

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 13 DECEMBER 2022

MONTHLY UPDATE REPORT

REPORT OF THE LEAD PLANNING MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

1.1 A monthly update report to ensure that the Committee is kept informed on key matters including:

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Department for Levelling Up, Housing and Communities

2. RECOMMENDATION

2.1 That Committee notes the content of the update report.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	13 th December 2022	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 **Future Training** – Further training dates are being arranged to cover the ‘Planning Balance exercise’, and Planning Enforcement as requested in the Member questionnaire responses. Please let us know if there are other topics on which you would like training. In addition, regular training/refresher sessions on using Public Access will be organised.
- 4.2 **Changes in National Policy** – No change since previous report.
- 4.3 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to committee for the committee to consider. There have been 7 appeal decisions since my last report, copies of the decisions are attached as Appendix 1-7. These relate to:
- 1) A costs appeal relating to a quashed enforcement notice with an alleged breach of planning control as being ‘*Without planning permission, the making of a material change of use of the Land, to Land used for the siting of a caravan with a wooden extension attached to the said caravan and the siting of a container unit*’ as well as other alleged breaches associated with domestic development and earth bunds at Willow Farm, Hollies Lane, Pattingham, WV6 7HJ. The inspector on behalf of the Secretary of State has decided that a partial award of costs against the Council, on grounds of “unreasonable” behaviour resulting in “wasted” or “unnecessary” expense is justified in the particular circumstances. The inspector did however note that the extent of the award might be limited as the Council have issued a revised notice on 2nd August 2022, which has also been appealed (PINS ref: APP/C3430/C/22/3306177 and APP/C3430/C/22/3306178). Therefore, it is reasonable to conclude that a certain amount of costs incurred in these appeals are re-usable in the new appeals, which remain to be decided.
 - 2) An appeal against a refusal to vary a condition relating to the demolition of outbuildings at Upper Westbeech Farm, Nurton Hill Road, Pattingham, WV6 7HG. The appeal was allowed, and the condition varied to now state: ‘*With the exception of those shown to be retained on approved drawing 1271/A/001 Site Location and Block Plan, before the development hereby permitted is first occupied, any buildings within the red line shown on the aforementioned plan shall be demolished and the materials arising therefrom permanently removed from the site*’. The appeal variation allowed is simply to add the drawing number in and no further amendments made to the conditions. The appeal being allowed however has now given a further 3 years to the planning permission, which we are seeking legal advice on.
 - 3) An appeal against a refusal for a replacement of swimming pool marquee with single storey structure with changing facilities and garden/pool room at Mitton Manor, Penkridge, Staffordshire ST19 5QW. The appeal was dismissed as the inspector concluded that the proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of

openness. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Therefore, the appeal was dismissed.

- 4.4 In May 2020 the Secretary of State for Transport made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.5 In April 2022, PINS confirmed that the M54/M6 link road Development Consent Order (DCO) has been granted by the Secretary of State. Further information can be found here <http://infrastructure.planninginspectorate.gov.uk/document/TR010054-001195> . Latest communication suggests that site investigation works will soon start to take place on site.
- 4.6 **Relevant Planning Enforcement cases on a quarterly basis** – no update since last month. 79% of Planning Enforcement cases are currently being investigated within 12 weeks of the case being logged. This is slightly below the target of 80%. This is to be expected due to the level of old cases now being closed and the number of high priority open cases and appeals underway. The internal Service Review to look at areas for streamlining, efficiencies and service improvements is underway.
- 4.7 **The latest data produced by the Department of Levelling Up, Housing and Communities** – As members will recall, DLUHC sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into major and non-major development. If the targets are not met, then unless exceptional circumstances apply, DLUHC will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf
- 4.8 We will ensure that the Committee is kept informed of performance against the relevant targets including through the DLUHCs own data.
- 4.9 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on DLUHCs website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
 - 152a – quality – major
 - 153 – speed – non major
 - 154 – quality – non major

The link is here – <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

- 4.10 The latest position is on the DLUHC website, and the key figures are below:

Speed

151a – majors – target 60% (or above) – result = 92.7% (data up to June 2022)

153 – others – target 70% (or above) – result = 86.2% (data up to June 2022)

Quality

152a – majors – target 10% (or below) – result = 1.8% (date up to March 2021)

154 – others – target 10% (or below) – result = 0.6% (date up to March 2021)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Costs Decision – Willow Farm, Hollies Lane, Pattingham, WV6 7HJ

Appendix 2 – Appeal Decision – Upper Westbeech Farm, Nurton Hill Road, Pattingham, WV6 7HG

Appendix 3 – Appeal Decision – Mitton Manor, Penkridge, Staffordshire ST19 5QW

Report prepared by:

Kelly Harris
Lead Planning Manager