

This Report will be made  
public on

10 June 2024

**DC/24/12**

**To:** Planning and Licensing Committee  
**Date:** 21<sup>st</sup> May 2024  
**Status:** Non key Decision  
**Responsible Officer:** Llywelyn Lloyd, Chief Planning Officer

**Subject:** Appeals Monitoring Report April 2023 – March 2024

**SUMMARY:** This report is for information only. It sets out the number and decisions on appeals determined in the last fiscal year, together with commentary.

**RECOMMENDATION:**

**That Members note the report.**

**1. INTRODUCTION**

1.1. This report sets out the appeal decisions received over the course of the previous fiscal year.

**2. OVERALL PERFORMANCE**

2.1. Over the period April 2023 to March 2024, 30 appeals were determined. Of these, 22 (73%) were dismissed and 8 (27%) were allowed.

2.2. These figures are broadly in line with the national average – over the period October 2020 to September 2022, 71% of appeals for non-major applications nationally were dismissed.

2.3. The performance by fiscal year is shown in the table below:

Year	Total Appeal Decisions	Dismissed	Allowed
<b>2021-22</b>	43	27 (63%)	16 (37%)
<b>2022-23</b>	28	19 (68%)*	9 (32%)
<b>2023-24</b>	30	22 (73%)	8 (27%)

\*Includes 2 appeals which were part dismissed, part allowed

- 2.4 One allowed appeal in each fiscal year relates to a decision made by the previous Planning & Licencing Committee, contrary to the recommendation of the Chief Planning Officer:

21-22: Tesco Car Park, Cheriton High Street  
 22-23: Land Rear of 2 Willop Close, Dymchurch  
 23-24: Land adjoining 39 Victoria Road West, Littlestone

Of these decisions, costs were awarded against the Council on Tesco Car Park and Land Rear of 2 Willop Close. No other costs claims were successful over the period 2021-2024. The Council paid £4699.22 in costs in relation to Land Rear of 2 Willop Close. No costs were claimed in relation to the Tesco Car Park application.

- 2.5 Excluding these decisions, the appeal performance over the period is as follows:

Year	Total Appeal Decisions	Dismissed	Allowed
<b>2021-22</b>	42	27 (64%)	15 (36%)
<b>2022-23</b>	27	19 (70%)*	8 (30%)
<b>2023-24</b>	29	22 (76%)	7 (24%)

\*Includes 2 appeals which were part dismissed, part allowed

- 2.6 Over the past 3 fiscal years, the percentage of appeals dismissed has increased by almost a fifth, indicative of an improvement in the quality and consistency of decision making over the period.

### 3. PERFORMANCE AGAINST GOVERNMENT TARGETS

- 3.1 The government performance indicator for appeal decisions is that for the preceding two year period, the number of appeals allowed as a percentage of the total number of planning applications determined by the Local Planning Authority should be below 10%. For the sake of clarity, only appeals against the refusal of applications for planning permission are included. Appeals against the imposition of conditions are excluded, hence why the number of appeals allowed in the table below differs from those in the table above. The Council's performance in this respect is set out in the table below:

Period	Total applications determined	Appeals Allowed
<b>2021-22</b>	1571	15 (0.95%)
<b>2021-23</b>	1465	21 (1.43%)
<b>2022-24</b>	1374	14 (1%)

- 3.2 As Members will note, the number of appeals allowed falls well below the Government threshold, however Folkestone and Hythe as a district is performing worse compared to the National average (0.7% allowed) and similar English local Authorities (0.5% allowed).