BCP WESTERN PLANNING COMMITTEE 9 OCTOBER 2025 / EASTERN PLANNING COMMITTEE 23 OCTOBER 2025

Report subject	**Appeal report**
Meeting dates	9 / 23 October 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 October 2022 to September 2024[1]. 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 now been updated to September.

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

Proxy assessment period October 2022 – September 2022[2]	Total number of major application decisions[3]	Major decisions overturned at appeal	Quality of decisions (% overturned at appeal)	England Average (% overturned at appeal)
Total District Matters[4] (PS2)	202	5	2.5	2.9
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 October 2022- September 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)	4,792	91	1.9	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
August	7	0	8	0%	1
September	6	1	0	15%	0
total	**82**	**44**	**126**	**35%**	0

[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.

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 claims. In August no appeals were allowed, with one appeal being declared as 'invalid' by the Inspector. This was because of the absence of the required BNG information.

General reflection on allowed appeals

8. 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 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
3358153	40 Brownsea View, Avenue, Poole	• character and appearance of the area; • The living conditions of the occupants • Impact on living conditions of neighbours • Impact on protected sites (Delegated decision)	Whilst proposal does not adhere to established pattern of development in immediate area, it's not harmful in greater context. Inspector not agree that it would result in substandard accommodation; Location and siting of proposal, road and landscaping, would not result in harmful overlooking or loss of privacy Legal agreement addressed impact on protected sites

List of live appeals

Appendix 1 provides a list of current appeals.

Options Appraisal

9. No options to consider.

Summary of financial implications

10. There are no financial implications as a direct result of this report.
11. 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 to the issues arising from the merits of the appeal) matters. Examples of unreasonable behaviour include[7];
    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

12. None in directly relation to the content of this report.
13. 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

14. 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

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

Summary of public health implications

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

Summary of risk assessment

17. 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

[6] Claim planning appeal costs: Overview - GOV.UK
[7] Appeals - GOV.UK

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

Appendices

Appendix 1 – list of outstanding appeals.