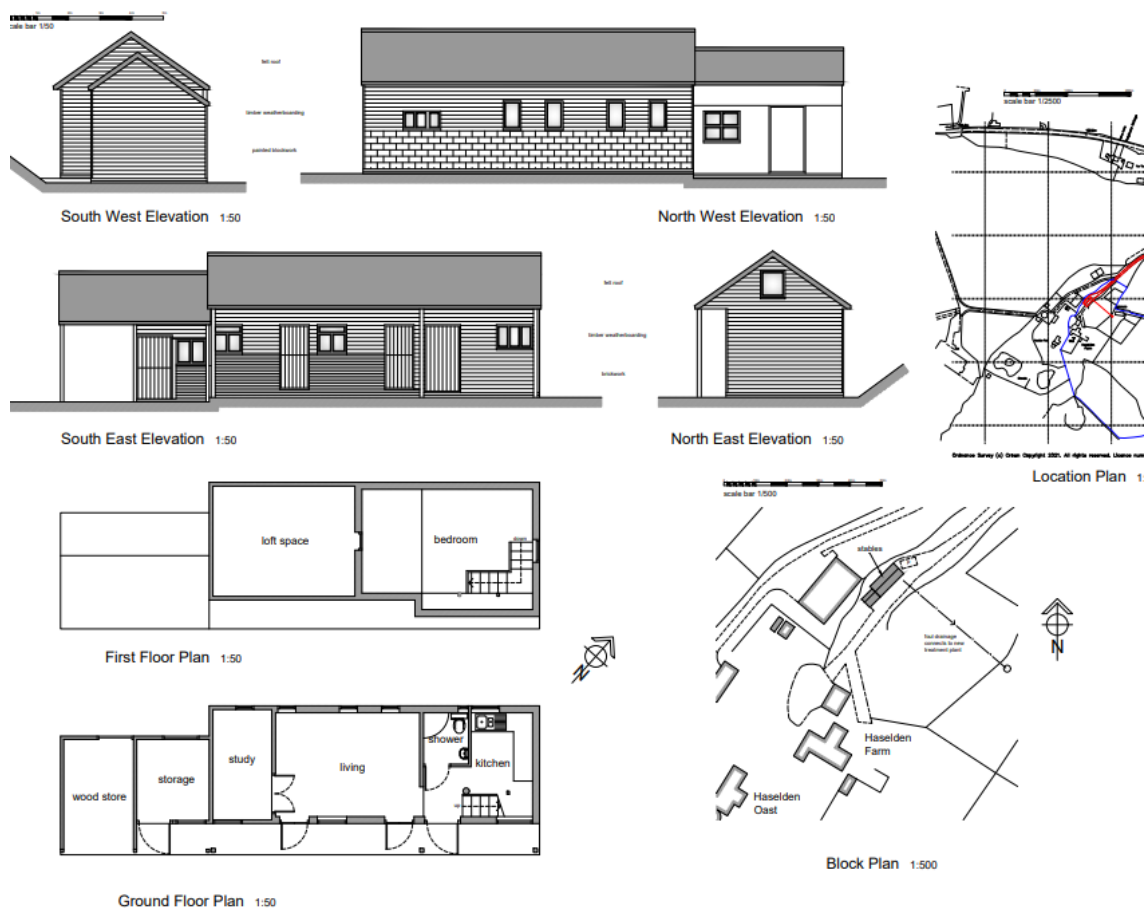
APPEAL DECISIONS

Application ref/address: RR/2021/2992/P Haselden Farm, Battle Road, Dallington, TN21 9LG

Appeal proposal: Change of use of stables to residential annexe, and installation of sewage treatment plant (Retrospective)

Reason for refusal:

The proposal is tantamount to the creation of a new dwellinghouse, by virtue of it containing all the necessary facilities to operate as a self-contained, independent unit. However, by virtue of its inadequate floorspace across two storeys and the lack of designated and private outdoor amenity space, the development is considered to provide an inadequate standard of accommodation, to the detriment of occupier amenity. The proposal is therefore contrary to Policies OSS4(i) of the Rother Local Plan Core Strategy and DHG3 and DHG7 of the Development and Site Allocations Local Plan.



Summary of decision:

While the Inspector comment that, 'the annexe contains the necessary facilities for occupation as an independent dwellinghouse. If this was to happen there would be conflict with the interior and exterior space standards in Policies DHG3 and DHG7 of the LP'. They however noted 'the description of development and form of application mean that, if I were to allow the appeal, occupation as an independent dwelling would be a material change of use. In addition, the imposition of a suitably worded planning

condition would ensure that occupation of the annexe building remains ancillary to the main dwellinghouse. This condition would accord with Policy DHG10 of the LP’.

The Inspector in awarding full cost found fault that the ‘Council did not weigh all the substantive matters raised by the applicants relating to the functional relationship between occupation of the annexe and the main dwellinghouse. Furthermore, the Council unreasonably decided that just because the annexe could function as a dwellinghouse, that it necessarily would function as a dwellinghouse, and there is little evidence before me to indicate that it considered whether occupancy of the annexe could be controlled by condition to avoid unlawful occupation as an independent dwellinghouse, as it was directed to by Policy DHG10’.

Enforcement appeals Upheld:

Appeal Ref: APP/U1430/C/23/3320233

Land at 19 Starrs Mead, Battle, East Sussex TN33 0UB

Inspector dismissed the appeal and upheld the Enforcement Notice with minor variation as follow:

(i) deletion of the text ‘Reinstate the original access and steps removed to facilitate the unauthorised development in the approximate position shown coloured blue on the attached plan’ at Section 5 of the enforcement notice and its substitution with the text ‘Restore the land in the approximate position coloured blue on the attached plan to its condition before the breach of planning control took place’; and (ii) deletion of the text ‘equipment, tools’ at Section 5 of the enforcement notice.

Appeal A Ref: APP/U1430/C/22/3296273

Appeal B Ref: APP/U1430/C/22/3296274

Land at Moorings, Forewood Lane, Crowhurst, Battle TN33 9AB

Inspector dismissed the appeal and upheld the Enforcement Notice in its entirety.

The requirements of the notice are: (i) Remove the structure in its entirety from the land. (ii) Remove any associated materials and debris from the land.

The period for compliance with the requirements is: Four months.

Chief Executive:	Lorna Ford, Chief Executive
Report Contact Officer:	Kemi Erifevieme
e-mail address:	kemi.erifevieme@rother.gov.uk
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A