

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**20 October 2008**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Information**

**1 PERFORMANCE IN POLICY MAKING AND DEVELOPMENT CONTROL**

**Summary**

**This report provides a review of current performance and important changes in Planning Services.**

**1.1 Introduction**

1.1.1 In July this year the Government indicated its preliminary assessments of the award of Housing and Planning Delivery Grant (HPDG) for 2008/9. It indicated that the final award would be announced in October 2008 but at the time of writing that notice had not yet been given. The interim assessment indicated an award of £1.4 million, amongst the highest for a district council in the country. The award is based on the excellent performance with the Council's Local Development Framework, the contribution made by the Council in making housing land available for development and the fact that performance in development control exceeded the Government's targets.

1.1.2 It is not yet known what criteria will apply to awards of HPDG for next year but it should be noted that the criteria that it appears have been used this year were not settled finally at the time of the July announcement and indeed change several times between the first consultation and the July announcement. It is highly likely that significant changes will be made, particularly to the criteria concerning housing completions. We will endeavour to continue our search to match our performance as closely to success criteria to achieve the best grant settlement possible but this is proving increasingly difficult to do.

**1.2 Planning Appeals**

1.2.1 Appeals performance thus far for 2008/9 has been gratifyingly successful. Of the 36 cases, of appeals against refusal, decided since April this year 77% have been dismissed which is better than the national average. There is no clear and obvious pattern as to the reasons for those that were allowed. This is a key indicator of the appropriateness of the Council's decision making standards and we will, as ever, monitor each case for any signs of new patterns in the thinking of Inspectors.

- 1.2.2 Two notable features have emerged but only affecting a small number of cases. Two appeals have been allowed for gypsy caravan sites which are referred to elsewhere on this agenda. In these cases temporary permissions were granted as the Inspectors were not satisfied that all the work done thus far in assessing and seeking to accommodate the need for gypsy caravan site accommodation would bear fruit in the next few years. It therefore appears that unless a site suffers from clear and overwhelming site specific objections then it is likely that permission will be granted on appeal even if the site is in the Green Belt.
- 1.2.3 The second issue is the award of costs. Very unusually there have been two awards of costs against the Council so far this year. In one case the refusal was a Member overturn of an officer recommendation of permission. I must confess that award of costs seemed, on the face of it a little harsh, especially as the site lies within the Green Belt. The other was where an Inspector allowed an appeal against a delegated refusal but considered the material factors to be quite different from those set out in the Grounds of Refusal. I do not think that either case raises a wider issue as to the actions of the Planning Inspectorate but each serves as a salutary reminder of the need to be rigorous in decision making even if at times that only serves to reveal tensions within the balance of material considerations.

### **1.3 New Householder Permitted Development**

- 1.3.1 I have reported on a number of occasions the Government's intentions to change permitted development for extensions and alterations to dwelling houses. These came into force on 01 October and are quite extensive but also differ in some respects from the changes as last trailed in early summer and previously. Various estimates have been made as to the reduction in the number of planning applications that will occur. These estimated reductions have varied between 14% and 25 % with the Government suggesting 80,000 less applications per year across the nation. On the latter basis it might see a reduction of around 200 applications per year at TMBC. However in some circumstances there may actually be a need for an application where not previously necessary and so the true impact is very uncertain at present. We remain concerned, as do practitioners around the County that some ambiguities in wording are bound to lead to disputes but again it is difficult to predict how this will manifest itself in practice.
- 1.3.2 Moreover, I have concerns that the extension of such rights will inevitably lead to a greater number of enforcement investigations because the increased level of permitted rights will be sure to cause concern to near neighbours even though they are now permitted development. We can only monitor this situation. Lastly, the question as to the need for express planning permission now becomes more complicated to deal with due to the new tests introduced by the new arrangements. In that light there may also be an increase of formal lawfulness applications to deal with this issue.

## 1.4 Development Control Performance

1.4.1 This financial year performance has been some what more complicated to assess for trends because of a number of changes that have occurred:-

- The wholesale changes in validation procedures from 6th April 2008 - while this appears to have improved the general content of applications it means that when a developer is ready to supply all the awaited information there is a greater sense of urgency from applicants that tends to put more pressure on the system.
- The general economic situation – which again means that once a developer considers it the right time to bring forward a site then the necessary information is provided and great pressure put on staff to respond very, sometimes unreasonably, speedily so as not to miss what market there is.
- A possibility of holding-back on submissions until the new residential permitted development rights had occurred.

1.4.2 Our cumulative performance needs to be improved but his cannot be realistically plotted fully until the end of the December quarter when the “benefits” of the new permitted development rights will begin to reveal themselves. We are currently well ahead of DCLG targets but behind local targets (because of a relatively small number of aberrant and complex cases). Our priority over the remaining period until the end of this financial year will be to smooth our processes further and increase monitoring of casework. The current level of performance is as follows:

<b>Development Control Performance April-August (% cases within 8/13 weeks)</b>			
	National Target	T&M Target	Performance
Major Applications	60	68	62.5
Minor Applications	65	75	74.2
Other Applications	80	88	92.5

## 1.5 Legal Implications

1.5.1 None as a direct result of this report. I have been able to install all the necessary procedures to deal with the statutory changes that have been introduced by government.

## **1.6 Financial and Value for Money Considerations**

- 1.6.1 As we move forward in the current financial climate it will be important to closely manage our staff resources in line with the level of business. At the same time it will be prudent to utilise staff to continue to improve the level of performance and service.

## **1.7 Risk Assessment**

- 1.7.1 The amount and regularity of change that has occurred in all aspects of the planning system has created significant pressure to ensure that new systems and approaches are robust. This has been a time consuming and difficult process in the development control world.

Background papers:

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Nil

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