

**BCP EASTERN PLANNING COMMITTEE 28th
AUGUST 2025 / WESTERN PLANNING
COMMITTEE 15th SEPTEMBER 2025**



Report subject	Appeal report
Meeting date	28th August 2025
Status	Public Report
Executive summary	This report updates members of the planning committee on the Local Planning authority's' Appeal performance over the stated period
Recommendations	It is RECOMMENDED that: The planning committee notes the contents of this report.
Reason for recommendations	The content of this report is for information only.

Portfolio Holder(s):	Councillor Millie Earl, Leader of the Council and Chair of Cabinet.
Corporate Director	Glynn Barton, Chief Operations Officer
Report Authors	Katie Herrington and Simon Gould, Development Management Managers
Wards	Not applicable
Classification	For Information

Background

1. The purpose of this report is to feedback to members on planning appeal decisions determined by the Planning Inspectorate for the last 2 years. This includes a reflection and highlight of any key decisions or learnings arising from such decisions.
2. The fundamental purpose of this report is to provide transparency in the appeal performance of the planning service and to improve the quality of decision making where necessary.

Appeals Performance

3. National Government monitors the 'quality' of decision making in planning through appeal performance. It is measured by the percentage of planning decisions overturned at appeal, with a lower percentage indicative of better-quality decision making as less appeals are allowed.
4. Government targets are currently a maximum of 10% of the authorities total number of decisions on applications being made during the assessment period being overturned at appeal. This is set over an assessment period of 2 years, comprising April 2022 to March 2024, and April 2023 to March 2025¹. This includes non-majors and majors'.
5. As demonstrated by Figure 1 for major applications and Figure 2 for non-major applications, the Local Planning Authority (LPA) is performing within target for the Quality of Planning decisions. Note that the dataset has not been updated since June.

¹ [Improving planning performance: criteria for designation \(updated 2024\) - GOV.UK](#)

Proxy assessment period July 2022 – June 2024²	Total number of major application decisions³	Major decisions overturned at appeal	Quality of decisions (% overturned at appeal)	England Average (% overturned at appeal)
Total District Matters ⁴ (PS2)	210	4	1.9	2.8
Total County Matters ⁵ (SPS2)	0	0	0	0.4

Figure 1 Quality of major application decisions - taken from National Statistics Table P152 ([Live tables on planning application statistics - GOV.UK](#))

Assessment period July 2022-June 2024	Total number of non-major application decisions	Total number of decisions overturned at appeal	Quality of decisions (% overturned at appeal).	England Average (% overturn at appeal)
Total District Matters (PS2)	4,933	87	1.8	1.1

Figure 2 Quality of non-major application decisions - taken from National Statistics Table P154 - [Live tables on planning application statistics - GOV.UK](#)

6. Figure 3 provides a breakdown of appeal performance measured against appeals dismissed or allowed. It demonstrates that on average 35% of appeals are allowed.

Year: 2025 (Jan to July)	Dismissed	Allowed	Total	% overturned	NFA/ Withdrawn
January	19	9	28	32%	0
February	13	7	20	35%	0
March	18	7	25	28%	0
April	8	10	18	55%	0
May	7	5	12	42%	0
June	7	5	12	42%	0
July	10	1	11	9%	0
total	82	44	126	35%	0

7. Whilst the LPA is performing within target for the national measure for the 'quality of decision making', it is still necessary to review and reflect on appeal decisions in order to provide high quality decisions, and to avoid the potential for successful cost

² This period is proxy as it falls outside of the 'assessment period' as per the 'criteria for designation', the data in the table is updated on a quarterly basis, with the period to June 24 being published in June 25

³ This dataset excludes Appeals relating to planning conditions.

⁴ District Matters' comprise most applications, explicitly excluding 'County Matters'.

⁵ County Matters' applications refer to planning applications related to minerals, waste and associated development.

claims. Figure 4 below sets out a short summary of why the appeals in the month of June were allowed.

Appeal number	Location	Main issues	Why allowed
3363551	1 The Capstans, 25 Lagoon Road, Poole BH14 8JT	<ul style="list-style-type: none">• character and appearance of the area;• The living conditions of the occupants of 2 The Capstans	<p>Inspector did not consider it would have a harmful effect on the character and appearance of the area.</p> <p>Not result in a harmful loss of daylight/ sunlight due to distance separation and dual aspect windows enabling sufficient light. Existing experience of overlooking not harmfully alter this situation.</p>

General reflections on allowed appeals

8. It is not unusual for inspectors to come to a different view with regards to character, as it is a subjective issue. It also raises the importance of seeking to resolve harms through conditions where possible, and the importance of demonstrating harm with evidence where required.
9. It should also be noted that the majority of the dismissed appeals are where the Inspector had included an additional reason relating to the New Forest Special Areas of Conservation (SAC). The LPA at the time of writing this report is seeking an interim approach to address this matter.

List of live appeals

Appendix 1 provides a list of current appeals.

Options Appraisal

10. No options to consider.

Summary of financial implications

11. There are no financial implications as a direct result of this report.
12. However, it should be reminded that the Council can be subject to 'costs'⁶ if the Council were found to be behaving 'unreasonably'. Such 'unreasonable' behaviour includes procedural (relating to the process) and substantive (relating

⁶ [Claim planning appeal costs: Overview - GOV.UK](#)

to the issues arising from the merits of the appeal) matters. Examples of unreasonable behaviour include⁷;

- a. 'preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations'
- b. not determining similar cases in a consistent manner
- c. imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligation.
- d. vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis

Summary of legal implications

13. None in directly relation to the content of this report.
14. However, it should be reminded that the Council can be subject to Judicial Review. A Judicial Review is a mechanism for challenging the process of a decision, rather than the decision itself. An example of this is acting contrary to procedure. However such procedure can come with financial penalties.

Summary of human resources implications

15. There are no direct human resource implications resulting from this report. However, it is reminded that the servicing of appeals can be resource heavy, particularly at a hearing or Public Inquiry.

Summary of sustainability impact

16. There are no sustainability issues arising from this report.

Summary of public health implications

17. There are no public health implications arising from this report. Summary of equality implications

Summary of risk assessment

18. Any risks associated with any appeal decisions are discussed in the body of the report. No risks have been identified in this report.

Background papers

Published appeal statistics and appeal decisions

Criteria Document 2024

https://assets.publishing.service.gov.uk/media/674f2ec08b522bba9d991af9/Criteria_Document_2024.pdf

Live Planning Statistics tables - [Live tables on planning application statistics - GOV.UK](#)

⁷ [Appeals - GOV.UK](#)

Appendices

Appendix 1 – list of outstanding appeals.